

## **THE LEGAL IMPLICATIONS OF SIGNING THE UNWTO FRAMEWORK CONVENTION ON TOURISM ETHICS FOR THE SUSTAINABLE TOURISM DEVELOPMENT IN INDONESIA**

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### **Abstract**

*Indonesia's international relations in the world association have implications for its commitment to participate in various global issues, including tourism. The UNWTO Framework Convention on Tourism Ethics is an international agreement made to reorganize tourism business ethics. In this study, there are two issues discussed, namely Indonesia's engagement in The UNWTO Framework Convention on Tourism Ethics and tourism business ethics in the perspective of human rights. Indonesia became the first country to sign the UNWTO Framework Convention on Tourism Ethics. Normatively, the signing of this international agreement is followed by the deposit of the instrument of ratification, acceptance or approval stating the State's approval to be bound by the treaty at the international level. Indonesia's engagement in The UNWTO Framework Convention on Tourism Ethics signifies Indonesia's commitment to rebuild tourism based on business ethics. The business ethics in sustainable tourism development will be oriented to the fulfillment of human rights. Ratification of this convention places a legal obligation on States to promote responsible and sustainable tourism development, conserve the cultural and natural tourism resources of destinations, protect local communities and ensure a responsible, sustainable and universally accessible sector.*

**Keyword:** *Convention; Development; Ethics; Sustainable; Tourism.*

### **A. INTRODUCTION**

COVID-19 has implications for various areas of people's life, both the increase in the death rate from this disease and the social problems that accompany it. The presence of the COVID-19 outbreak has weakened various economic activities. This has an impact on the sustainable economic development in the future. Corona Virus Disease 2019 (COVID-19) is a global pandemic that has affected Indonesia.

Tourism is one of the sectors most affected by the COVID-19 pandemic. Throughout 2020, the number of foreign tourists who entered Indonesia was only around 4.052 million people. It can be stated that this figure is very concerning, because of the total, it was only about 25% of the number of tourists who entered Indonesia in 2019.<sup>1</sup> Based on data from the

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<sup>1</sup> Kementerian Pariwisata dan Ekonomi Kreatif / Badan Pariwisata dan Ekonomi Kreatif Republik Indonesia, *Tren Pariwisata Indonesia di Tengah Pandemi*, available on website: <https://kemenparekraf.go.id/ragam-pariwisata/Tren-Pariwisata-Indonesia-di-Tengah-Pandemi>

Central Statistics Agency in 2021, there was a significant decrease in the number of tourists, both local and foreign tourists. Total foreign tourist visits to Indonesia in 2020 amounted to 4.02 million visits. When compared to 2019, the number of foreign tourists decreased by 75.03 percent. Based on nationality, there are 5 countries that visited Indonesia the most in 2020, namely Timor Leste, Malaysia, Singapore, Australia, and China. Most of these countries are neighboring countries, except China. This significant decrease in the number of tourists has a very significant impact on economic conditions because tourism plays an important role in increasing state income, foreign exchange, and employment. The pandemic threatens 13 million workers in the tourism sector and 32.5 million workers who are indirectly related to the tourism sector.<sup>2</sup> As a result, travel and tourism have come to a complete standstill, and the economic activities of the aviation industry and the hospitality sector have been reduced to a fraction of what it was before the pandemic. While some economies are gradually reopening, the overall situation remains unstable due to the high transmission of the virus and the lack of immediate treatment or vaccines.<sup>3</sup>

The decline in the tourism industry during the COVID-19 pandemic did not only occur in Indonesia, but also throughout the world. The COVID-19 crisis has triggered a profound, precipitous and simultaneous demand and supply shock to tourism. On the demand side, travel restrictions and border closures limit people's mobility and have a negative impact on tourism. Fewer people are travelling, while their current and potential future income are also severely reduced. On the supply side, the lockdown measures have led to a curtailment of the activities of tourism businesses and destinations, while nature sites and other touristic resources remain closed to the public. The sector includes, at its core, services such as hotels, restaurants, tour operators, and travel agencies. The need for physical proximity between suppliers and consumers of most tourism services severely hampers economic activity under the traditional business model of the tourism sector. In most countries, the sector typically relies on mode two for international supply of services trade, i.e. consumption abroad.<sup>4</sup>

Various efforts have been made to save the tourism industry during the COVID-19 pandemic, one of which was through international agreements followed by international cooperation in the tourism sector. Indonesia became the first country to sign The UNWTO Framework Convention on Tourism Ethics. This international agreement is an instrument created to ensure global tourism that is fair, inclusive, more transparent and works for everyone. The ceremony organized by UNWTO in Madrid is a

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2 Pariwisata Indonesia di Tengah Pandemi, Sebuah Pengantar oleh Divisi PIG (Pengkajian Isu Global) EGSA dalam Diskusi Eksternal *Optimism or Pessimism: Where Will Indonesian Tourism Go in 2021?*, available on website: <https://egsa.geo.ugm.ac.id/2021/02/11/pariwisata-indonesia-di-tengah-pandemi/>

3 Ulrike Gretzel, et al, *e-Tourism beyond COVID-19: a call for transformative research*, Information Technology & Tourism, Vol. 22, 2020, page.187-203.

4 Panagiotis Barkas, Dale Honeck, and Ester Rubio, *International trade in travel and tourism services: Economic impact and policy responses during the COVID-19 crisis*, WTO Staff Working Paper, No. ERSD-2020-11, 2020.

significant step towards ratification of the Convention, which was adopted at the 23rd meeting of the UNWTO General Assembly in September 2019. Indonesia has a strong commitment to upholding the highest ethical principles as the tourism sector expands. Indonesia played an important role in drafting the Convention as part of the Committee that turned the Global Tourism Code of Conduct into a legally binding instrument of international law.<sup>5</sup>

As a Member State since 1975, Indonesia has been collaborating with UNWTO to restart tourism after the COVID-19 pandemic. Tourism business ethics are important in the development of sustainable tourism that is oriented towards the protection of human rights. This research will discuss about Indonesia's engagement in The UNWTO Framework Convention on Tourism Ethics and tourism business ethics in the perspective of human rights.

Several studies that have been written by other researchers are those conducted by Desy Tri Anggarini. The purpose of this research is to review the impact of Covid -19 which resulted in the decline of the tourism industry sector in Indonesia and also to respond to Government policies so that the handling of the impact of Covid -19 on the tourism sector can be carried out properly and tourism returns to normal with health procedures.<sup>6</sup> The research conducted by Muhammad Nur Rifqi Amirullah aims to examine the role of UNWTO in tackling world tourism which is disrupted and its operations are not running due to the Covid-19 pandemic.<sup>7</sup> Firya Oktaviarni, Dwi Suryahartati, Windarto studied legal protection for parties involved in the tourism management industry during the Covid-19 pandemic.<sup>8</sup> Research on "The Legal Implications of Signing the UNWTO Framework Convention on Tourism Ethics for The Sustainable Tourism Development in Indonesia" examines a new thing, namely international agreement The UNWTO Framework Convention as a international agreement and Indonesia as a party to the agreement.

## **B. RESEARCH METHODS**

The methods in this research was normative juridical research. This research would examine Indonesia's involvement in The UNWTO Framework Convention on Tourism Ethics and tourism business ethics from a human rights perspective. The research was conducted at the level of legal harmonization, namely the harmonization of the provisions of The UNWTO

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5 Dwi Murdaningsih, *Indonesia, Negara Pertama Tandatangani Konvensi Etika UNWTO*, available on website: <https://republika.co.id/berita/qhmkas368/indonesia-negara-pertama-tandatangani-konvensi-etika-unwto>

6 Desy Tri Anggarini, *Upaya Pemulihan Industri Pariwisata Dalam Situasi Pandemi COVID-19*, *Jurnal Pariwisata*, Vol. 8, No. 1, 2021, page.22-31.

7 Muhammad Nur Rifqi Amirullah, *The Role of UNWTO As An International Organization in Addressing The Impact of Covid-19 on Indonesian Tourism*, *Developing Economies*, Vol. 5, No. 1, 2021, page. 2.

8 Firya Oktaviarni, Dwi Suryahartati, and Windarto Windarto, *Pengelolaan Wisata berbasis Kearifan Lokal pada Masa Pandemi Covid 19: Perspektif Hukum*, *Jurnal Sains Sosio Humaniora*, Vol. 5, No. 2, 2021, page. 26-23.

Framework Convention on Tourism Ethics with the laws and regulations in Indonesia. Legal materials consist of primary legal materials, namely The UNWTO Framework Convention on Tourism Ethics, The Act No. 10 of 2009 concerning Tourism and other relevant provisions. Secondary legal materials consist of books and scientific journals. Legal materials were collected through literature study. The analysis in this study was carried out qualitatively.

## **C. RESULT AND DISCUSSION**

### **1. Indonesia's Engagement in the UNWTO Framework**

The state is the highest organization that has sovereignty. Bodin describes that there are three elements of sovereignty, namely: 1) Power is supreme, there is no higher power; 2) Absolute and perfect in the sense that it is not limited and there is no other power that limits it; 3) Whole, round, and eternal, in the sense of not being divided.<sup>9</sup> In exercising its sovereignty both in the administration of the state and in cooperating with other parties, the state has basic rights. The basic rights of the state include the right to independence and self-determination and the right to exercise jurisdiction over its territory, people and objects within its territory. The right to exercise this jurisdiction is an inherent right of every independent country as a consequence of its sovereignty. In addition, the state also has the right to get the same legal status. This right is a consequence of the principle of state sovereignty, although in reality the conditions of a country are different from other countries, in which there are small, large, rich and poor countries and the right to carry out self-defense accordingly or collectively.<sup>10</sup>

In today's world marked by interdependence, there is not a single country that does not have an agreement with another country and there is not a single country that is not regulated by a treaty in its international life. Therefore, as long as relations between nations or countries in this world continue, there will be international agreements.<sup>11</sup> Indonesia as an active member of the international community, of course, also makes and ratifies agreements with other countries, international organizations or other subjects of international law. These agreements can be in the form of regional, bilateral or multilateral cooperation. Interpreting international law as a legal domain regulating relations between national states indirectly gives a point of view that the existence of international law is closely related to the existence of national states. The presence of national states in all parts of the world is due to different historical, social, political, legal and cultural backgrounds to form an identity that becomes the glue as one nation as well as differentiators from other nation states. The formation of a state with one national government is

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9 Jimly Asshiddiqie, *Konstitusi & Konstitusionalisme Indonesia*, Konstitusi Press, Jakarta, 2005, page.126.

10 Sefriani, *Pengantar Hukum Internasional*, Rajagrafindo Persada, 2015, page.113–133.

11 Ari Wuisang, Kewenangan DPR Dalam Ratifikasi Perjanjian Internasional Pasca Terbitnya Putusan Mahkamah Konstitusi No. 13/PUU-XVI/2018, *Pakuan Law Review*, Vol. 5, No. 2, 2019.

not only due to the sedimentation of historical identity among the communities that are members of it, but more than that, there are shared goals to be realized, such as promoting the common welfare and protecting all its citizens. The formation of a state automatically forms its own legal system as the basis for carrying out all state government affairs.<sup>12</sup>

International treaties are one of the references for countries or other subjects of international law to resolve various problems that occur in international relations in addition to international customs, general legal principles, jurisprudence and the opinions of leading scholars. An international agreement is an agreement entered into between members of the community of nations and aims to bring a certain law into force. This written international agreement creates obligations for the parties to it.<sup>13</sup> In international agreements, in principle, every country has the freedom to enter into agreements with any party (the principle of freedom of contract), as long as it is in accordance with the needs of the country. If the country has bound itself in the agreement, it will give birth to rights and obligations that must be borne. The special characteristic of international treaties is the issue of state sovereignty which will have an impact on the country's national law.<sup>14</sup>

The 1969 Vienna Convention on International Treaties has provided the basis for norms in international treaties. The uniqueness of the state with its sovereignty becomes its own characteristic which usually becomes very "sensitive" which eventually leads to the term "quacy of law" for international law.<sup>15</sup> Several legal theories have explained the nature of binding contracts, including the following:

- a. The will theory. This theory explains that an agreement is binding because it is the will of the parties.
- b. The bargain theory. The theory of bargain is a denial of the theory of will. According to this theory, the contract is not the will of the parties but the agreement of the parties.
- c. The equivalent theory. According to this theory, the parties of the agreement have provided equality (equality of the parties).
- d. The injurious-reliance theory. This theory states that the agreement is binding because the parties have stated themselves to rely on the party who received the promise with the result of a loss.<sup>16</sup>

UNWTO as an international organization has an important role in dealing with the world tourism. Tourism as one of the drivers of a country's national economy will bring UNWTO to a role so that tourism in

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12 Yosua Yohanes Robot Simbawa Ume, *Implikasi Proses Ratifikasi Perjanjian Internasional Terhadap Hukum Nasional, Lex Et Societatis*, Vol. 8, No. 1, 2020.

13 J.G Starke, *Pengantar Hukum Internasional*, Sinar Grafika, 2004, page.117.

14 Danel Aditia Situngkir, *Perjanjian Internasional Dan Dampaknya Bagi Hukum Nasional, Kertha Wicaksana*, Vol. 13, No. 1, 2019, page.19-25.

15 Danel Aditia Situngkir, *Terikatnya Negara Dalam Perjanjian Internasional, Refleksi Hukum: Jurnal Ilmu Hukum*, Vol. 2, No. 2, 2018, page. 167-180.

16 Huala Adolf, *Dasar-Dasar Hukum Kontrak Internasional*, Refika Aditama, 2006, page.18.

developing countries becomes more advanced. UNWTO is responsible for developing tourism in its member countries, by cooperating and making various policies and programs to help developing countries develop their tourism sectors so that tourism in these countries develops optimally.<sup>17</sup> As previously described, the UNWTO general assembly in 2019 resulted in The UNWTO Framework Convention on Tourism Ethics and Indonesia became the first country to sign the international agreement.

The UNWTO Framework Convention on Tourism Ethics has been built around the nine core principles of the Global Code of Ethics for Tourism. In order to frame these principles in the classical structure of an international treaty, several provisions have been adapted. The Preamble of the text is inspired by that of the Global Code of Ethics for Tourism, although updated to the current international context and purpose of the proposed Convention. Part I of the Convention includes the General Provisions which contextualise the text by outlining the key terminology, the aim and scope of the provisions of the Convention as well as the means of implementation. Part II is dedicated to the Ethical Principles in Tourism which constitute the backbone of the Convention. Part III on the World Committee on Tourism Ethics refers to the mandate, composition and functioning of this subsidiary organ of the UNWTO General Assembly in the context of the Convention. The two final sections of the Convention contain standard provisions of international treaties, namely Part IV addresses the Conference of States Parties and Part V features the Final Provisions regulating procedures for signature, ratification, acceptance, approval and accession. The Optional Protocol annexed to the Convention is a separate instrument that States Parties to the Convention can decide to ratify or not; it consists of a voluntary conciliation mechanism concerning the interpretation or application of the Convention.<sup>18</sup>

The UNWTO Framework Convention on Tourism Ethics consists of several sections, namely General Provisions, Ethical Principles in Tourism, World Committee on Tourism Ethics, Conference Of States Parties, and Final Provisions. In the official website of the United Nation World Tourism Organization, it is stated that the benefits obtained by countries that ratify The UNWTO Framework Convention on Tourism Ethics are as follows:

By ratifying the Convention, States are undertaking an obligation towards responsible and sustainable development - preserving the destinations' cultural and natural tourism resources, protecting the local communities and ensuring a responsible, sustainable and universally accessible sector. This sends a clear message to all stakeholders operating in and visiting a destination that is clearly in line with the UN Sustainable Development Goals and respects the spirit of the 2017 International Year of

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17 Dani Angraini, *Kerjasama United Nations World Tourism Organization (Unwto) Dengan Indonesia Dalam Pengembangan Sektor Pariwisata Di Pangandaran, Jawa Barat Tahun 2011-2013*, *JOM FISIP*, Vol. 2, No. 1, Februari 2015, page.1-14.

18 See: UNWTO, *Global Ethics*, available on website: <https://www.unwto.org/ethics-convention>

Sustainable Tourism for Development.<sup>19</sup>

The UNWTO Framework Convention on Tourism Ethics sets out ethical principles in running the tourism business. In this international agreement, it is stated as follows:

Tourism's contribution to mutual understanding and respect between peoples and societies, Tourism as a vehicle for individual and collective fulfilment, Tourism, a user of cultural resources and a contributor to their enhancement, Tourism, a beneficial activity for host countries and communities, Responsibilities of stakeholders in tourism development, Right to tourism, Liberty of tourist movements, Rights of employees and professionals in the tourism sector.

Participation in international treaties, state governments are bound and subject to the constitution. Whatever international treaty is to be followed, it must be in accordance with the constitution. Otherwise, the action can be considered as a violation of the constitution and the oath of office of a President as head of government who is responsible for the ratification of international treaties. The violation can be considered as a betrayal of the state and can lead to the dismissal of the President.<sup>20</sup> International agreements have an important meaning for a country to carry out global commitments. Multilateral international agreements are usually born as a consequence of states joining an international organization. Article 3 of the UNWTO Framework Convention on Tourism Ethics lays down legal obligations for countries as follows:

- a. States Parties shall promote responsible, sustainable and universally accessible tourism by formulating policies that are consistent with the ethical principles in tourism set out in the Convention.
- b. States Parties shall respect and promote the ethical principles in tourism, especially through encouraging tourism enterprises and bodies to reflect these principles in their contractual instruments and make reference to them in their codes of conduct or professional rules.
- c. States Parties shall periodically submit a report to the World Committee on Tourism Ethics concerning any measures taken or envisaged for the implementation of this Convention.
- d. States Parties, which are also parties to the Optional Protocol to the Framework Convention on Tourism Ethics, shall promote among tourism enterprises and bodies the conciliation mechanism provided for in the Optional Protocol.

In Article 4 paragraph (1) of The UNWTO Framework Convention on Tourism Ethics further states "The understanding and promotion of the ethical values common to humanity, with an attitude of tolerance and respect for the diversity of religious, philosophical and moral beliefs, are

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19 United Nation World Tourism Organization, *Convention On Tourism Ethics -Faq*, available on website: <https://www.unwto.org/frequently-asked-questions>

20 Khairul Fahmi, Perubahan Konstitusi Melalui Perjanjian Internasional dan Dampaknya Terhadap Kedaulatan Negara, *STAATSRECHT: Indonesian Constitutional Law Journal*, Vol. 4, No. 1, 2020 page.47-88.

both the foundation and the consequence of responsible tourism; stakeholders in tourism development and tourists themselves should observe the social and cultural traditions and practices of all peoples, including those of minorities and indigenous peoples and recognize their worth." This international agreement lays down ethics as the basis for making policies in the field of tourism. This is in line with the thoughts of Ida Bagus Wyasa Putra who stated that: "The more successful the development of tourism, the more threatened the economic resources of tourism and the threatened the sustainability of tourism. The more successful of the development of tourism might cause the more destroyed the economic resources of tourism. The worse quality of the policy might be recovered by means of recovering the approach of the policy setting. For the shake of this mission, the adoption of the contextual approach in the recovery of the Indonesian tourism policy is strongly suggested."<sup>21</sup>

## **2. Tourism Business Ethics from a Human Rights Perspective**

In essence, tourism is a process of temporary departure from a person or more to another place outside their place of residence, with the encouragement of their departure due to various interests, whether due to economic, social, cultural, political, religious, health, or other interests such as curiosity, add experience or to learn.<sup>22</sup> The development of the quality of Indonesian tourism is expected to improve from year to year; therefore, the world of tourism cannot be separated from the industry that plays an important role in the implementation and development of tourism. The tourism industry is a collection of interrelated tourism businesses in the context of producing goods and/or services to fulfill the needs of tourists in the implementation of tourism. Indonesia is a country that has potential in developing the tourism industry, in addition to nature and culture which are the center of world attention. Human Resources who are qualified in the field of tourism, create added value in industrial development in Indonesia. The tourism industry in Indonesia is certainly inseparable from the MICE (Meetings, Incentives, Conferences, Exhibitions) service business sector chain. In the era of globalization and the growing existence of the Industrial Revolution 4.0 at this time, mainly supported by advances in technology, knowledge and business competition causing many meetings and negotiations to be held both on a national and international scale, so that the prospects for the MICE Industry are growing. MICE activities always involve many sectors and many parties, giving rise to a dual economic effect that benefits many parties. Some potential parties who benefit a lot from the MICE sector are Event Organizer (EO), Professional Conference Organizer (PCO),

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21 Ida Bagus Wyasa Putra, *The Contextual Problem in the Development of Indonesian International Tourism Law, International Conference on Business Law and Local Wisdom in Tourism (ICBLT 2018)*, Atlantis Press, 2018, page.153-156.

22 Choridotul Bahiyah, Wahyu Hidayat Riyanto, and Sudarti Sudarti, Strategi Pengembangan Potensi Pariwisata di Pantai Duta Kabupaten Probolinggo, *Jurnal Ilmu Ekonomi JIE*, Vol. 2, No. 1, 2018, page.95-103.



Printing, Souvenir Company, Hospitality, Travel Bureau, Transportation, Small and Medium Enterprises.<sup>23</sup>

The problem of tourism business ethics in Indonesia is marked by several cases that have occurred. The practice of tourism development actually creates a gap in the acceptance of the value of economic benefits for local communities from tourism development. The discriminatory factor in government policies that provide opportunities and convenience to run tourism businesses is only for private and foreign corporations. In addition, there is also the implementation of a "zoning" policy on conservation areas in archipelagic tourist areas, which limits the space for local people's livelihoods. Another factor is the practice of public land tenure by legitimized corporations through the issuance of tourism business permits by the government in the package of tourism area development, claimed as support for tourism development programs. These various factors indirectly have an impact on the livelihoods of the surrounding community.<sup>24</sup>

Sanjiwani and Irnawan found the practice of privatizing the beach border that has been carried out by accommodation entrepreneurs in many areas in Bali. The realization of the privatization of the coastal border is carried out with deceit in order to provide the best service and can foster satisfaction from tourists. The implication of these activities is that in the end, the border/coastside in some locations that should be enjoyed by the general public at this time only can be enjoyed by exclusive groups who can also be named as elites or tourists. This activity is usually lively growing in Badung Regency, accurately in the Nusa Dua area, Seminyak, Ungasan Hill, and Canggu area.<sup>25</sup> This condition also occurs in various other tourist areas in Indonesia. Innovation is the main thing and there must be a fundamental change at this time, the government is seeking the priority destinations. Innovation must be done in terms of infrastructure, culture, culinary to fashion and all things related to tourism as well as the creative economy.

The UNWTO Framework Convention on Tourism Ethics is an international agreement made by countries that recalls the importance of business ethics in the tourism industry. In the development of sustainable tourism, it is necessary to pay attention to three important aspects, namely the environment, economy and socio-culture. The WTO puts forward the principles of development which include, first, ecological sustainability; second, social and cultural sustainability; and third,

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23 Chusnu Syarifa Diah Kusuma, Mice-Masa Depan Bisnis Pariwisata Indonesia, *Efisiensi: Kajian Ilmu Administrasi*, Vol. 16, No. 2, 2019, page.52-62.

24 Arief Rianto Kurniawan, and Yuliana Primawardani, Dampak Bisnis Pariwisata Terhadap Masyarakat Lokal: Studi Dampak Bisnis Pariwisata Terhadap Hak Asasi Manusia, *Jurnal Legislasi Indonesia*, Vol. 18, No. 1, 2021, page.116-126.

25 Handayani, Gracia Luciana, and Putri Kusuma Sanjiwani, Pengaruh Aktivitas Eksklusif Sempadan Pantai Bagi Kehidupan Masyarakat Di Pantai Double-Six, *Jurnal Destinasi Pariwisata*, Vol. 8, No .2, 2020, page.176-183.

economic sustainability, both for current and future generations.<sup>26</sup> Tourism is a variety of tourism activities and is supported by various facilities and services provided by the community, businessmen, government and local governments. Tourism can make a significant contribution as well as a catalyst in developing development (agent of development) and equitable distribution of income for the community (re-distribution of income).<sup>27</sup> Noor and Pratiwi put forward the concept of sustainable tourism development, namely:

- a. Carry out efforts that can guarantee the preservation of the existing socio-cultural and environmental aspects as well as protect them from things that can threaten their existence;
- b. Provide education and training on tourism to local communities and involve them in the process of planning, development, conservation, and assessment of tourism development;
- c. Using the concept of carrying capacity, namely limiting tourist visits according to the capacity that can be accommodated by the tourist attraction so that it does not have a negative impact on the environment and local communities;
- d. Provide information and education to tourists as well as local communities regarding the importance of protecting and preserving cultural heritage;
- e. Conduct regular research to find out developments and deviations that occur in connection with the application of the concept of sustainable tourism development.<sup>28</sup>

Tourism is a complex system consisting of various interrelated activities. However, the relationship with one another is not necessarily mutually supportive, but may conflict with each other according to their respective perspectives in viewing tourism.<sup>29</sup> To overcome the possibility of a conflict of interest, coordination needs to be carried out by various stake holders. UNWTO wants the contribution of all parties in the management of the tourism industry.<sup>30</sup>

Business ethics in the management of the tourism industry from a human rights perspective is very important. This means that managing the human rights dimension in relation to tourism requires a careful approach (prudence principle), or in other words, increasing tourism development cannot be based on the assumption of an increase in the number of tourist visits and economic growth alone, but it needs to be

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26 I Ketut Suwena, *Format Pariwisata Masa Depan; dalam Pariwisata Berkelanjutan Dalam Pusaran Krisis Global*, Penerbit Udayana University Press, Denpasar, 2010

27 Oka A. Yoeti, *Pariwisata Budaya: Masalah dan Solusinya*, Pradnya Paramita, Jakarta, 2006, page.2

28 Musaddad, Aditama A., et al, *Pembangunan Pariwisata Berkelanjutan di Indonesia*, *Dinamika Administrasi: Jurnal Ilmu Administrasi dan Manajemen*, Vol. 2, No. 1, 2019, page.73-93.

29 Rimsky K. Judisseno, *Aktivitas dan Kompleksitas kepariwisataan: Suatu Tinjauan tentang kebijakan Pengembangan kepariwisataan*. PT. Gramedia Pustaka Utama, Jakarta, 2017, page.168.

30 Article 2 letter e of The UNWTO Framework Convention on Tourism Ethics states the stakeholders in tourism development

accompanied by the adoption and integration of the business principles and human rights as a whole. Second, assessing the future of integration/adoption of business principles and human rights in the tourism business sphere in Indonesia cannot be separated from where the language of respect for human rights is mandated in various tourism sector regulations.<sup>31</sup>

Business ethics is very important in sustainable tourism development. This can be studied from the philosophy of science and ethics itself. Ethical values are not merely a matter of modesty, but must be based on a comprehensive concept of teaching. The concept of teaching in the broadest sense, includes the whole world outlook and way of life. Ethical issues cover ethics as a whole.<sup>32</sup> Discussions about ethics in the tourism industry get serious attention. Ethics is considered an academic study needed for the success of the tourism industry. The reason is that hotel professionals and businesses are faced with a number of quite sensitive issues, such as high gratuities on services, abuse of consumption of alcohol and other substances, criminal activity in the tourism industry, and over-exploitation of natural resources. Meanwhile, ethics in hospitality and tourism tend to be dominated by issues of human resources, sustainability, and social responsibility.<sup>33</sup>

Tourism activities are generally carried out by taking a trip to a place with the aim of having fun. In Act No. 10 of 2009 states that tourism is all kinds of tourism activities and is supported by facilities that have been provided by the community, businessmen, central government, and local governments. Meanwhile, tourism is a travel activity carried out by one or more people by visiting certain places with the aim of recreation, personal development, or learning the uniqueness of tourist attractions visited for a temporary period of time.<sup>34</sup> The emergence of tourism as one of the fastest growing industries has made a very significant contribution to the economic growth of countries in the world. Tourism has created new jobs, increased income and trade balance. However, the development of the tourism industry often ignores social and environmental aspects and only pursues economic benefits. Therefore, in this 4.0 revolution era, sustainable tourism has become a very popular topic among experts and practitioners based on increasing public awareness about the importance of protecting nature and environment for economic sustainability and development.<sup>35</sup>

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31 Yesaya Sandang, Pengarusutamaan Prinsip-Prinsip Bisnis dan Hak Asasi Manusia Bagi Sektor Pariwisata di Indonesia, *Jurnal HAM*, Vol. 10, No. 1, 2019, page.1.

32 Jalaluddin, *Filsafat Ilmu Pengetahuan*, RajaGrafindo Persada, Jakarta, 2013, page .224.

33 E Myung, Progress in Hospitality Ethics Research: A Review and Implications for Future Research, *International Journal of Hospitality & Tourism Administration*, Vol. 19, No. 1, 2018, page. 26-51.

34 Ade Kadarisman, Government public relations dalam pengembangan pariwisata masa pandemi COVID-19 di Geopark Ciletuh, *Profesi Humas*, Vol. 5, No. 2, 2021, page.270-290.

35 I Made Adnyana, Dampak Green Tourism Bagi Pariwisata Berkelanjutan Pada Era Revolusi Industri 4.0, *Jurnal Ilmiah MEA (Manajemen, Ekonomi, & Akuntansi)*, Vol. 4, No. 3, 2020, page.1582-1592.

The government has a very strategic role in sustainable tourism development. In maintaining tourist attractions, the government can make a number of policies to provide legal protection for tourist attractions. The government and local governments both at the provincial and district/city levels are authorized to determine tourist attractions. The Government and Regional Governments are obliged to maintain, develop, and preserve national assets that are tourist attractions and potential assets that have not been explored, facilitate the development of new tourist attractions, maintain and preserve tourist attractions in their territories as regulated in Act No. 10 of 2009 concerning Tourism. The sustainability of a tourist attraction is the responsibility of everyone. In Article 24 of Act No. 10 of 2009 concerning Tourism, it is expressly stated that everyone is obliged to: a. maintain and preserve tourist attractions; and b. help create a safe, orderly, clean atmosphere, behave politely, and preserve the environment of tourism destinations.

Tourism business ethics need not only be carried out by the government and tourism business organizers, but also by the community itself. All development activities in the perspective of tourism can be used or synergized with tourism activities. Tourism as a system can be synergized with any activity, including people's economic activities, even with daily life in the villages or backwoods. This condition certainly makes tourism one of the answers to the problem of poverty. The main purpose of tourism activities carried out is to get pleasure or relieve feelings of stress due to work routines. In this condition, the acquisition of satisfaction from the activities carried out by tourists becomes very important.<sup>36</sup>

#### **D. CONCLUSION**

Indonesia's engagement in The UNWTO Framework Convention on Tourism Ethics is marked by Indonesia's position as the first signatory to the international agreement. The implication is that Indonesia will be committed to create regulations and a series of programs to develop the tourism industry in accordance with the provisions of Indonesia's engagement in The UNWTO Framework Convention on Tourism Ethics and ethics. This is certainly a challenge for Indonesia to overcome various ethical problems in the tourism industry, such as the privatization of tourist attractions, sexual tourism involving children, and revitalizing tourism during the Covid-19 pandemic. Tourism business ethics in the perspective of human rights sees various parties as stated in Indonesia's engagement in The UNWTO Framework Convention on Tourism Ethics. In protecting tourist attractions, there are criminal sanctions for anyone who destroys tourist attractions. Sustainable tourism development must provide benefits for all parties without polluting or damaging the tourist attraction itself.

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36 Arief Setijawan, Pembangunan pariwisata berkelanjutan dalam perspektif sosial ekonomi, *Jurnal Planoearth*, Vol. 3, No. 1, 2018, 280735.

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