
ARTICLE

From Comfort to Conflict: Hotel Responsibilities and Water Rights in Yogyakarta

Yesaya Sandang^{*)}

University of the West England, United Kingdom and Satya Wacana Christian University, Indonesia

^{*)} Corresponding author, email: yesaya.sandang@uksw.edu

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Abstract

This article provides a socio-legal analysis of hotel responsibilities in upholding the human right to water, with a focus on Yogyakarta, Indonesia. It explores the obligations of hotels beyond legal compliance, examining relevant regulations and integrating primary data from interviews and observations of government agencies. The study identifies a significant disparity between statutory laws and their practical implementation, revealing tangible societal impacts. Furthermore, it highlights a gap between sustainable tourism discourse and the application of sustainable practices in hotel operations. Constraints and challenges within the existing legal framework for sustainable tourism are critically analysed, emphasising the need for reform. This research underscores the urgency of integrating water governance into the broader agenda of sustainable tourism, aligning with government priorities on tourism development. Methodologically, the study employs a qualitative approach, utilising socio-legal analysis to connect regulatory frameworks with real-world practices. By advancing discussions on sustainable practices in the hospitality sector, this study contributes significantly to the broader discourse on aligning tourism development with human rights and environmental sustainability. It fills a gap in the literature by systematically connecting water governance, human rights, and tourism regulation within a single analytical framework. Its urgency lies in addressing the escalating water resource challenges amidst tourism growth. The study concludes by emphasising the need for policy adjustments to address the disconnect between legislative frameworks and practical implementation, providing actionable insights for policymakers and stakeholders. Its novelty lies in reframing water governance in hotels as a central issue within sustainable tourism, rather than a peripheral or niche concern.

Keywords: Business; Human Rights; Sustainability; Tourism; Water Governance.

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INTRODUCTION

Sustainability in tourism cannot be achieved unless the fundamental human right to access water is upheld.¹ The right to water, as stipulated by the United Nations, ensures that every individual has access to sufficient, safe, acceptable, physically accessible, and affordable water for personal and domestic use.² In this article, advancing the literatures on human rights, tourism, and water, I present a socio-legal analysis, an analysis that looks deeper into the interplay between law in books and law in action, as well as the operation of law in society concerning the responsibility of hotels in respecting the human rights to water (hereafter HRtW). I seek to answer the question: to what extent does the legal framework applicable to the hotel industry recognise and implement the HRtW? In doing so, I illuminate the disparity between the notion of sustainable tourism within the law and its practical implementation, shedding light on the limitations and challenges ingrained in the current legal framework overseeing sustainable tourism.

In this article, I examine the impact of tourism development on the human rights of destination communities, emphasising the critical role of human rights principles as safeguards against potential violations stemming from tourism activities. This analysis is grounded in the understanding that tourism globalization has generated significant governance gaps, necessitating more robust state intervention to protect human rights.³ Within this foundation, I investigate the HRtW as a crucial rights issue in the context of Yogyakarta's expanding hotel industry, analysing how this fundamental right intersects with and is challenged by tourism development in this significant Indonesian destination.

Yogyakarta offers a critical case study for examining water rights contestation in the context of rapid tourism development and emerging resource conflicts. Between 2013 and 2020, the region underwent unprecedented tourism expansion, marked by the establishment of 714 new hotels under both international and local operations.⁴ This substantial growth in hospitality infrastructure and visitor numbers has significantly intensified freshwater demand, thereby challenging equitable water distribution patterns. Research conducted by Arumingtyas and Junia quantifies this resource disparity: the water consumption of 725 hotels equals the domestic water requirements of approximately 50,000 residents across two sub-districts. The water conflicts are particularly acute in several sub-districts, including Miliran, Penumping, Gowongan Karangwuni, and Gading, where residents report diminished water access due to hotel operations.⁵

¹ Yesaya Sandang and Stroma Cole, 'Using a Human Rights Approach to Improve Hotels' Water Use and Sustainability', *Journal of Sustainable Tourism* 31, no. 10 (2023): 2337–55.

² United Nations, 'Human Rights to Water and Sanitation', *UN Water* (blog), n.d., <https://www.unwater.org/water-facts/human-rights-water-and-sanitation>.

³ J. Eriksson et al., 'Putting Tourism to Rights' (Tourism Concern, 2009), https://www.tourismconcern.org.uk/wp-content/uploads/2014/10/LowRes_Putting-Tourism-to-Rights_A-report-by-TourismConcern2.pdf; J. G. Ruggie, 'Protect, Respect and Remedy: A Framework for Business and Human Rights', *Innovations: Technology, Governance, Globalization* 3, no. 2 (2008): 189–212, <https://doi.org/10.1162/itgg.2008.3.2.189>; Sandang and Cole, 'Using a Human Rights Approach to Improve Hotels' Water Use and Sustainability'.

⁴ BPS Yogyakarta, *Provinsi Daerah Istimewa Yogyakarta Dalam Angka 2023*, 1st ed. (Yogyakarta: Badan Pusat Statistik Daerah Istimewa Yogyakarta, 2023).

⁵ Lusia Arumingtyas and Maria Junia, 'Fighting for Water from the Land of Yogyakarta', *Mongabay.Co.Id*, 27 March 2022, <https://www.mongabay.co.id/2022/03/27/berebut-air-dari-bumi-yogyakarta/>.

Concurrently, the Municipal Waterworks has proven inadequate in meeting the growing residential water demands, let alone accommodating the large-scale requirements of the hospitality sector.⁶ In response to these structural inequalities, local communities have mobilised through sustained collective action, combining grassroots protests with social media advocacy campaigns, notably #*YogjaAsat* (Dry Yogyakarta) and *Yogja Ora Didol* (Yogyakarta is Not for Sale), to contest the uneven distribution of water resources.⁷ These ongoing water-related disputes between local communities and the hotel industry raise fundamental questions regarding the efficacy and implementation of the legal framework governing the HRTW.

The existing literature approaches tourism-related water issues through various theoretical lenses: environmental studies focusing on sustainability⁸ and political ecology,⁹ social perspectives examining gender dynamics¹⁰ and human rights implications;¹¹ and management approaches addressing business responsibility¹² and water resource innovation.¹³ Antonova et. al., in their systematic literature review of water resources in the hotel industry, reveal that the majority of published articles focus on water consumption (37.9%) and water management (44.8%).¹⁴ This emphasis on measurement and management indicates that quantifying water use serves as a foundational aspect of research in this field, as it is essential for developing effective management strategies. In addition, Cole et al. observe that securing water access for the tourism industry is a prevalent theme in the literature, with research predominantly focusing on hotel water usage rather than broader aspects of tourist water consumption.¹⁵ While case studies of various tourist destinations have become more common, most

⁶ Sandang and Cole, 'Using a Human Rights Approach to Improve Hotels' Water Use and Sustainability'; M. Yusuf and I. Purwandani, 'Ecological Politics of Water: The Ramifications of Tourism Development in Yogyakarta', *South East Asia Research* 28 (2020): 327–43, <https://doi.org/10.1080/0967828X.2020.1821580>.

⁷ Suharko Suharko, 'Urban Environmental Justice Movements in Yogyakarta, Indonesia', *Environmental Sociology* 6, no. 3 (2020): 231–41, <https://doi.org/10.1080/23251042.2020.1778263>.

⁸ M. Hadjikakou, J. Chenoweth, and G. Miller, 'Water and Tourism', in *The Routledge Handbook of Tourism and the Environment*, ed. Andrew Holden and Fennel David, 1st ed. (London & New York: Routledge, 2012), 457–68, <https://www.taylorfrancis.com/books/e/9780203121108/chapters/10.4324/9780203121108-52>; M. Vila et al., 'Influential Factors in Water Planning for Sustainable Tourism Destinations', *Journal of Sustainable Tourism* 26, no. 7 (2018): 1241–56, <https://doi.org/10.1080/09669582.2018.1433183>; X. Hu et al., 'Sustainable Water Demand Management in the Hotel Sector: A Policy Network Analysis of Singapore', *Journal of Sustainable Tourism* 27, no. 11 (2019): 1–22, <https://doi.org/10.1080/09669582.2019.1652621>.

⁹ S. C. Stonich, 'Political Ecology of Tourism', *Annals of Tourism Research* 25, no. 1 (1998): 25–54; Stroma Cole, 'A Political Ecology of Water Equity and Tourism. A Case Study from Bali', *Annals of Tourism Research* 39, no. 2 (2012): 1221–41, <https://doi.org/10.1016/j.annals.2012.01.003>; G. LaVanchy, 'When Wells Run Dry: Water and Tourism in Nicaragua', *Annals of Tourism Research* 64 (2017): 37–50, <https://doi.org/10.1016/j.annals.2017.02.006>.

¹⁰ S. Cole, 'Water Worries: An Intersectional Feminist Political Ecology of Tourism and Water in Labuan Bajo, Indonesia', *Annals of Tourism Research* 67 (2017): 14–24, <https://doi.org/10.1016/j.annals.2017.07.018>.

¹¹ S. Cole, 'Tourism and Water: From Stakeholders to Rights Holders, and What Tourism Businesses Need to Do', *Journal of Sustainable Tourism* 22, no. 1 (2014): 89–106, <https://doi.org/doi:10.1080/09669582.2013.776062>.

¹² A. Kasim, 'The Need for Business Environmental and Social Responsibility in the Tourism Industry', *International Journal of Hospitality & Tourism Administration* 7, no. 1 (2006): 1–22, https://doi.org/10.1300/J149v07n01_01.

¹³ A. Kasim et al., 'The Importance of Water Management in Hotels: A Framework for Sustainability through Innovation', *Journal of Sustainable Tourism* 22, no. 7 (2014): 1090–1107, <http://dx.doi.org/10.1080/09669582.2013.873444>; S. Gössling, C. M. Hall, and D. Scott, *Tourism and Water* (Bristol: Channel View Publishing, 2015).

¹⁴ N. Antonova, I. Ruiz-Rosa, and J. Mendoza-Jiménez, 'Water Resources in the Hotel Industry: A Systematic Literature Review', *International Journal of Contemporary Hospitality Management*, 2021, <https://www.emerald.com/insight/content/doi/10.1108/IJCHM-07-2020-0711/full/html>.

¹⁵ Stroma Cole et al., 'Tourism, Water, and Gender—An International Review of an Unexplored Nexus', *WTREs Water*, 2020, 1–16, <https://doi.org/doi:10.1002/wat2.1442>.

studies have adopted a tourism-centric approach, with investigations into water supply management typically emerging only when hotels face water security threats.

Within the Yogyakarta context, empirical studies have documented both the emergence of civil society resistance to inequitable water distribution,¹⁶ systematic violations of water sourcing regulations by hotels¹⁷ and the challenges faced by hoteliers to respect the HRtW.¹⁸ While these studies provide valuable insights into various dimensions of water conflicts, a comprehensive socio-legal analysis remains notably absent from the scholarly discourse. As such, this article advances the literature on human rights, water, and tourism through a threefold approach: first, by examining hotels' obligations beyond regulatory compliance through an analysis of the existing legal framework; second, by incorporating empirical data derived from interviews with government agencies and systematic field observations; and third, by adopting the Protect, Respect and Remedy (hereafter PRR) framework. This methodological approach not only illuminates the complex interplay between legal mechanisms and practical implementation in protecting the HRtW, but also contributes a novel analytical perspective to the broader discourse on tourism and water rights.

The Protect, Respect, and Remedy Framework was established by the United Nations (UN) within their Guiding Principles on Business and Human Rights (hereafter “the GPs”).¹⁹ The GPs consist of three main pillars: the State Duty to Protect (Principles 1-10), the Business Responsibility to Respect (Principles 11-24), and Access to Remedy (Principles 25-31). As a non-binding international legal instrument (soft law), the GPs emerged from a long process initiated by the UN with the specific mission of addressing human rights abuses involving business entities.²⁰ The GPs are not intended to prosecute or judge business entities but rather to ensure that corporations do not violate human rights in any area of their operations.

Under the PRR Framework, governments have a duty to establish comprehensive regulatory frameworks for water resource management to protect and fulfill the HRtW. The first pillar emphasises the state's obligation to govern freshwater resources through regulatory mechanisms that ensure both the fulfillment of the HRtW and protection against its violation by third parties, including hotel businesses. This means setting clear expectations that all hotel operators within their jurisdiction should respect the HRtW, which can be achieved through effective policies, legislation, regulations, planning, and infrastructure related to the HRtW.²¹ The underlying principle is that the acknowledgment of water as a human right correlates with the state's duty to protect and fulfill it.

Furthermore, governments have a crucial responsibility to evaluate water resources and determine the capacity for sustainable tourism development, considering multiple factors, including population

¹⁶ Suharko, ‘Urban Environmental Justice Movements in Yogyakarta, Indonesia’.

¹⁷ Yusuf and Purwandani, ‘Ecological Politics of Water: The Ramifications of Tourism Development in Yogyakarta’.

¹⁸ Sandang and Cole, ‘Using a Human Rights Approach to Improve Hotels’ Water Use and Sustainability’.

¹⁹ United Nations, *Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework* (New York & Geneva: United Nations, 2011), https://www.ohchr.org/documents/publications/GuidingprinciplesBusinesshr_eN.pdf.

²⁰ Daria Davitti, ‘Refining the Protect, Respect and Remedy Framework for Business and Human Rights and Its Guiding Principles’, *Human Rights Law Review* 16, no. 1 (March 2016): 55–75, <https://doi.org/10.1093/hrlr/ngv037>; Surya Deva, ‘Guiding Principles on Business and Human Rights: Implications for Companies.’, *European Company Law* 9, no. 2 (26 March 2012): 101–9, <https://ssrn.com/abstract=2028785>.

²¹ United Nations, ‘Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework’, Principles 1-2.

growth, climate change, watershed health, and ecological carrying capacity.²² Robust measures must be implemented to protect local communities' right to water from the adverse impacts of tourism activities, such as overconsumption, pollution, and land encroachment that may affect water sources.²³ This protective obligation aligns with Principles 3 and 4 of the GPs, which require states to enforce laws aimed at requiring business enterprises to respect human rights and to take additional steps to protect against human rights abuses in conflict-affected areas.²⁴

The PRR framework emphasises the importance of due diligence, a process to identify, prevent, mitigate, and account for how businesses address their impact on human rights.²⁵ Due diligence requires businesses to establish an explicit policy statement that provides the basis for their responsibility to respect human rights, including the HRtW. A well-written policy statement, incorporating water governance implications that clarify how senior management will implement and monitor the policy, is thus an integral part of hotels' water management.²⁶

A crucial feature of due diligence is the requirement for hotels to conduct a Human Rights to Water Impact Assessment (hereafter "HRtWIA"), which serves as an instrument for examining policies, legislation, programs, and projects while identifying and measuring their effects on the HRtW.²⁷ As the Institute for Human Rights and Business suggests, businesses need to practice effective water resource management as part of their standardised practice to address and identify the HRtW impacts.²⁸ Understanding hotels' relationships with water and transparently communicating water usage data are, therefore, fundamental to comprehending the broader implications of business water use and its impacts. Furthermore, efforts to reduce water usage or wastage contribute directly to fulfilling hotels' responsibilities regarding the HRtW.

The HRtWIA should serve as a robust, evidence-based process enabling hotels to assess their impact on local water supplies, compare their water use against local and international benchmarks such as the Cornell Hotel Sustainability Benchmarking²⁹ and Hotel Water Measurement Initiative,³⁰ and establish a foundation for implementing improved water management. When conducted rigorously, the HRtWIA becomes a powerful tool for facilitating engagement between hotels and their communities, potentially leveraging pressure on governmental bodies. Sandang and Cole have

²² R. Noble et al., 'Water Equity in Tourism: A Human Right, a Global Responsibility', Research report (Tourism Concern, 2012).

²³ S. Gössling et al., 'Tourism and Water Use: Supply, Demand, and Security. An International Review', *Tourism Management* 33, no. 1 (2012): 1–15.

²⁴ United Nations, *Guiding Principles on Business and Human Rights: Implementing the United Nations "Protect, Respect and Remedy" Framework*.

²⁵ United Nations, 2011, Principle 15.

²⁶ ITP, 'Know How Guide: Human Rights & the Hotel Industry', 2014, http://www.fairtrade.travel/source/websites/fairtrade/documents/Green_Hotelier_Know-How-Guide-Human-Rights_2014.pdf.

²⁷ N. Götzmann, 'Human Rights Impact Assessment of Business Activities: Key Criteria for Establishing a Meaningful Practice', *Business and Human Rights Journal* 2, no. 1 (2017): 87–108, <https://doi.org/doi:10.1017/bhj.2016.24>.

²⁸ IHRB, 'More than Resources: Water, Business and Human Rights', 2011, https://www.ihrb.org/pdf/More_than_a_resource_Water_business_and_human_rights.pdf.

²⁹ E. Ricaurte, 'Hotel Sustainability Benchmarking Index 2017: Energy, Water, and Carbon', *Cornell Hospitality Report* 17, no. 18 (2017): 3–17, <http://scholarship.sha.cornell.edu/chrpubs>.

³⁰ ITP, 'Hotel Water Measurement Initiative', 2016, <https://www.tourismpartnership.org/resources/>.

identified five key areas for consideration so a HRtW impact assessment fosters collaboration with local communities and manages water sustainably (Table 1).³¹

Table 1. Critical areas of understanding of HRtWIA for hotels

| | |
|--------------------------------------|---|
| <p>Areas of Understanding</p> | <ul style="list-style-type: none"> • The impact of water use, both on quality and quantity, on available water supplies • Other users being affected. • The present availability of water access including seasonality. • The cumulative impact and future water supply (including, for example, deforestation, major planned development, and climate change) • Community structures and socio-cultural dynamics that affect water availability (including ethnicity, gender, minorities, vulnerable groups, and their intersectionality) |
|--------------------------------------|---|

Source: Sandang and Cole, 2023

In addition, the integration of HRtWIA into the existing environmental impact assessment (EIA) framework offers a potential remedy for addressing the water use impacts of tourism businesses.³² The parallels between EIA and HRtWIA create opportunities to bridge environmental stewardship and human rights considerations. HRtWIA emphasises community participation, extending beyond mere consultation to embrace the principle of inclusive participation, where stakeholders have the right to participate in decisions affecting them. Collaboration between tourism businesses and local stakeholders is essential for analysing water consumption and implementing a participatory, contextual approach to water management that upholds the HRtW. This approach necessitates preparation for and addressing issues through legitimate processes to respect the human right to water, as outlined in Principle 22 of the GPs.

In the following section, I outline the methodological approach, with particular emphasis on the socio-legal analytical framework employed in this study. The subsequent section presents the findings through a socio-legal lens, highlighting the disjuncture between national and regional legal frameworks and tourism development policies. This analysis reveals a critical misalignment between the government's tourism expansion agenda and businesses' obligations to uphold the HRtW. The article concludes by discussing the theoretical and practical implications of these findings and proposing directions for future research.

METHODOLOGY

This study employs a qualitative approach, utilising socio-legal analysis that aims to scrutinise the practical problems of law and law enforcement in society. In socio-legal analysis, law is perceived as a social phenomenon, and the underlying idea is to point out the importance of understanding the

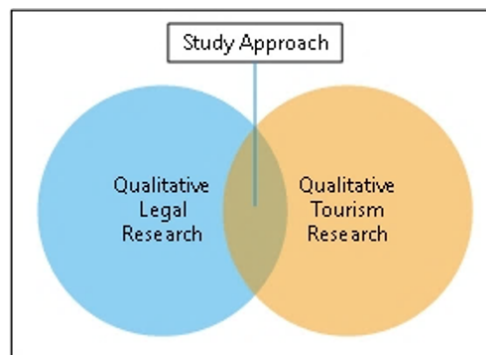
³¹ Sandang and Cole, 'Using a Human Rights Approach to Improve Hotels' Water Use and Sustainability'.

³² Sandang and Cole.

gap between law in books and law in action, as well as the operation of law in society.³³ A socio-legal analysis is compatible with the constructive-interpretive paradigm since it allows us to interrogate and construe the interplay between law and legal institutions using a qualitative approach.³⁴

As well as aspects of law, this study includes an examination of hotels, which places it within tourism research. It is, therefore, an interdisciplinary study between law and tourism studies.³⁵ Following Tribe's (2002) the exposition, this study aligns with mode two of tourism knowledge production.³⁶ This kind of tourism knowledge includes industry, government and the local community as the primary sources of tourism knowledge, judged by their ability to solve a particular problem in the tourism field (hotel and the HRtW) and often highly contextualised in a specific context. Hence, as illustrated in figure 1, this study could be regarded as in between qualitative legal research and qualitative tourism research.

Figure 1. Study Approach



For this particular study, primary data was acquired using semi-structured interviews and participant observations. The study also examines relevant laws, policies, government reports, NGO reports, journalistic reports, community meeting archives, and information from previously published academic studies as secondary data. These data can be accessed online or directly from certain government agencies, especially at the local level. This research focuses on government agencies that have a relationship with hotels and the right to water. In total, there were twenty-one government agencies, one environmental impact assessment assessor, and one government consultant on water law and infrastructure (supplementary file 1).

Primary data collection took place from February to June 2019 after obtaining ethical approval from the Faculty Ethics Research Committee. Interviews, lasting between 90 and 120 minutes, covered

³³ I. Dobinson and F. Johns, 'Qualitative Legal Research', in *Research Methods for Law*, ed. Michael McConville and Wing Hong Chui (Edinburgh: Edinburgh University Press, 2007), 16–45; M. McConville and W. H. Chui, eds., *Research Methods for Law* (Edinburgh: Edinburgh University Press, 2007).

³⁴ E. O. Aluta, *Participatory Water Governance in Nigeria: Towards the Development of an Effective Legal Framework for Rural Communities* (Bristol: University of the West of England, 2017); R. Banakar and M. Travers, eds., *Theory and Method in Social-Legal Research* (Oxford: Hart Publication, 2005).

³⁵ David Grant and Richard Sharpley, 'The Law and Tourism', in *The Management of Tourism*, ed. Lesley Pender and Richard Sharpley (London: SAGE Publications Ltd, 2008); B. Simpson and C. Simpson, 'The End of Tourism, the Beginning of Law?', in *Tourism and Politics: Global Framework and Local Realities*, ed. Peter M. Burns and Marina Novelli (Oxford, UK - Amsterdam: Elsevier, 2007), 369–87.

³⁶ J. Tribe, 'Knowing about Tourism: Epistemological Issues', in *Qualitative Research in Tourism: Ontologies, Epistemologies and Methodologies*, ed. Jenny Phillimore and Lisa Goodson (London & New York: Routledge, 2002), 42–62.

topics such as the legal framework and enforcement of protecting community water rights in relation to hotel activities. Observations focused on understanding hotels' practices in environmental monitoring and control. I shadowed government officials twice during a hotel's deep well impact monitoring (pumping test) and a deep well installation monitoring. During the first week of fieldwork, I obtained a research permit from the designated government agency in Yogyakarta. This permit was essential for conducting interviews and accessing data from government agencies and officials. Additionally, personal informed consent was verbally obtained from each participating official.

I adopted two data analysis procedures. The first involved analysing regulations, which meant interpreting and evaluating laws related to the right to water and hotels within the research context.³⁷ This analysis focused on scrutinising layers of laws concerning the study object and assessing them in light of hotels' responsibilities in respecting the HRtW. The aim was to understand and evaluate the laws regulating hotels and their water management practices. The steps included gathering and identifying relevant regulations, describing these regulations, and then analysing and evaluating them through the lens of the HRtW and the PRR framework.³⁸ In qualitative research terminology, this procedure is also known as document analysis, which involves skimming, reading, interpreting, and evaluating key documents.³⁹ Specifically, the document analytic procedure entails 'finding, selecting, appraising (making sense of), and synthesising data contained in documents.' Subsequently, 'data yields (excerpts, quotations, or entire passages) were organised into major themes, categories, and case examples, specifically through content analysis'.⁴⁰ By applying this method of analysis, I critically discuss the regulatory landscape of hotels and water management from the national to the local level.

The second step involved conducting a thematic analysis of interviews and observations. Thematic analysis was utilised to authentically capture the perspectives and experiences of participants, fostering a comprehensive understanding from a grassroots level.⁴¹ The critical stages of this analysis involve organising, preparing, and thoroughly examining the data, including transcripts and notes from interviews, observations, and focus groups.⁴² Initially, themes were derived from the data through manual analysis. Consistent with Braun and Clarke's (2013) approach, the primary objective was to discern overarching patterns of significance in response to the research inquiries. These preliminary themes underwent thorough scrutiny to verify their validity and relevance to the research questions (see supplementary file 2).⁴³

In this study, the law is viewed not in isolation but as intricately linked to social dynamics, a concept emphasised by Cotterrell (1998). Figure 2 illustrates how the findings from regulatory and thematic analyses were integrated to illuminate the interaction between legal frameworks and their implementation, specifically concerning hotels' obligations regarding the HRtW. This holistic

³⁷ Dobinson and Johns, 'Qualitative Legal Research'; McConville and Chui, *Research Methods for Law*.

³⁸ P. Chynoweth, 'Legal Research', in *Advanced Research Methods in the Built Environment*, ed. Andrew Knight and Les Ruddock (Chichester, England-Ames, Iowa: Wiley-Blackwell Publishing, 2008), 27–38.

³⁹ G. A. Bowen, 'Document Analysis as a Qualitative Research Method', *Qualitative Research Method* 9, no. 2 (2009): 27–40, <https://doi.org/10.3316/qrij0902027>.

⁴⁰ Bowen.

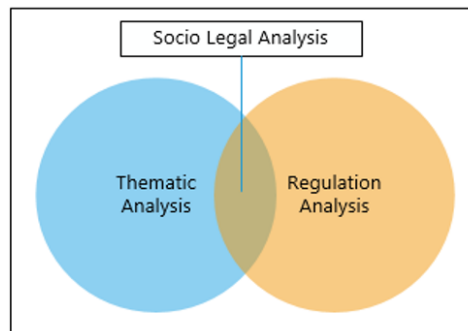
⁴¹ C. Willig and S. R. Wendy, eds., *The SAGE Handbook of Qualitative Research in Psychology* (London: SAGE Publications, 2017).

⁴² J. W. Creswell, *Research Design: Qualitative, Quantitative, and Mixed Methods Approaches*, 3rd ed. (London: SAGE Publications, 2013), 10.1016/j.math.2010.09.003.

⁴³ V. Braun and V. Clarke, *Successful Qualitative Research: A Practical Guide for Beginners* (London: SAGE Publications, 2013).

approach led to a socio-legal analysis aimed at uncovering insights into hotels' responsibilities beyond statutory provisions. By examining how laws are operationalised and enforced, as identified in the thematic analysis,⁴⁴ this study delves deeper into the practical implications of legal frameworks, which will be further elaborated in the subsequent sections.

Figure 2. Socio-Legal Analysis



In the following section, I discuss the gaps and shortcomings in national and regional laws concerning tourism development policies, highlighting the disconnect between rhetoric and reality in tourism growth, particularly regarding the protection of the HRtW. The government's commitment to tourism expansion appears misaligned with businesses' responsibility to uphold the HRtW as mandated in the Water Resource Law 2019. The analysis of hotels' engagement with the HRtW under existing regulations in Yogyakarta reveals four critical themes: (1) improper licensing processes, (2) regulatory loopholes in Environmental Impact Assessment obligations, (3) lack of meaningful community participation, and (4) limited government capacity for monitoring and law enforcement.

CRITICAL ANALYSIS OF THE HOTEL AND WATER LEGAL FRAMEWORK

The state's duty to protect, respect, and fulfill the HRtW in relation to hotel business operations is embedded in multiple regulatory instruments, including the Water Resource Law 2019, Tourism Law 2009, Hotels Regulation 2013, Environmental Law 2009, Environmental Permit Regulation 27/2012, and, specific to the Yogyakarta context, the Yogyakarta Provincial Regulation 5/2012 (Table 2).

⁴⁴ M. Salter and J. Mason, *Writing Law Dissertations: An Introduction and Guide to the Conduct of Legal Research* (Essex: Pearson Education Limited, 2007).

Table 2. Legal Framework Related to Hotels and Water Use

| Laws/Regulations | Level |
|---|------------|
| Water Resource Law 17/2019 | National |
| Tourism Law 10/2009 | National |
| Hotels Regulation 53/2013 | National |
| Environmental Law 32/2009 | National |
| Environmental Permit Regulation 27/2012 | National |
| Yogyakarta Provincial Regulation 5/2012 | Provincial |

A. Water Resource Law 2019

The existing umbrella legislation on Water in Indonesia (Water Resource Law 2019) specifically recognises the HRtW and provides a sufficient foundation for businesses to respect the HRtW. As stipulated in Article 6, the state guarantees the people's right to water to meet the minimum daily basic needs for a healthy and clean life with sufficient quantity, good quality, and safe, sustainable, and affordable water. Moreover, as part of the obligation to obtain permission to use water for business purposes, businesses are required not to interfere with nor negate the people's right to water (Article 46.1).

Under the notion that water is a public good, Water Resource Law 2019 underscores the principle that water cannot be owned and/or controlled by individuals, community groups or business entities (Article 7). This means that the use of water for business purposes must fulfil administrative requirements at the provincial level of government, including obtaining approval from representatives of community groups around the location of the water source that will be used for business activities. In sum, the Water Resource Law 2019 places the government and the public in principal roles in ensuring that business water use does not negate the HRtW.

However, full community involvement in ensuring that business water use does not negate the HRtW is limited to the AMDAL (Indonesian own version of environmental impact assessment) mechanism. As such, hotels' responsibility to respect the HRtW is linked to environmental regulations. Although there is no explicit statement in Environmental Law 2009 that businesses are obliged to respect the HRtW, the obligation to respect the HRtW within the environmental regulations can be advocated under the broader term of environmental rights that also cover the rights to water.⁴⁵ Underpinning this argument is the inextricable link between the right to water and the right to the highest attainable standard of health, enshrined under Article 12(1) of the 1966 International Covenant on Economic,

⁴⁵ J. H. Knox, 'Human Rights, Environmental Protection, and the Sustainable Development Goals', *Washington International Law Journal* 24, no. 3 (2015): 517–36.

Social and Cultural Rights.⁴⁶ In addition, Gleick (1998) posited that access to water could easily be inferred as a derivative right necessary to comply with both explicit health rights and an adequate standard of living.

Unfortunately, Sandang and Cole (2023) discovered that only 68 out of 1,817 hotels in Yogyakarta had environmental documents, and of these, just seven had an AMDAL. Meanwhile, most non-star-rated hotels lacked any environmental impact analysis. This reflects the inadequate protection and respect for the HRtW. Without comprehensive impact assessments, the cumulative effects of hotel developments—including HRtW impacts—cannot be properly identified or managed, leading to potential conflicts. Yusuf and Purwandani (2020) further found that many hotels in Yogyakarta violate water resource regulations and building codes, highlighting the government's failure to enforce these rules. The government's capacity to fulfil HRtW obligations is insufficient, especially as the population grows and business investment is prioritised over these rights.

At the provincial level in Yogyakarta, the government's ability to regulate hotel water use is severely limited by insufficient staffing, especially as the government seeks to expand tourism. Beyond challenges in assessing the impact of hotel water use, the control and monitoring of groundwater usage by hotels are also problematic. The PU-ESDM (Public Utilities-Energy, Mineral and Natural Resources) agency is tasked with both overseeing existing groundwater use by hotels and addressing unlicensed usage, which stretches their resources thin. An informant from the PU-ESDM agency expressed frustration over the lack of financial and staffing support at the provincial level, noting that, at the time of my field study, only five field inspectors were responsible for the entire province (Interview ABXP O1). This shortage of personnel makes it nearly impossible to effectively control and monitor the vast number of groundwater users, including hotels.

B. Tourism Law 2009

Unlike the Water Resource Law 2019, the Tourism Law 2009 does not explicitly mandate that tourism businesses respect the HRtW. The obligation for businesses to uphold the HRtW under the Tourism Law 2009 can only be inferred from Article 5(b), which emphasises that tourism should uphold human rights, and Article 26, which requires tourism businesses to comply with laws in their operating areas. In essence, the Tourism Law 2009 does not explicitly state the obligation to respect the HRtW unless there are specific laws that enforce it.

Moreover, the term “human rights” in Article 5(b) is interpreted to encompass recognised human rights, including those outlined in the Indonesian Constitution and national laws, such as the HRtW specified in the Water Resource Law 2019. This interpretation is supported by the fact that the Constitution and national laws provide the highest legal framework for human rights protection in Indonesia. However, the only explicit mention of “rights” in the Tourism Law 2009 is in Article 19.2, which covers the rights of local people, such as the right to work and the right to participate in managing tourist destinations. In contrast, Article 21 provides detailed provisions on the rights of tourists, focusing on their entitlement to quality service, legal protections, and facilities. This emphasis

⁴⁶Owen McIntyre, ‘The Emergence of Standards Regarding the Right of Access to Water and Sanitation’, in *Environmental Rights: The Oxford Handbook of International Environmental Law*, ed. Stephen J Turner et al., 1st ed. (Cambridge: Cambridge University Press, 2019), 147–73.

on tourist rights over local community rights reflects the “customer is king” approach promoted by the United Nations World Tourism Organization (UNWTO).⁴⁷

Additionally, the Tourism Law 2009 recognises the right to travel, derived from the right to leisure and freedom of movement (Article 19). However, this focus on travel as a fundamental right is problematic, as it often aligns with global tourism business interests and overlooks the core principles of the human right to travel freely. Critics argue that the mobility of affluent tourists starkly contrasts with the restricted movement of less privileged individuals, who face barriers such as prejudice, xenophobia, and strict border controls.⁴⁸ Furthermore, the “right to tourism and freedom of tourist movements” is framed within a “private enterprise and free trade” model,⁴⁹ suggesting that tourism's designation as a right serves political and economic priorities. This view leads to criticism of tourism as a human right, arguing that it has been co-opted by neoliberal agendas to promote corporate interests in tourist mobility.⁵⁰

The Tourism Law 2009 clearly reflects business interests, particularly in Article 21, which details the rights of tourism businesses. Additionally, Article 50 encourages the formation of business associations to foster partnerships with the government and prevent unfair competition. The law emphasises improving service quality and maximising economic benefits. Overall, the Tourism Law 2009 illustrates how tourism in Indonesia is conceptualised as an industry primarily focused on generating foreign exchange earnings, government revenue, employment, and regional development.⁵¹

The differences in articulating business obligations towards respecting the right to water in Water Resource Law 2019 and Tourism Law 2009 are arguably due to the different influences and backgrounds in their preparation. The birth of Water Resource Law 2019 was based on the Constitutional Court's decision.⁵² Two of the decision's key points (MKRI, 2015, section 3.26) are: Article 33 of the Indonesian constitution affirms that water is a public good, and business water use cannot be interpreted as the right to possess water sources. Moreover, the Constitutional Court ruled that the future Water Law must entail a firmer stipulation on the public status of water, human rights to water, and the protection of the rights to water from private actors in terms of water utilisation.⁵³ In other words, criticism from various groups against the previous water law - carried out through

⁴⁷ Q. E. Castañeda, ‘The Neo-Liberal Imperative of Tourism: Rights and Legitimization in the UNWTO Global Code of Ethics for Tourism’, *Practicing Anthropology* 34, no. 3 (2012): 47–51, <https://doi.org/10.17730/praa.34.3.w0251w655647750j>.

⁴⁸ R. V. Bianchi, M. L. Stephenson, and K. Hannam, ‘The Contradictory Politics of the Right to Travel: Mobilities, Borders & Tourism’, *Mobilities* 15, no. 2 (2020): 290–306, <https://doi.org/doi:10.1080/17450101.2020.1723251>.

⁴⁹ Castañeda, ‘The Neo-Liberal Imperative of Tourism: Rights and Legitimization in the UNWTO Global Code of Ethics for Tourism’.

⁵⁰ J. Gascón, ‘Tourism as a Right: A “Frivolous Claim” against Degrowth?’, *Journal of Sustainable Tourism* 0, no. 0 (2019): 1–14, <https://doi.org/10.1080/09669582.2019.1666858>.

⁵¹ Peter Mason, *Tourism Impacts, Planning and Management*, 2nd ed. (Elsevier, 2008).

⁵² MKRI, ‘PUU No 85/PUU-XI/2013 Tentang UU No 7 Tahun 2004 Tentang Sumber Daya Air’, Pub. L. No. 85/PUU-XI/2013 (2015).

⁵³ Izzatin Kamala, ‘Harapan Baru Atas Pengelolaan Sumber Daya Air Terkait Putusan MK Nomor 85/PUU-XI/2013’, *Jurnal Konstitusi* 12, no. 3 (September 2015): 422–46, <https://doi.org/10.31078/jk1231>.

two judicial review processes in the Indonesian Constitutional Court - succeeded in encouraging legal reforms that reinforce business expectations to respect human rights.⁵⁴

By contrast, Tourism Law 2009, which received minimal critical attention, is dominated by the government's vision of boosting tourism development all over Indonesia. Prior to passing Tourism Law 2009, Indonesia lacked an overarching and up-to-date tourism law. The previous Tourism Law 1990 was limited to the establishment of several aspects of the tourism industry (role and definition). As such, Tourism Law 2009 emphasises planning, development, and tourism marketing by placing tourism businesses and associations as two key actors alongside the government. Consequently, the expectation for all tourism businesses to respect the HRtW can only be found by implication in Articles 5(b) and 26.

C. Hotel Regulation 2013

Given the significant amount of water that hotels use, it is reasonable to expect them to be governed by the Water Resource Law 2019. However, the Hotel Regulation 2013, which aligns with the Tourism Law 2009, remains the primary statutory regulation directly applicable to the hotel industry. This regulation focuses on standardising hotel products, services, and management to ensure tourist satisfaction, setting criteria for accommodation facilities, food and beverage services, and other amenities (Hotel Regulation 2013 Appendix I.A).

The management aspect of Hotel Regulation 2013, defined as the governance system for achieving business objectives, does not explicitly address rights or responsibilities. Instead, it provides a checklist for compliance, including aspects such as collective working contracts, employee health programs, and maintaining sanitation and hygiene (Hotel Regulation 2013 Appendix I.A). Similar to the Tourism Law 2009, Hotel Regulation 2013 emphasises tourist rights.

In contrast, Hotel Regulation 2013 does not explicitly state hotels' responsibility to respect the HRtW or human rights more broadly. The regulation's twenty-two articles and three baseline elements (product, service, and management) imply respect for human rights in some aspects of the management element, particularly concerning worker and community rights. The only indirect reference to respecting the HRtW is through the requirement to protect the community (Article 2) and preserve the environment (Hotel Regulation 2013 Appendix I.A.24). I argue that the obligation to preserve the environment aligns with the responsibility to respect the community's right to a healthy environment, which includes the HRtW, based on the premise that environmental damage

⁵⁴ Water activists, scholars, and NGOs have been raising concerns regarding the 2004 Water Law since the early stages of its development. The first thing that immediately drew their attention was that by using the term "resources", the 2004 Water Law echoes the government perspective on water, in which water is seen as a commodity. Furthermore, the 2004 Water Law has been criticised as having bias toward business interests and failing to represent the true interests of the people Dwi Agus Susilo et al., 'Diskursus Pengelolaan Sumber Daya Air Di Indonesia (Studi Kasus Tahun 2002-2015)', 2016. This critique followed the increasing number of people that are getting more dependent on packaged (bottled) water while the number of protected water sources is simultaneously decreasing Scholastica Gerintya, 'Bagaimana Mutu Dan Akses Air Bersih Di Indonesia?', *tirto.id*, 2018, <https://tirto.id/bagaimana-mutu-dan-akses-air-bersih-di-indonesia-cGrk>. The objections raised by water activists, scholars, and NGOs against the 2004 Water Law were set out in two judicial review processes in the Indonesian Constitutional Court. The process began in 2004 and was followed by constitutional lawsuits in 2005 and 2013.

impedes the enjoyment of the HRtW.⁵⁵ Access to safe and sufficient water is essential for a healthy environment, thus hotels should respect the HRtW.

Additionally, Hotel Regulation 2013 mandates a Corporate Social Responsibility (CSR) program for three-star and above classifications (see Appendix 6). While both CSR and PRR framework acknowledge a business's responsibility beyond shareholders,⁵⁶ CSR typically approaches this responsibility from a philanthropic perspective, focusing on voluntary societal contributions in exchange for a social license to operate. In contrast, PRR links business responsibilities to accountability for basic rights through legally binding mechanisms, government oversight, and rigorous due diligence.⁵⁷ Thus, while CSR and PRR can coexist, a CSR program does not equate to respecting human rights.⁵⁸

D. Environmental Law 32/2009 and Environmental Permit Regulation 27/2012

As mentioned above, hotels' responsibility in respecting the HRtW is linked to environmental regulations. In this respect, environmental regulations illuminate how the right of communities to a safe environment, as enshrined in the Hotel Regulation 2013, can be upheld. The Environmental Law 2009 acknowledges that a good and healthy environment is the basic right of every citizen (Article 3). The same law also aims to provide a legal foundation for the fulfilment and protection of these rights.

Meanwhile, Environmental Permit Regulation 27/2012 requires businesses to obtain an environmental permit during the planning stage and maintain regular environmental impact management reporting. Depending on the business type and activities, the environmental permit prerequisites include an environmental impact analysis (AMDAL), an effort for environmental management and efforts for environmental monitoring (UKL-UPL), or an environmental statement letter (SPPL). The AMDAL provisions are mandatory for all activities that may cause significant environmental impacts. The environmental permit requirements can be interpreted as an expectation for businesses, including hotels, to respect the HRtW. However, this expectation primarily applies to the AMDAL mechanism, while the majority of hotels in Yogyakarta are not required to undergo AMDAL assessment.

In general, all the prerequisite requirements for environmental permits aim to maintain and improve environmental quality so that any potential negative impacts of new hotel construction and operations are minimal. However, a thorough impact assessment is an exclusive feature of AMDAL, whereas UKL-UPL serves as a basic analysis or prediction of potential environmental threats based on secondary data. Both AMDAL and UKL-UPL include declarations of efforts to address these threats. An SPPL is merely a statement from the business manager affirming their ability to conduct

⁵⁵ Knox, 'Human Rights, Environmental Protection, and the Sustainable Development Goals'.

⁵⁶ S. Deva, 'From Business or Human Rights to Business and Human Rights: What Next?', in *Research Handbook on Human Rights and Business*, ed. Surya Deva and David Birchall (Cheltenham, United Kingdom: Edward Elgar Publishing, 2020), 1–21.

⁵⁷ Anita Ramasastry, 'Corporate Social Responsibility Versus Business and Human Rights: Bridging the Gap Between Responsibility and Accountability', *Journal of Human Rights* 14, no. 2 (11 June 2015): 237–59, <https://doi.org/10.1080/14754835.2015.1037953>.

⁵⁸ Florian Wettstein, 'The History of "Business and Human Rights" and Its Relationship with "Corporate Social Responsibility"', in *Research Handbook on Human Rights and Business*, 1st ed. (Cheltenham, United Kingdom: Edward Elgar Publishing, 2020), 23–45.

environmental management and monitoring. Table 3 summarises how AMDAL, UKL-UPL, and SPPL align with the HRtWIA components discussed in the previous section. AMDAL provides the most comprehensive coverage of the HRtWIA components, while UKL-UPL omits several important areas, and SPPL does not address any of the HRtWIA components.

Table 3. Coverage of HRtWIA Components in AMDAL, UKL-UPL and SPPL

| HRtWIA Components | AMDAL | UKL-UPL | SPPL |
|--|------------------|------------------|-------------|
| <ul style="list-style-type: none"> The impact of water use both on quality and quantity of available water supplies | Covered | Limited coverage | Not covered |
| <ul style="list-style-type: none"> Other users being affected | Covered | Limited coverage | Not covered |
| <ul style="list-style-type: none"> The present availability of water access including seasonality | Covered | Limited coverage | Not covered |
| <ul style="list-style-type: none"> The cumulative impact and future water supply (including, for example, deforestation, major other planned developments and climate change) | Limited coverage | Not covered | Not covered |
| <ul style="list-style-type: none"> Community structures and socio-cultural dynamics that affect water availability (including ethnicity, gender, minorities, vulnerable groups and their intersectionality) | Covered | Not covered | Not covered |

Source: Sandang, 2021.

E. Yogyakarta Provincial Regulation 5/2012

Finally, the focus of the current water regulations at the provincial level (Provincial Regulation 5/2012) is to regulate groundwater management. The objective is to maintain a balance between the utilisation and the conservation of groundwater. Accordingly, Provincial Regulation 5/2012 places great emphasis on the technical aspects of groundwater utilisation, which is also the largest water source for the community.

Provincial Regulation 5/2012 does not provide clear stipulations on business obligations. Nevertheless, this regulation places great responsibility on the government in many aspects of groundwater management, ranging from periodically monitoring groundwater conditions, to granting permits to use groundwater for business purposes. Article 20 details the government's obligation to carry out regular monitoring by means of direct observation, recording, and inspection reports. Meanwhile, Article 53 describes the government's obligation to examine technical recommendations for water use and exploitation permits. This means hotel groundwater utilisation permits require several administrative and technical provisions.

In Provincial Regulation 5/2012, businesses that are granted permission to use groundwater are required to install a water meter at each well, submit a monthly groundwater usage report, build infiltration wells, and implement water sharing or water saving up to 10 percent of the allowed water debit. These obligations enhance the protection of the right to water. However, as discussed above, evidence from the field suggests that the authorised government agencies have limited staff for monitoring hotels' wells and water use. On the other hand, the regional water company (PDAM) is

still failing to meet the hotel water demand. In Yogyakarta city alone, as of 2020, only 180 out of approximately 600 hotels have become PDAM customers, according to the PDAM Director.⁵⁹ This suggests that many hotels operate without groundwater permits and may lack comprehensive impact assessments. In the meantime, Yogyakarta residents claimed that water services for hotels are being prioritised over water services for residents and consequently lambasted the PDAM.⁶⁰

THE REALITY OF HOTELS AND THE HRtW IN YOGYAKARTA

As discussed, the HRtW enshrined in Water Resource Law 2019 at the national level has not yet been passed into the provincial level water regulation. Tourism legislation and hotel regulations demonstrate the government's commitment to providing the necessary legal basis for promoting tourism development, including the improvement of service quality in key industries such as hotels. However, the impact analysis required for the tourism industry to respect the HRtW is restricted only to the AMDAL process, which is bound by the environmental permit regime. Based on this legal evaluation, the next section will review the existing realities of hotels' water use.

A. Improper Licensing Process

As discussed in the Introduction, hotels in Yogyakarta have been proliferating since 2013. The government recognised such proliferation as part of the dynamics of tourism development in Yogyakarta with the passing of the Tourism Law that provides a legal basis for expanding tourism destinations and businesses.⁶¹ Yogyakarta province was also designated as one of the new priority destinations in the national tourism master plan.⁶² From 2019 to 2020, the government spent IDR 8 trillion (\approx 555 million USD) for infrastructure development in five "New Bali" locations, including in Yogyakarta Province.⁶³ In other words, both central and provincial governments have been planning for Yogyakarta's accelerated development of infrastructure and its tourism industry, accompanied by increased promotional efforts.

Congruent with national and regional tourism designs, the Yogyakarta government continues to allow the proliferation of hotels operating in Yogyakarta. Hotels' tax revenue is one of the regional government's main sources of income, and tourism is one of the economic drivers creating a

⁵⁹ E. A. Rusqiyati, 'PDAM Yogyakarta Sesuaikan Tarif Air Bersih', *Antara News*, 10 January 2020, <https://jogja.antaranews.com/berita/406756/pdam-yogyakarta-sesuaikan-tarif-air-bersih>.

⁶⁰ Yesaya Sandang and Nandra Eko Nugroho, 'Melawan Ketidakadilan Pembangunan Pariwisata, Menjaga Air: Aktivisme Dan Sains Warga Di Yogyakarta.', in *Ngelep, Ngerumat, Niteni: Ekologi Politik Merawat Air Dan Rang Hidup Di Jawa Bagian Tengah*, ed. Bagas Yusuf Kausan, Eka Handriana, and Bosman Batubara (Yogyakarta, Indonesia: Mata Kata Inspirasi, 2024).

⁶¹ E. Wijoyono, "'#JogjaAsat, Seruan Keadilan Air Untuk Rakyat', 2017, <https://elantowow.wordpress.com/2017/08/05/jogjaasat-seruan-keadilan-air-untuk-rakyat/>.

⁶² Indonesian Tourism Development Project, 'RIPT' (Rencana Induk Pariwisata Terpadu) Borobudur-Yogyakarta-Prambanan' (Indonesian Tourism Development Project, 2021), http://p3tb.pu.go.id/en/main/project_location//borobudur/121/172/237.

⁶³ M. Kencana, 'Telan Dana Rp 8 Triliun, Pembangunan 5 Bali Baru Sudah Capai 33 Persen', *Liputan6.Com*, 29 May 2020, <https://www.liputan6.com/bisnis/read/4265840/telan-dana-rp-8-triliun-pembangunan-5-bali-baru-sudah-capai-33-persen>.

multiplier effect.⁶⁴ To facilitate this growth and as part of their strategy to attract investors, the government has simplified hotel construction permits.⁶⁵ Convenience is provided through expediting the application for new hotel permits via a single agency (online) submission, and zoning flexibility for locations where new hotels are established.

Moreover, to support government programs to develop the tourism industry, the licensing and permit agencies need to meet certain targets for granting business permits. In respect of that, as suggested by a government participant, there were instances where they were pressured from above to issue hotel permits (Interview ABXC 4). However, there are still unauthorised hotels and their unregulated water use. From a hotelier's perspective, such a condition is disappointing mainly in terms of price wars and a lack of standardised services for clients, while for the community, the existence of unauthorised hotels adds to the struggle for water equity and other socio-environmental problems (Interview XA).

B. Regulatory Loopholes in the AMDAL Obligations

As previously discussed, only a small proportion of hotels are required to carry out an AMDAL assessment. Meanwhile, most star-rated hotels fall into the UKL-UPL or SPPL category, while non-star-rated hotels do not require an environmental permit at all. The fact that there are very few hotels that do an AMDAL assessment reflects the regulatory loophole in terms of the responsibility of hotels to respect the HRtW. In other words, even though there is a legal basis for impact analyses and environmental permits related to water use, the ease of setting up a hotel is not accompanied by a strict impact analysis mechanism and environmental permits.

Furthermore, there are tendencies to avoid the AMDAL assessment among hoteliers by disregarding some of the AMDAL prerequisites, such as the total building area.⁶⁶ The tendency to avoid AMDAL requirements circumvents a long and costly impact analysis process that includes active community participation throughout the process (Interview XYZ 5). Meanwhile, the lower tiers of environmental permits only require a public announcement of the project and partial resident consent (UKL-UPL), and the impact assessment of a number of small businesses is absent from the environmental permit regulations (SPPL). Consequently, without a comprehensive impact analysis, the growth and licensing of hotels in Yogyakarta do not taking into account the various factors that put pressure on water security in the long term.

In addition, the obligation of hotels to use the municipal water supply shows even more unfair priorities. This is because, without considering the ability of PDAM and the growth of community water use, hotel water use of the PDAM supply exacerbates competition for water. In fact, there were instances when the PDAM openly asked the public to anticipate water scarcity due to the increasing demand for hotel water during the high tourist season. Using their Twitter account, the PDAM warns

⁶⁴ M. Z. Rahadi and I. M. I. Hasmarini, 'Analisis Pengaruh Sektor Pariwisata Terhadap Penyerapan Tenaga Kerja Di 5 Kabupaten/Kota Daerah Istimewa Yogyakarta' (Thesis, Surakarta, Indonesia, Universitas Muhammadiyah Surakarta, 2018), <http://eprints.ums.ac.id/id/eprint/65866>.

⁶⁵ Sandang, 'Hotels and the Human Right to Water: Prospects and Challenges in Yogyakarta, Indonesia'.

⁶⁶ T. Apriando, 'Izin Lingkungan Banyak Kejanggalan, Warga Karangwuni Gugat Apartemen Utara', *Mongabay.Co.Id*, 23 December 2015, <https://www.mongabay.co.id/2015/12/23/izin-lingkungan-banyak-kejanggalan-warga-karangwuni-gugat-apartemen-utara/>.

its users to start storing water outside peak hours (06-09 a.m. and 15-21 p.m.). This is because of the high intensity of water use in hotels and shopping malls and the insufficient PDAM supply capacity (@PDAM Sleman, 7.09 a.m. 30 December 2019).

C. Lack of Meaningful Community Participation

The rapid development of hotels in Yogyakarta with minimal impact analysis is directly related to the absence of community involvement. This is because it is only through the AMDAL mechanism that the community is placed as an affected subject with direct access to various impact information and is able to participate in assessing and determining the final outcome. As such, the absence of community participation weakens the bargaining position of the community in maintaining their livelihoods. In this regard, participation is related to access and control over the community's right to water as well as their environmental security.

Various community groups have made efforts to voice concerns over the direction of development that is considered unsustainable and detrimental to the powerless community. These efforts include protests, campaigns, coalition building, the lodging of formal complaints, lawsuits, research, and community capacity building.⁶⁷ These various efforts in reclaiming the right to water are interconnected with the struggle for the right to participate in decision-making about water governance and the course of tourism or other development. Encapsulated in the slogans “dry Yogya” and “Yogya is not for sale”, the people aimed to voice their opposition toward (tourism) development that disregarded both the local community and the environment alike. As such, beyond just a matter of water distribution, citizens organised themselves in order to create spaces for active participation.

D. Limited Government Personnel in Monitoring and Enforcing the Law

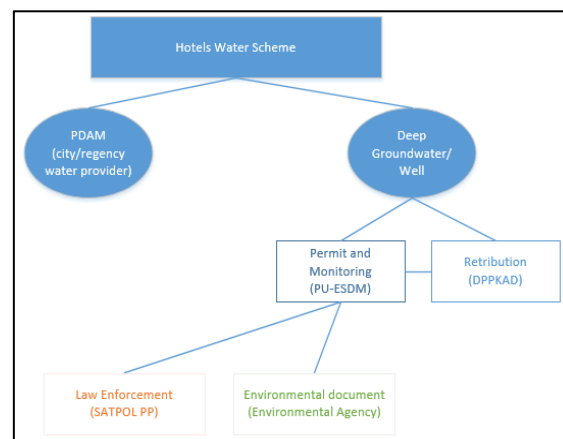
The rapid development of hotels in Yogyakarta has not been matched by the government's ability to assess and supervise existing developments. Yet, the proliferation of hotels in Yogyakarta happens concurrently with the increasing water demands of the public and the changing climate. While that continues, the government has not provided the environmental carrying capacity information as a basis for allowing the new hotel project (Interview ABX 12). Furthermore, the government tends to be reactive rather than proactive. This is exemplified in what happened in the Miliran sub-district (among others), where the government's response was only given after community complaints. Meanwhile, a study conducted by the FPRB in Karangwuni district revealed that the government did not consider the generally concentric pattern of water table drawdown in the region as a basis for allowing a new condotel groundwater well.⁶⁸ At the same time, the water table drawdown indicated the lack of monitoring of existing groundwater use since the cone of depression was located adjacent to existing buildings such as hotels and boarding houses.

⁶⁷ Sandang, 'Hotels and the Human Right to Water: Prospects and Challenges in Yogyakarta, Indonesia'; Sandang and Nugroho, 'Melawan Ketidakadilan Pembangunan Pariwisata, Menjaga Air: Aktivisme Dan Sains Warga Di Yogyakarta.'

⁶⁸ N. E. Nugroho et al., 'Anomali Perubahan Muka Air Tanah Di Daerah Urban', *Jurnal Geografi* 16, no. 1 (2019): 1–6, <https://doi.org/10.15294/jg.v16i1.17107>.

The lack of control and monitoring of hotels' groundwater well installation and usage is also evidence from hotels that they are still using unlicensed shallow groundwater. Data from the PU-ESDM agency shows that, as of March 2019, out of a total of 1,773 identified wells in Yogyakarta province, only about 221 groundwater users were licensed.⁶⁹ As illustrated in Figure 3, hotel groundwater use is the only water source that requires a permit and monitoring by the PU-ESDM agency. However, as admitted by the PU-ESDM field officer, there are only five field inspection staff members for the whole province (Interview ABXP O1). Hence, enforcing the regulations regarding hotel water use is constrained by insufficient staff and limited financial support for overseeing and managing the hotel water use data in comparison to the vast number of hotels operating in Yogyakarta.

Figure 3. Hotel water sources and related government agency



Source: Sandang, 2021

In addition, water use data in Yogyakarta are primarily collected for taxation purposes, with limited application for evaluating hotels' overall water consumption patterns.⁷⁰ This reflects a disconnect between the regency's focus on generating water tax revenue and the broader need to assess water use and recharge rates. Evidence from other destinations, including Bali⁷¹ and Labuan Bajo,⁷² suggests that Yogyakarta's experience mirrors a common challenge: the gap between the government's eagerness to promote tourism and its capacity to effectively monitor and evaluate socio-environmental impacts. All in all, the Yogyakarta case contributes to a growing body of literature demonstrating how the absence of explicit regulations and governmental policies hinders equitable water resource distribution. Similar challenges have been documented in various destinations,

⁶⁹ Dinas PU-ESDM, 'Rakor Evaluasi Pengawasan Dan Pelaporan Perizinan Dan Non-Perizinan Air Tanah' (Dinas PU-ESDM Provinsi DIY, 2019), <http://dpupesdm.jogjaprov.go.id/berita/detail/rakor-evaluasi-pengawasan-dan-pelaporan-perizinan-dan-non-perizinan-air-tanah>.

⁷⁰ Sandang, 'Hotels and the Human Right to Water: Prospects and Challenges in Yogyakarta, Indonesia'.

⁷¹ S. Cole and M. Browne, 'Tourism and Water Inequity in Bali: A Social-Ecological Systems Analysis', *Human Ecology* 43, no. 3 (2015): 439–50, <https://doi.org/10.1007/s10745-015-9739-z>.

⁷² S. Cole and M. I. Tulis, 'For the Worry of Water: Water, Women and Tourism in Labuan Bajo' (Initial policy paper, 2016), <https://www.equalityintourism.org/wp-content/uploads/2015/11/Stroma-For-the-worry-of-water-Final.pdf>.

including Zanzibar, Alleppey-Kerala,⁷³ Bali,⁷⁴ and Gigante and coastal Tola-Nicaragua.⁷⁵ In contrast, cases from Barcelona,⁷⁶ Saidia,⁷⁷ Mallorca,⁷⁸ and Madrid⁷⁹ demonstrate that stringent and efficient regulations can effectively motivate hotels to actively engage in water management initiatives.

CONCLUSION

This study has shed light on the gap between the rhetoric and reality of tourism development, particularly in relation to protecting the HRtW. The problems hinge on the discrepancy and inadequacy of national and regional laws in the face of tourism development policy. The government's determination to expand tourism development is detached from ensuring the business responsibility to respect the HRtW enshrined in the Water Resource Law 2019. Meanwhile, Hotel Regulations 2013 focuses on ensuring tourists' rights, and the hotel certification system does not demand full accountability in respecting the HRtW. As such, this study adds to the knowledge that human rights concerns in the tourism sector remain peripheral and bound to the dynamics of an economy driven by neoliberal policies.⁸⁰

The implications of this study are threefold. First, this study informs both the central and Yogyakarta government on the limitations to the legal framework for making hotel businesses accountable to the HRtW. As such, the laws and regulations on hotel water management demand reimagination and redirection. In short, legal transformation is essential. Moreover, for the coalition of Yogyakarta residents, knowledge of the current limitations of the legal framework will help them to reorient their advocacy efforts for better effectiveness. The Yogyakarta bill for water management, which has been postponed, is a possible entry point for voicing a demand for businesses to respect the HRtW. Such a demand needs to emphasise two things. First, the local community should be actively involved in the process of the hotel's social licenses to operate and its HRtW impact assessment procedures. Second, the use of water for recreation and tourism purposes is placed as secondary to the community's right to water and needs to be strictly controlled and monitored.

⁷³ Noble et al., 'Water Equity in Tourism: A Human Right, a Global Responsibility'.

⁷⁴ Cole, 'A Political Ecology of Water Equity and Tourism. A Case Study from Bali'.

⁷⁵ A. Hof and M. Blázquez-Salom, 'Changing Tourism Patterns, Capital Accumulation, and Urban Water Consumption in Mallorca, Spain: A Sustainability Fix?', *Journal of Sustainable Tourism* 23, no. 5 (2015): 770–96, <http://dx.doi.org/10.1080/09669582.2014.991397>.

⁷⁶ M. Dinarès and D. Sauri, 'Water Consumption Patterns of Hotels and Their Response to Droughts and Public Concerns Regarding Water Conservation: The Case of the Barcelona Hotel Industry during the 2007-2008 Episode', *Documents d'Anàlisi Geogràfica* 61, no. 3 (2015): 623–49, <https://doi.org/doi:10.5565/rev/dag.255>.

⁷⁷ V. Tekken and J. P. Kropp, 'Sustainable Water Management - Perspectives for Tourism Development in North-Eastern Morocco', *Tourism Management Perspectives* 16 (2015): 325–34, <https://doi.org/10.1016/j.tmp.2015.09.001>.

⁷⁸ M. Razumova, J. Rey-Maquieira, and J. Lozano, 'The Role of Water Tariffs as a Determinant of Water Saving Innovations in the Hotel Sector', *International Journal of Hospitality Management* 52 (2016): 78–86, <http://dx.doi.org/10.1016/j.ijhm.2015.09.011>.

⁷⁹ M. del M. Alonso-Almeida et al., 'Revisiting Green Practices in the Hotel Industry: A Comparison between Mature and Emerging Destinations', *Journal of Cleaner Production* 140 (2017): 1415–28, <https://doi.org/doi:10.1016/j.jclepro.2016.10.010>.

⁸⁰ F. Higgins-Desbiolles and K. P. Whyte, 'Tourism and Human Rights', in *The Routledge Handbook of Tourism and Sustainability*, ed. C. M. Hall, Stefan Gössling, and Daniel Scott (London & New York: Routledge, 2015), 105–16; A. Kraak, 'World Heritage Conservation and Human Rights in Bagan, Myanmar: Ambiguity and Complexity', *Historic Environment* 29, no. 3 (2017): 84–96; A. Pritchard, N. Morgan, and I. Ateljevic, 'Hopeful Tourism: A New Transformative Perspective', *Annals of Tourism Research* 38, no. 3 (2011): 941–63.

The second implication is seeing the potential relationship between the HRtW impact assessment and the AMDAL process. This implies that the government should enhance both the AMDAL and UKL-UPL requirements by translating and incorporating elements of the HRtW impact assessment into the AMDAL and UKL-UPL components. This can be done at the provincial level by establishing a provincial water regulation that obligates hotels to include community participation in water impact assessments and the overseeing of hotel water use, access to remedial action, identification of the cumulative impacts on future water supply, and identifying community structures and the socio-cultural dynamics that affect water availability. In addition, the community has to be the final arbiter in deciding whether a business can access the groundwater in their area.

While this study provides valuable insights into tourism development within the hotel industry, certain limitations warrant further investigation. A notable gap is the absence of both an in-depth analysis of the political economy surrounding tourism development and longitudinal data capturing the industry's evolving landscape. Future research should address these limitations by examining the intricate interplay of political-economic forces shaping the industry and conducting longitudinal studies to assess how hotels adapt to regulatory changes over time. This dual approach would illuminate compliance strategies and operational adjustments while providing a comprehensive understanding of how political and economic factors influence hotel development. Such research will enhance our understanding of the dynamic relationship between regulatory frameworks and hotel practices, ultimately informing more effective policy interventions and industry initiatives.

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COMPETING INTEREST

The author declares no conflicts of interest related to this study.

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