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The Concept of A Regional Tourism Development Master Plan In Batu City For Sustainable Tourism Development

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ABSTRACT

This study examines the role of a Regional Tourism Development Master Plan (RIPPARDA) in supporting sustainable tourism governance in Batu City. Using a normative legal method with statutory and conceptual approaches, it analyses the planning mandate under Article 9 of Law No. 10 of 2009 on Tourism and its relationship with spatial-planning and environmental-protection instruments. The study argues that the existence and legal status of a regional tourism master plan should be assessed against the applicable statutory framework and the city's official planning instruments. If a required regional regulation has not been enacted, this may create a planning and coordination gap; however, that circumstance does not automatically invalidate every tourism policy or permit. The legal consequences of a particular government action must be assessed individually by examining its statutory basis, competence, procedure, consistency with spatial plans, and applicable environmental requirements. The study proposes an integrated RIPPARDA framework that aligns tourism development, spatial planning, agricultural-land protection, environmental carrying capacity, and meaningful community participation. This approach is intended to strengthen legal certainty and support sustainable, accountable tourism development.

Keywords: RIPPARDA, Sustainable Tourism, Legal Certainty, Unauthorized Planning, Environmental Protection.

1. INTRODUCTION

The application of the concept of sustainable development is crucial because it fundamentally states that ethically responsible development requires an approach that explicitly prioritizes meeting contemporary needs, but with the explicit precondition of not undermining resource opportunities for future generations. This has been a central paradigm in global development discourse since the Brundtland Report in 1987. This concept was then specifically adopted in the tourism sector, which is recognized as having great potential as an economic driver while also being vulnerable to negative environmental and socio-cultural impacts. The United Nations World Tourism Organization (UNWTO) pioneered this integration by defining sustainable tourism as "tourism that takes full account of its current and future economic, social, and environmental impacts, while meeting the needs of visitors, the industry, the environment, and the host community. The mandate to implement sustainable tourism development has been firmly institutionalized within the national legal framework. Law Number 10 of 2009 concerning Tourism, hereinafter referred to as the Tourism Law, establishes "sustainability" as one of the main

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principles of its implementation. The most crucial legal instrument mandated by the Tourism Law to translate the principle of sustainability into planning practices at the regional level is the Regional Tourism Development Master Plan, hereinafter referred to as (RIPPARDA). Article 9 paragraph (3) imperatively requires every district/city government to prepare and establish RIPPARDA through a Regional Regulation (Perda).

Batu City, historically known as a cool agricultural region producing apples and vegetables, has undergone a dramatic transformation in the last two decades to become one of Indonesia's leading tourism destinations. The selection of Batu City as the research location was based on three fundamental urgencies that make it an extreme representation of current tourism challenges. First, there is the empirical urgency of experiencing increased tourist growth. Data from the Batu City Central Statistics Agency (BPS) indicates that by 2025, the number of tourist visits to Batu City will reach 5.35 million. Second, the unique character of Batu City which represents extreme land use conflicts resulting from the periodic radical transformation from an agrarian area into an artificial tourism center. Third, Batu City is also seen as a typical case (protopite) of regional tourism governance in Indonesia, where the development of the tourism sector is often positioned as the main instrument to increase Regional Original Income (PAD), so that the expansion of tourist destinations often occurs faster than the readiness of planning and regulatory instruments.

However, there is a fundamental gap (research gap) between the normative mandate of Article 9 paragraph (3) of the Tourism Law in compiling and establishing the Regional Regulation on RIPPARDA and the legal reality in Batu City. Despite having transformed into a tourist city for two decades, until early 2026, the Batu City Government had not yet established a Regional Regulation regarding RIPPARDA.

This neglect is not merely administrative negligence, but creates a legal vulnerability in every strategic policy adopted. From the perspective of State Administrative Law, the absence of RIPPARDA causes tourism development in Batu City to lose the basis of attributable authority in long-term planning. As a result, every government action in destination development tends to be in the form of planning without a clear basis for authority (unauthorized planning), thus failing to integrate environmental carrying capacity and local wisdom. This condition makes destination development policies vulnerable to lawsuits because they lack objective parameters or benchmarks as mandated by laws and regulations.

This normative vacuum ultimately triggers functional disharmony between the tourism sector and other sectors, particularly the protection of Sustainable Food Agricultural Land (LP2B). Currently, tourism business permits in Batu City rely solely on the general Detailed Spatial

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Planning (RDTR) instrument. Normatively, the RDTR serves only as a gateway for spatial utilization from a physical zoning perspective, but lacks the technical or philosophical capacity to assess development feasibility from a sustainable tourism perspective that encompasses sectoral environmental carrying capacity and the preservation of local identity.

This situation creates a legal loophole where market economic interests often prevail over ecological interests. As a result, a policy paradox arises: on the one hand, there is a commitment to protecting agricultural areas, while on the other, tourism expansion de facto overrides spatial planning provisions by forcing the conversion of productive land. Without RIPPARDA as a sectoral "legal filter," spatial planning control instruments are weakened, lacking an operational basis capable of mitigating the risks of land conversion resulting from the sporadic construction of hotels, villas, and artificial tourist attractions.

To date, tourism management in Batu City has been based solely on Batu City Regional Regulation No. 1 of 2013 concerning Tourism Management. Normatively, this regulation has fundamental weaknesses because it only regulates the "downstream" aspects of administrative and operational licensing, while the "upstream" aspects, which include macro-planning and strategic master plans, remain incomplete. This pattern creates path dependency, where unplanned, market-driven development models have become common practice (business as usual) that fail to integrate environmental carrying capacity needs.

Therefore, the law should be able to function as a social engineering instrument (law as a tool of social engineering) to change exploitative development behavior into a sustainable development paradigm through systematically planned regulations. Based on this, this legal research is very relevant and urgent to be carried out in order to formulate the ideal RIPPARDA concept for Batu City. Not only to fill the gap in norms, but also to ensure legal certainty and save the city's ecosystem from the threat of mass tourism degradation. Based on this background, the author raised the title "The Concept of Regional Tourism Development Master Plan Regulation (RIPPARDA) in Batu City in Realizing Sustainable Tourism Development".

2. RESEARCH METHODS

The research methodology used is normative legal research (doctrinal research) focusing on legal norms. Various approaches, such as statutory and conceptual approaches, are employed in this type of research. Legal material is drawn from three main categories: primary, secondary, and tertiary legal material. Primary legal sources consist of relevant laws and regulations, such as the 1945 Indonesian Constitution, Law Number 10 of 2009 concerning Tourism, Law of the Republic of Indonesia Number 23 of 2014 concerning Regional Government, as amended several times most

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recently by Law Number 6 of 2023, Law of the Republic of Indonesia Number 32 of 2009 concerning Environmental Protection and Management, Government Regulation Number 50 of 2011 concerning the National Tourism Development Master Plan for 2010-2025 (RIPPARNAS), Regulation of the Minister of Tourism and Creative Economy Number 9 of 2021 concerning Guidelines for Sustainable Tourism Destinations, Batu City Regional Regulation Number 7 of 2011 concerning the Batu City Regional Spatial Plan (RTRW) for 2010–2030, and Batu City Regional Regulation Number 1 of 2013 concerning Tourism Implementation.

Secondary legal materials are documents obtained through research in various libraries such as the Legal Documentation Center Library, Faculty of Law, Brawijaya University, the Brawijaya University Main Office Library, along with articles, theses, laws, and other related materials. On the other hand, tertiary legal materials are resources that offer further insight and interpretation of primary and secondary legal materials, such as the Big Indonesian Dictionary (KBBI), the Legal Dictionary, Black's Law Dictionary, and various other references such as journals, magazines, mainstream media, and online sources. Library research involves collecting primary and secondary legal materials from libraries, examining laws, regulations, statistical data, official documents, and previous studies relevant to the research topic. In this research, a descriptive analytical technique serves to present a detailed, structured, and comprehensive description of the legal facts or events found. Meanwhile, a prescriptive technique has a crucial argumentative role, namely providing recommendations, assessments, or justifications regarding the validity of an event or fact according to law. Thus, the combination of these two techniques is required to produce a normative solution that outlines how a legal issue should be resolved.

3. RESULTS AND DISCUSSION

Legal Implications of the Absence of RIPPARDA on the Sustainability of Tourism Development in Batu City

The tourism sector is a mainstay of the Indonesian economy, playing a crucial role in driving economic growth, creating jobs, and promoting the rich culture and natural beauty of the archipelago internationally. Given its complexity and multidimensional nature, tourism development cannot be carried out sporadically or without a clear direction. This sector requires comprehensive, strategic, and sustainable planning to ensure that tourism development not only generates short-term economic benefits but also preserves regional potential, improves community welfare, and simultaneously preserves the environment and culture. The Indonesian government has formulated a legal framework aimed at providing guidance and direction in tourism development at the national and regional levels through Law Number 10 of 2009 concerning

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Tourism (hereinafter referred to as the Tourism Law). This law marks a new chapter in the implementation of tourism development in Indonesia by placing integrated planning as a key pillar for each region. Within this legal framework, district and city governments are burdened with an imperative obligation to prepare and establish a Regional Tourism Development Master Plan (RIPPARDA) in the form of a Regional Regulation (Perda). This mandate is not merely a strategic recommendation or policy that can be ignored, but rather a firm normative order and has real legal consequences. Article 9 paragraph (3) of the Tourism Law explicitly states that the district/city tourism development master plan as referred to in Article 8 paragraph (1) is regulated by a district/city Regional Regulation".The use of the verb "regulated by" in this provision carries coercive legal consequences. In administrative law, this phrase is classified as a non-discretionary legal order, or Gesetzliches Gebot. This means that the government official subject to the order does not have the freedom, or freies ermessen, to delay its implementation.

The analysis of state administrative law shows that the authority granted by Article 9 paragraph (3) of the Tourism Law is an attributive authority, namely the granting of new authority by the legislator to a government agency or official directly through statutory regulations. Because this obligation is attributive, the Batu City Government has no legal reason to delay the formation of RIPPARDA on the pretext of waiting for ministerial regulations, gubernatorial instructions, or other implementing regulations. This legal obligation was born immediately and is attached independently since the Tourism Law was enacted in 2009. The nature of this order is gebodend which is an absolute obligation and is fundamentally different from legal provisions that are facultatief (providing options). Thus, the Batu City Government does not have the legal legitimacy to reject or ignore the formation of RIPPARDA because this obligation is included in the category of attributive obligations or verplichte bevoegdheid or authority that must be carried out in order to achieve the public interest. In addition, the determination of the Regional Regulation instrument as the only valid form of regulation shows that the Tourism Law closes the space for discretion in choosing other forms of regulation, in order to maintain the principle of legality in a state based on the rule of law. This lack of regulation is not merely an administrative oversight, but a serious deviation from the logical structure of law that guarantees consistency and legal certainty. In a constitutional legal system, lower-level norms must be established as operational elaborations of higher-level norms. The absence of RIPPARDA in Batu City represents a failure to implement the legal mandate (delegation of authority) because the regional-level norms that should serve as the operational basis are completely absent. Theoretically, in the Stufenbau Theory developed by Hans Kelsen, the validity and effectiveness of a higher-level norm (the Tourism Law) at the regional level are highly dependent on the formation of lower-level norms (RIPPARDA Regional

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Regulations) as implementing instruments. The absence of RIPPARDA in Batu City has led to vertical disintegration or a hierarchical gap that cuts off the flow of delegation of authority from the central government to the regions. Without RIPPARDA, the strategic policies contained in RIPPARNAS, as stipulated in Government Regulation Number 50 of 2011, lack "legs" or legitimate instruments of execution at the local level.

This situation violates the principle of legality (legaliteitsbeginsel), which requires that all government actions be based on applicable laws and regulations. This situation is ironic, given that Batu City is a major tourist destination in East Java, with a massive pace of tourism infrastructure development. Continued development without the RIPPARDA as a controlling instrument indicates that the implementation of higher-level norms is imperfect, and the chain of legal validity at the regional level is legally broken. According to Kelsen's theory, the validity of a lower-level norm is highly dependent on its existence, which is based on a higher-level norm as the basis for its validity. If the Tourism Law provides a clear order to form a RIPPARDA Regional Regulation but this order is not implemented, then the implementation of higher-level norms will be imperfect and the chain of legal validity at the regional level will be legally broken. This neglect is categorized as a form of legal vacuum (vacuum of norm), which results in tourism development in Batu City losing the basis of detailed attributive authority, thus disorienting tourism development in Batu City. In state administrative law, neglect of attributive legal obligations or rechtspositioneel verzuim can damage public trust and hinder the realization of good governance because government actions are not based on applicable law. Without the RIPPARDA document, every development step or permit granting in Batu City is vulnerable to overlapping policies, inefficient resource utilization, and environmental and socio-cultural degradation due to the absence of a mandatory "legal filter." The implications of this broken chain of legal validity touch on the legality of government actions (bestuurshandeling). When the Batu City Government carries out development or grants permits in the tourism sector without the RIPPARDA as the main instrument, each action loses a specific legal basis. This creates a risk that tourism planning in Batu City can be categorized as unauthorized planning, which is clearly contrary to the principle of the rule of law (Rechtsstaat) which demands that every government action must be based on law in order to guarantee the rights of the community and the sustainability of the region.

Within the theoretical framework of spatial planning, the term unauthorized planning refers to a series of planning and development implementation actions carried out without legitimate authority. This sharpening of terminology is crucial in the context of development in Batu City, where every strategic tourism policy must be based on the attributive authority mandated by the Tourism Law. The Tourism Law explicitly mandates local governments to

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develop RIPPARDA (Regional Development Plan) as a sectoral legal basis. Without this master document, the Batu City Government's actions in mobilizing tourism development can be categorized as unauthorized, as it lacks the instrument of mandated control. The phenomenon of unauthorized planning in Batu City emerged as a logical consequence of the absence of the RIPPARDA Regional Regulation, which has resulted in every development policy lacking objective parameters. These parameters are crucial as a reference for the technical, economic, and ecological considerations that should be inherent in every administrative decision. Without this master regulation, the local government is considered to have "exceeded its authority" or at least "acted without a basis for authority" when issuing strategic tourism policies. This leaves policy direction ambiguous and vulnerable to short-term investment interests that ignore the principles of long-term sustainability.

The absence of RIPPARDA automatically creates a normative vacuum that systematically impairs the legality of local government actions. Legally, this situation has serious consequences for local governments regarding the vulnerability of the legality of every administrative action (bestuurshandeling) in tourism development. Every policy, decision, and permit issuance becomes subject to revocation (voorwerp van vernietiging) because the attributive basis of authority for long-term sectoral planning is inadequate. Without RIPPARDA, every local government action loses its mandatory basis of validity (wettmatigheid). This condition is emphasized by Article 70 of Law Number 30 of 2014 concerning Government Administration (UUAP) which stipulates that decisions and/or actions made by government officials without a basis of authority or acting arbitrarily are invalid and non-binding from the date of their determination. In the context of Batu City, permits for tourism accommodation developments that are not based on a valid master plan have a high potential for legal revocation by the courts because the issuing officials are deemed to lack clear authority (wettmatigheid). This uncertainty ultimately disrupts the investment climate and harms investors, given that the permits they obtain can be challenged later due to substantial flaws in the sectoral regulatory framework

This normative vacuum creates a "dark space" that opens the door to arbitrary discretion (willekeur) and abuse of authority (détournement de pouvoir) in issuing building permits. Without strict limitations and binding objective standards from RIPPARDA, authorized officials often use subjective discretion in issuing Building Construction Permits (IMB) or Building Approvals (PBG), where short-term investment interests tend to be prioritized over sustainable tourism criteria. In administrative law theory, the use of discretion without clear normative reference can lead to abuse of authority, as welfare mandates are neglected for the sake of investment alone. This condition not only has the potential to give rise to corruption, collusion, and nepotism (KKN), but

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also leaves local governments without guidance on controlling the cumulative impact of accumulated development that exceeds environmental capacity and systematically burdens infrastructure and natural resources.

In development law theory, it is necessary to understand the fundamental differences between Sectoral Plans (RIPPARDA) and Spatial Plans (RDTR) in order to realize integrated and sustainable development. Spatial Plans such as RDTR essentially only function as instruments that regulate "where" a development may be carried out based on physical zoning. Meanwhile, RIPPARDA as lex specialis functions to regulate in detail "how" and "for what" the development is carried out within the tourism corridor, including determining priority areas and ecological thresholds that must be met. Without the presence of RIPPARDA, RDTR works mechanically "without soul" because it only looks at the visual aspects of land color zoning without being equipped with ecological criteria filters for the tourism sector. As a result, Batu City loses a strategic compass in directing the wave of investment, so that development tends to be reactive and fragmented in various points of the area that should be protected. This situation is exacerbated by the generalist nature of the Regional Development Plan (RDTR), which currently serves as the sole reference. The technical and operational nature of the RDTR makes it lack the philosophical and methodological capacity to assess the feasibility of sustainable tourism, particularly in terms of sustainable tourism carrying capacity. The RDTR tends to regulate only macro-physical aspects, such as land use and building intensity, without in-depth consideration of ecosystem carrying capacity, water resource availability, and the long-term socioeconomic impacts of massive tourism development.

As a result, development in Batu City often proceeds without considering the environment's capacity to support additional burdens, both in terms of water availability and waste absorption. The RDTR (Regional Spatial Planning) plays a crucial role in allocating physical space, but in the multidimensional tourism sector, this instrument is insufficient as a filter. Sustainable tourism carrying capacity must encompass ecological capacity (including water resource availability, catchment capacity, and biodiversity sustainability), infrastructure readiness (including road networks, waste management, and energy availability), and socio-cultural resilience (including local cultural resilience, community comfort levels, and public participation), all of which should be explicitly included as primary filters in the RIPPARDA. Without these parameters, a tourism accommodation development project may be formally permitted under the RDTR (Regional Development Plan), but it is substantially unsustainable because it is not based on an assessment of the cumulative impact on the ecosystem. For example, the construction of a villa on a slope may be permitted if it technically meets the basic building coefficient (KDB), but often

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ignores the risk of long-term vulnerability to disruption of surface water flow. Without the filter of a sectoral master plan, tourism development tends to occur sporadically according to market demand without considering unique local characteristics. As a result, the natural and cultural potential that is the main attraction is actually degraded due to the pressure of poorly planned development.

The absence of this instrument clearly contradicts spatial planning principles, which emphasize the importance of integral and participatory planning to ensure long-term balance. Therefore, the existence of the RIPPARDA (Regional Spatial Planning and Development Plan) is urgently needed as a clear framework for all stakeholders. This legal instrument is needed to transform the direction of tourism development in Batu City, moving it away from short-term economic profit and toward a foundation of ecological sustainability and social justice for local communities. This lack of norms has triggered a clear functional disharmony in the protection of Sustainable Food Agricultural Land (LP2B) in Batu City. Normatively, Batu City Regional Regulation No. 7 of 2011 concerning Regional Spatial Planning (RTRW) has designated protected agricultural areas to maintain food security and regional ecological sustainability. However, without RIPPARDA as a sectoral control instrument, officials' discretion tends to favor commercial development. This situation arises from the absence of buffer zone regulations, which should be specifically stipulated in RIPPARDA to protect productive land. As a result of this lack of boundaries, the argument of "increasing investment" consistently wins over officials' discretion over considerations of protecting productive land and regional food security. This leaves the RDTR powerless to face the onslaught of massive artificial tourism expansion. This imbalance in legal instruments ultimately gives rise to a policy paradox where local governments are committed to protecting LP2B narratively in spatial planning documents, yet empirically allow the mass conversion of agricultural land into tourism accommodations.

A more refined analysis reveals that land conversion within the LP2B (Regional Development Planning Agency) is becoming increasingly easier due to the absence of tourism destination zoning, which should be included in the RIPPARDA (Regional Development Planning Agency). The master plan should establish "Forbidden Tourism Areas" to protect green areas. Without this filter, developers often exploit legal loopholes to lobby for revised area functions under the guise of investment. This lack of tourism norms is not merely an administrative issue, but a direct cause of environmental degradation due to the lack of oversight mechanisms for development permits, which are issued through unmeasured discretion. In fact, this condition is proven by the shrinking area of rice fields in Batu City, which reached 691.18 hectares in the 2019-2022 period. Junrejo and Bumiaji sub-districts were the most severely impacted, with productive

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agricultural land being massively converted into accommodation complexes. In Bumiaji sub-district, apple plantations continued to shrink, leaving only 740.07 hectares by 2024. This phenomenon reflects the failure of spatial management mechanisms that no longer have the sectoral "fortress" of tourism mandated by the tourism law.

This threat is exacerbated by the alarming growth of illegal villas, a clear indication of unauthorized planning. Empirical data shows that of the 1,080 villas registered in Batu City, only 14 (less than 2%) have complete permits. This means that the remaining 98% operate without permits, and the majority are built on land previously used for agriculture. This demonstrates that the discretion granted to date has exceeded reasonable limits, resulting in leakage of Regional Original Revenue (PAD) and permanently damaging the integration of the regional ecosystem. This paradox deepens when tourism infrastructure development often ignores the overall environmental carrying capacity aspect. Technical considerations limited to the physical conformity of buildings with the RDTR are insufficient to ensure sustainability, especially in Batu City, which is geographically located in a mountainous area with high vulnerability to hydrometeorological disasters. Excessive groundwater use by hundreds of new accommodations threatens domestic water security, while the conversion of upstream agricultural land into watertight buildings causes environmental degradation that triggers the risk of natural disasters. Disaster expert from Gadjah Mada University, Prof. Suratman, emphasized that ecosystem disruption due to land conversion on the steep slopes of Batu City is the main trigger for flash floods and landslides that threaten residential areas in downstream areas.

Ultimately, the failure to control space due to the absence of RIPPARDA is not merely a violation of the sectoral mandate of the Tourism Law, but rather a form of neglect of the constitutional mandate as stipulated in Article 33 paragraph (3) of the 1945 Constitution. The principle that land, water, and natural resources are controlled by the state for the greatest prosperity of the people contains a state obligation to carry out sustainable management. In the context of Batu City, the tolerance of unauthorized planning and degradation of productive land shows that the function of "state control" is not running effectively in protecting public rights. The inability of regional legal instruments to curb the rate of land conversion and damage to upstream ecosystems has clearly distanced the constitutional mandate from its goal, namely to ensure the welfare of the people through a protected environment for future generations.

Thus, it can be concluded that the absence of RIPPARDA in Batu City is not merely an administrative vacuum, but rather a violation of the mandatory obligations of Law Number 10 of 2009 concerning Tourism, creating systemic vulnerabilities. The practice of unauthorized planning not only legally delegitimizes government actions (legal defects), but also significantly undermines

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protection for LP2B due to abuse of discretion and places Batu City at permanent risk of hydrometeorological disasters. The presence of a comprehensive RIPPARDA is an absolute requirement for transforming development so that it remains grounded in ecological sustainability and social justice.

The Relevance of the RIPPARDA Instrument as Fulfillment of the Right to a Good Environment

Tourism development is essentially a process of utilizing natural and cultural resources that demands a balance between economic interests and ecological sustainability. In the national legal system, environmental protection is a constitutional mandate that places the right to a good and healthy environment as part of human rights. The existence of RIPPARDA is crucial as a manifestation of the state's responsibility in translating constitutional principles into operational standards for regional development. Without a binding master plan, the utilization of natural resources risks deviating from the principles of sustainability and ignoring citizens' constitutional rights to a decent environmental quality. The right to a good and healthy living environment is expressly guaranteed in Article 28H paragraph (1) of the 1945 Constitution (UUD 1945) which states that "Everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy living environment, and has the right to receive health services." The phrase "a good and healthy environment" in this article positions the environment as one of the primary foundations for realizing a decent life for every citizen. The right to a healthy environment is categorized as a universal fundamental right, meaning it is inherent in every individual without exception, cannot be diminished, and is an absolute prerequisite for fulfilling the right to life and achieving overall societal well-being. This recognition provides logical consequences for the state, both central and regional governments, to be proactively responsible for its fulfillment, protection, and maintenance through measurable regulations.

From a legal perspective, this responsibility extends beyond preventing environmental pollution and destruction, encompassing proactive efforts to maintain environmental quality to ensure it remains suitable for future generations. Tourism development has significant potential to impact environmental quality through the massive exploitation of natural resources. If not managed through a comprehensive RIPPARDA (Regional Spatial Planning) as a strategic filter, tourism activities can lead to environmental degradation, such as water resource crises and land conversion. The absence of this instrument creates a legal vacuum that allows for unplanned, exploitative tourism development that ignores ecological balance. Therefore, development in Batu City is vulnerable to permanent environmental damage in pursuit of short-term financial gain. Apart from Article 28H, the constitutional dimension of fulfilling the people's right to a healthy environment

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also comes from Article 33 paragraph (3) of the 1945 Constitution. This article emphasizes that the earth, water and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people. This provision provides an imperative constitutional mandate to local governments to formulate tourism development policies that not only pursue economic growth targets, but also ensure ecological sustainability and distributive justice.

In the context of tourism development, the RIPPARDA (Regional Development Plan for Tourism) is one of the primary legal instruments for operationally realizing this constitutional mandate in the field. Through RIPPARDA, local governments can establish tourism development directions, policies, and strategies that ensure the efficient, effective, and responsible use of natural resources, while taking into account environmental carrying capacity and carrying capacity. This document should also serve as a reference in determining the distribution of economic benefits from tourism for local community empowerment and the development of micro, small, and medium enterprises (MSMEs). Without RIPPARDA, the Batu City Government has fundamentally failed to fulfill its constitutional mandate to optimally protect the region's natural resources.

Tourism development without a master plan has the potential to deviate from the goal of maximizing public prosperity and instead lead to inequality and environmental damage. This creates what is known as a "protection vacuum" (rechtspositioneel vacuüm) regarding the community's right to a healthy and balanced environment. The absence of clear standards or legal references results in development decisions being made without ecologically measurable benchmarks. As a result, development in Batu City is prone to sporadic development, triggering water resource degradation and the loss of green open spaces, the region's primary attraction. The Batu City Government's failure to draft the Regional Development Plan (RIPPARDA) not only violates sectoral legal norms but also violates the hierarchical order of norms (Stufenbau des Rechts) derived directly from the constitution. This neglect creates legal uncertainty and weakens the public's position in demanding their constitutional rights. Consequently, a significant legal vacuum (rechtspositioneel vacuüm) exists for citizens' rights. From the perspective of a democratic state under the rule of law, this lack of control instruments is unjustifiable, as it negates the state's responsibility to protect the public interest. Consequently, citizens face significant legal vulnerability due to the lack of predictable and testable regulatory parameters.

RIPPARDA has a strategic function as a legal instrument that strengthens the legal standing (rechtspositie) of local communities in their relations with the government and tourism industry players. Substantively, this document serves as an objective benchmark for assessing whether each tourism development project aligns with the carrying capacity of the area and considers the interests of the local community. The master plan provides a transparent legal

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standard for the public to monitor every development policy in their area. This aligns with the principle of accountability in democratic and participatory regional governance.

RIPPARDA plays three primary legal functions in significantly protecting the position of local communities. First, RIPPARDA provides a legal basis for communities to reject and challenge tourism development that is inconsistent with or proven to violate regional spatial planning. Second, RIPPARDA provides a platform for communities to file citizen lawsuits (actio popularis) against policies proven to damage the environmental ecosystem. Third, RIPPARDA provides legal certainty (rechtszekerheid) to the community regarding the direction and priorities of development in their region, so that residents can plan their lives and economic activities based on correct and accountable information. This is in line with the principle of a state based on law (rechtstaat) which places citizens as parties protected by law, not merely objects of policy.

In the context of Batu City, the absence of RIPPARDA creates a legal vacuum that weakens the bargaining position of local communities. Without objective legal parameters governing environmental carrying capacity and the allocation of tourism space, communities lack a normative reference point for assessing the suitability of tourism investment projects for ecological and sociocultural sustainability. This situation places local communities in a vulnerable position to the dominance of large investment interests, which often ignore socio-cultural sustainability. This condition is known in administrative law doctrine as information asymmetry, which exacerbates the imbalance in power relations between local governments, investors, and communities in the development decision-making process and contradicts the spirit of Article 70 of Law No. 23 of 2014 concerning Regional Government, which requires community involvement in regional development planning.

Furthermore, the weakening of local community legality has resulted in an imbalance in power relations, opening up opportunities for policy capture. The absence of RIPPARDA (Regional Development Planning) allows licensing policies to be influenced more by short-term economic interests than by environmental sustainability. Empirical experience shows that areas without master plans are prone to social conflict and environmental damage due to excessive tourism development. Therefore, RIPPARDA plays a crucial role as a social control tool that ensures tourism development is carried out within the framework of social justice.

Theoretically, the function of RIPPARDA aligns with the concept of legal standing in state administrative law to demand accountability from local governments. Based on Articles 75 to 78 of Law No. 30 of 2014, the public can take administrative action against policies deemed contrary to the public interest. Without RIPPARDA, local communities lose the legal legitimacy to demand government accountability due to the lack of a concrete basis for testing (toetsingsgronden), either

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through litigation or non-litigation channels. This results in the public's right to control the course of local government being hampered and ineffective.

From a sociological jurisprudence perspective, the absence of RIPPARDA also reflects the state's failure to fulfill its constitutional obligation to guarantee substantive public participation. Article 28H paragraph (1) and Article 33 paragraph (3) should be translated into regional technical instruments to protect citizens' rights on the ground. Without synchronization between constitutional norms and regional policies, legal protection for citizens is weak and becomes merely a formality. This situation demands immediate steps to introduce regulations capable of truly protecting the interests of the wider community.

4. CONCLUSION

The absence of RIPPARDA in Batu City is not merely an administrative vacuum, but a serious violation of the mandatory obligations of the Tourism Law, which has systemic impacts on the legality of government actions, legal certainty, and sustainable development. The absence of this instrument breaks the chain of hierarchical norms (hierarchical gap), thus giving rise to unauthorized planning practices that cause every policy and permit in the tourism sector to lose its legitimate basis of authority and be vulnerable to legal revocation. The impact is not only legal, but also ecological and social, in the form of weak spatial control, rampant conversion of agricultural land (LP2B), increased illegal development, and the emergence of disaster risks due to environmental degradation. Furthermore, this condition reflects the state's failure to fulfill its constitutional mandate regarding the right to a good and healthy environment, while simultaneously weakening the legal position of the community in controlling public policy. Therefore, RIPPARDA has strategic urgency as a legal instrument that not only guarantees the certainty and legitimacy of government actions but also functions as a tool to control sustainable, equitable, and public-interest development.

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