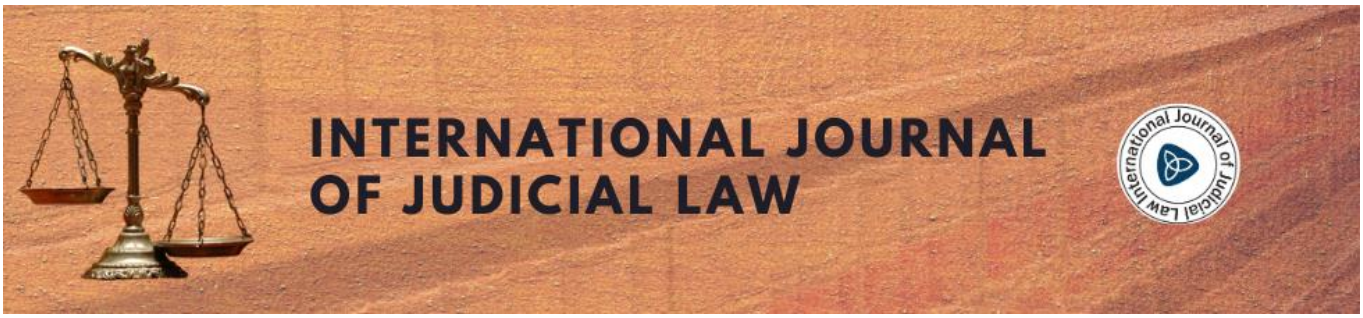




Legal Politics Regulating *Wellness Tourism* as Part of Health Services in Supporting Sustainable Tourism in Bali Province

Made Dhana Pranata ^{1*}, Nyoman Mas Aryani ²

¹⁻²Faculty of Law, Udayana University, Denpasar, Bali, Indonesia

* Corresponding Author: **Made Dhana Pranata**

Article Info

ISSN (online): 2583-6536

Volume: 05

Issue: 05

Received: 24-06-2026

Accepted: 26-07-2026

Published: 28-08-2026

Page No: 14-24

Abstract

The development of wellness tourism as part of the transformation of quality tourism places the Province of Bali as the main destination for health-based tourism in Indonesia. However, the regulation of wellness tourism is still spread across various legal regimes, namely health law, tourism law, and regional policies, so it has not provided optimal legal certainty. This study aims to analyze the legal politics of regulating wellness tourism in the health legal system and assess its legal certainty for the implementation of wellness tourism in Bali Province. This study uses normative legal research methods with legislative, conceptual, and comparative approaches. The results of the study show that the central government and the Bali Provincial Government have directed policies to strengthen promotive health services, preventive, traditional health services, and quality tourism. However, the regulation is still sectoral, causing fragmentation of norms, not optimal synchronization of authority, and the absence of an integrated regulatory framework. This research offers a political and legal construction that integrates the health legal system and the tourism law system as the basis for regulating wellness tourism in order to realize legal certainty and increase the competitiveness of Bali as a wellness tourism destination.

DOI: <https://doi.org/10.54660/IJL.2026.5.5.14-24>

Keywords: Settings, Health Services, Tourism, Sustainable, Wellness Tourism

1. Introduction

The development of the global tourism industry in the last two decades shows a paradigm shift from mass tourism to quality tourism which emphasizes more on the quality of tourist experience, environmental sustainability, cultural preservation, and improving the welfare of local communities. This shift is influenced by the increasing awareness of the world community on the importance of physical health, mental health, work-life balance, and the search for personal, authentic, and sustainable travel experiences. Tourists are no longer only looking for destinations with natural or cultural attractions, but also destinations that are able to provide benefits for health, relaxation, healing, and improved quality of life. (Fitriyanti, Eka Chitra, & Ariana, Nyoman. 2024; 1282–1291) ^[9].

In this context, wellness tourism is developing into one of the fastest-growing sectors in the global tourism industry. Wellness tourism is a travel activity that aims to maintain or improve overall health, both physical, mental, emotional, spiritual, and social through various activities such as spa, yoga, meditation, traditional medicine, health therapy, nutrition, fitness, and nature-based wellness activities. In contrast to medical tourism which is oriented towards the treatment of diseases, wellness tourism focuses more on promotive and preventive efforts in maintaining the quality of one's life.

A report by the Global Wellness Institute (GWI) shows that the economic value of wellness tourism continues to increase significantly and is one of the sectors that recovers the fastest after the COVID-19 pandemic. The growth is driven by increasing tourist demand for holistic healthcare services, healthy lifestyles, and destinations that offer sustainable wellness and healing experiences. In fact, various countries such as Thailand, Japan, South Korea, Switzerland, and New Zealand have made wellness

tourism part of the economic development strategy and national tourism competitiveness through the formation of regulations, service standards, certifications, and integration across health and tourism sectors. (Wirasatya, I Gede Pandega., 2026; 102–119) ^[10]

The COVID-19 pandemic has further strengthened changes in the behavior of world tourists. Awareness of the importance of health, hygiene, safety, and sustainability makes wellness tourism no longer just a trend, but a new need in the global tourism industry. Tourists tend to choose destinations that offer good environmental quality, reliable health services, nature-based activities, and experiences that can improve physical and mental health. Therefore, wellness tourism is seen as one of the strategic sectors that is able to support economic recovery while improving the quality of tourism destinations.

Indonesia as a country with high natural, cultural, and biodiversity wealth has great potential to develop wellness tourism. Various traditional medicine practices, herbs, herbs, spas, traditional massage, yoga, meditation, and local wisdom that have developed in various regions are the main capital in building the competitiveness of national wellness tourism. The Indonesian government has even included wellness tourism as one of the priority programs for the development of quality tourism (quality tourism) through various national policies aimed at increasing the added value of the tourism sector. (Albasrie, Astri Dwi Andriani, Himawan, Irfan Sophan, & Sharipudin, Mohamad Noor Salehuddin., 2024) ^[11]

Among various destinations in Indonesia, Bali Province has a very strategic position as a world-class wellness tourism destination. The characteristics of Balinese culture based on the Tri Hita Karana philosophy, the richness of Balinese medicine traditions (Usada Bali), the existence of spas, yoga retreats, meditation, spiritual tourism, and a supportive natural environment make Bali have comparative and competitive advantages compared to other regions. Bali's international reputation as a health and wellness destination has also attracted foreign tourists who specifically come to take part in healing, relaxation, detoxification, and quality of life improvement programs. (Putra, I. W. W. I., Aripin, S., Supriyono, B., & Damriyasa, I. M., 2026) ^[12]

However, the development of wellness tourism in Bali has not been fully followed by the development of a comprehensive legal system. The existing regulations are still scattered in various laws and regulations that partially regulate the health, tourism, investment, health workers, and traditional medicine sectors. This condition raises various problems, including the lack of a legal definition of wellness tourism, the lack of integrated service standards, the lack of a clear division of authority between agencies, the lack of optimal licensing systems, the lack of a supervision mechanism for business actors, and the lack of legal protection standards for tourists and service providers.

From a legal and political perspective, this condition shows that national legal policy has not completely made wellness tourism a separate legal regime that is able to integrate the interests of the health sector and the tourism sector. In fact, wellness tourism is at the intersection of two different legal fields, namely health law and tourism law, so it requires harmonious arrangements to be able to provide legal certainty, legal protection, and support a healthy investment climate without neglecting aspects of public safety and health. (Mahfud MD., 2023; 30) ^[1]

The problem is becoming increasingly important in Bali Province because the local government is encouraging the transformation of tourism development towards quality tourism that is more oriented towards sustainability, service quality, and increasing economic value rather than increasing the number of tourists alone. Wellness tourism is seen as one of the main instruments to realize this transformation because it is able to generate higher tourist spending, longer stays, and greater economic impact on local communities. However, the success of this transformation is highly dependent on the availability of legal policies that are responsive, adaptive, and provide legal certainty for all stakeholders.

Based on these conditions, a study is needed on the legal politics of regulating wellness tourism in the health legal system, especially in the Province of Bali. This study is important to analyze the policy direction of law formation, identify weaknesses in the applicable regulations, and formulate a regulatory concept that is able to integrate the interests of public health protection, quality tourism development, legal certainty for business actors, and the preservation of Balinese cultural values. Thus, the development of wellness tourism not only provides economic benefits, but also realizes the development of tourism that is healthy, sustainable, fair, and based on the Tri Hita Karana philosophy. (Parimatha, I Gde., 2018; 37) ^[2]

Bali Province is Indonesia's leading tourism destination which has gained international recognition as one of the world's wellness tourism centers. Bali's excellence lies not only in its natural beauty and cultural richness, but also in its holistic healthcare ecosystem that develops naturally through a blend of local wisdom, culture, spirituality, and modern healthcare. These characteristics make Bali have a different competitiveness compared to other tourist destinations, because it is able to offer a tourist experience that is oriented towards improving the health, welfare, and quality of life of tourists.

The development of wellness tourism in Bali can be seen from the increasing number of service providers that are oriented towards preventive and promoting health, such as health spas, yoga retreats, meditation centers, holistic healing, wellness resorts, detox programs, healthy culinary, traditional Balinese healing, to various forms of complementary therapy that combine modern medical approaches with traditional Balinese medicine (Usada Bali). These various services not only serve foreign tourists, but also domestic tourists who are increasingly aware of the importance of physical, mental, emotional, and spiritual health.

Bali's excellence is further strengthened by local cultural values based on the Tri Hita Karana philosophy, which is the balance of the relationship between humans and God (parhyangan), humans and others (pawongan), and humans and the environment (palemahan). This philosophy is the foundation that is in line with the concept of wellness tourism which places life balance as the main goal. In addition, the existence of Balinese medicine traditions, the use of herbal plants, traditional healing practices, and cultural rituals provide a distinctive identity that makes Bali have a comparative and competitive advantage in the development of culture-based wellness tourism.

In line with these developments, the Bali Provincial Government is transforming its tourism development policy from a mass tourism paradigm to quality tourism. This transformation aims to improve the quality of destinations,

extend the length of stay of tourists, increase tourist spending, strengthen cultural and environmental preservation, and create greater economic benefits for local communities. In the quality tourism paradigm, the success of tourism development is no longer only measured by the number of tourist visits, but also by the quality of the tourist experience, environmental sustainability, cultural preservation, and community welfare.

Wellness tourism is one of the strategic sectors in supporting the implementation of quality tourism policies in Bali. Wellness tourists generally have the characteristics of staying longer, spending higher travel costs, and taking advantage of various supporting services such as accommodation, healthy culinary, transportation, fitness centers, health services, and cultural and nature-based activities. This condition has a multiplier effect on the regional economy through increasing the income of business actors, job creation, and the development of micro, small, and medium enterprises engaged in the tourism support sector.

However, the rapid development of wellness tourism in Bali also presents various legal and governance challenges. Various types of wellness businesses are developing with different service models, competency standards, and forms of licensing, causing the potential for overlap in arrangements between the health, tourism, investment, employment, and traditional medicine sectors. On the other hand, the absence of regional regulations that specifically regulate the implementation of wellness tourism has led to the absence of uniform service standards, integrated supervision mechanisms, legal certainty for business actors, and optimal legal protection for tourists as consumers of health and tourism services.

Therefore, Bali's position as a world wellness tourism destination must be supported by legal policies that are able to accommodate industrial developments while maintaining service quality, tourist safety, preservation of local culture, and environmental sustainability. Responsive arrangements will provide legal certainty for investors and business actors, strengthen consumer protection, and ensure that the development of wellness tourism runs in line with the vision of quality tourism development in the Province of Bali.

Along with the development of wellness tourism as one of the strategic sectors in supporting the transformation of quality tourism in the Province of Bali, the legal regulation is not yet in an integrated regulatory framework. Provisions regarding wellness tourism are still scattered in various laws and regulations that regulate the health sector, traditional health services, and tourism. This condition shows that wellness tourism is a cross-sectoral sector because it combines health services with tourism activities, so it requires policy synchronization to provide legal certainty for the government, business actors, health workers, and tourists.

From a health law perspective, Law Number 17 of 2023 concerning Health provides a legal basis for the implementation of health efforts through promotive, preventive, curative, rehabilitative, and palliative approaches. In addition, this law also recognizes Traditional Health Services as part of the national health system that must meet safety, quality, and benefit standards. This arrangement is the legal basis for the development of various services that are synonymous with wellness tourism, such as health spas, traditional therapy, yoga therapy, meditation, complementary

health services, and various forms of well-being improvement efforts. However, Law Number 17 of 2023 has not explicitly regulated the implementation of wellness tourism as a form of integration between health services and tourism activities.

These provisions are further described in Government Regulation Number 28 of 2024 as the implementing regulation of Law Number 17 of 2023. In Article 479, it is emphasized that traditional health services are health services based on knowledge, skills, and/or values derived from local traditions, culture, and wisdom. Furthermore, Article 480 stipulates that traditional health services are provided through promotive, preventive, curative, rehabilitative, and palliative efforts, while Article 482 emphasizes that traditional health services can be provided in an integrated manner with conventional health services. In addition, Article 485 regulates the place where traditional health services are organized, while Article 488 regulates the licensing of practices by local governments. The regulation shows that Government Regulation Number 28 of 2024 has provided a fairly comprehensive legal basis for the implementation of traditional health services. However, the regulation is still oriented towards aspects of health services, health workers, service standards, and licensing, and has not regulated when these health services become part of tourism products or activities in the concept of wellness tourism.

From a tourism perspective, Law Number 10 of 2009 concerning Tourism provides the foundation for national tourism development. Article 5 emphasizes that the implementation of tourism is carried out based on the principles of upholding religious norms, cultural values, human rights, environmental sustainability, community empowerment, and people's welfare. Furthermore, Article 7 stipulates that tourism development is carried out through the development of destinations, industry, marketing, and tourism institutions. Although these principles are in line with the characteristics of wellness tourism, this law does not provide regulations regarding health-based tourism as a special form of tourism that requires different service standards, governance, and supervision from other types of tourism.

At the regional level, Bali Provincial Regulation Number 2 of 2012 concerning Balinese Cultural Tourism through Article 2 emphasizes that the implementation of Balinese Cultural Tourism is based on Balinese culture which is imbued with the Tri Hita Karana philosophy, while Article 3 regulates the purpose of implementing tourism to realize quality, sustainable tourism, improve community welfare, preserve Balinese culture, and preserve the environment. These values are closely related to the philosophy of wellness tourism which emphasizes the balance between human health, culture, and the environment. However, this Regional Regulation has not provided specific regulations regarding the implementation of wellness tourism as a form of health-based tourism.

Furthermore, Bali Governor Regulation Number 28 of 2020 concerning Bali Tourism Governance began to introduce the concept of health tourism. In Article 47, it is regulated that health tourism is a person's trip to a tourist destination to obtain health services that include promotive, preventive, curative, and rehabilitative efforts. This provision also requires the organizer to have a license in accordance with

the provisions of laws and regulations and encourage the use of traditional Balinese health services. Furthermore, Article 48 stipulates that traditional health services are provided by Rulers or traditional health workers who have competence, while Article 49 requires health tourism entrepreneurs to cooperate with health service facilities through cooperation agreements. Although it has given recognition to health tourism, the regulation is still limited to three articles so it has not regulated in more detail the definition of *wellness tourism*, business classification, yoga retreat service standards, *meditation centers*, *holistic healing*, *wellness resorts*, certification mechanisms, tourist protection, and cross-sector coordination between the health and tourism sectors.

In addition, Bali Governor's Regulation Number 55 of 2019 concerning Balinese Traditional Health Services provides a legal basis for the implementation of traditional health services as part of the health service system in the Province of Bali. Article 4 emphasizes that traditional Balinese health services are part of the health service system, while Article 5 stipulates that these services must meet the principles of safety, benefits, quality, and improvement of the quality of life of the community. Furthermore, Article 6 emphasizes that traditional Balinese health services are based on Balinese cultural values and the source of *knowledge of Usada Bali*. This arrangement is an important basis for the development of *traditional Balinese healing* practices which have been one of the main attractions of *wellness tourism* in Bali. However, this Governor's Regulation is more oriented towards aspects of traditional health services, Ruler practice standards, and patient protection, so it has not regulated the relationship between traditional health services and the tourism industry and the implementation of *wellness tourism*.

Based on these various provisions, it can be seen that the legal substance that is an element that forms wellness tourism has actually been regulated in various laws and regulations. The health law regime has regulated health services and traditional health services, while the tourism law regime has regulated the implementation of the tourism industry and tourism governance in Bali. However, these regulations are still spread and sectoral in accordance with the scope of each regulation. There is no single legal political framework that comprehensively integrates health services, traditional health services, tourism management, wellness service standards, coaching and supervision mechanisms, and coordination between sectors in a single wellness tourism regulatory system.

This condition shows that there is a *normative gap* in the form of regulatory fragmentation between the health law regime and the tourism law regime. This fragmentation has not provided a legal construction that explicitly places wellness tourism as part of the health legal system that is integrated with the tourism system. In fact, the Bali Provincial Government has made *wellness tourism* one of the instruments in realizing *quality tourism* that is oriented towards service quality, environmental sustainability, cultural preservation, and improving community welfare. Therefore, a study of the legal politics of *wellness tourism* regulation in the health legal system is needed to analyze the direction of legal policies that are able to harmonize these various regulations so as to create legal certainty, legal protection, and integrated *wellness tourism* governance in the Province of Bali.

1.2. Legal Politics of Wellness Tourism Regulation in the Health Legal System in Bali Province

1.2.1. Legal Politics of Regulating Wellness Tourism in the National Health Law System

Legal politics is essentially the direction of state policy in the formation and implementation of laws to achieve state goals as mandated in the Preamble to the Constitution of the Republic of Indonesia in 1945. According to Mahfud MD, legal politics is a *legal policy* set by the state regarding laws that will be enforced, maintained, or amended to realize the goals of state administration. In the context of wellness tourism, legal politics is not only understood as a regulation of health-based tourism activities, but also as a state policy in integrating the national health system with the development of the tourism sector which is oriented towards improving the quality of life of the community and sustainable development.

The constitutional basis for the development of wellness tourism can be traced from Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia which states that: "*Everyone has the right to live a prosperous life in birth and mind, to live, and to get a good and healthy living environment and the right to receive health services.*"

This provision shows that the right to health is part of the constitutional rights of citizens which is not only interpreted as the right to receive services when a person is sick (*curative care*), but also includes the right to obtain efforts to improve health status (*health promotion*) and disease prevention (*disease prevention*). Thus, the concept of *wellness* that focuses on the maintenance of physical, mental, emotional, social, and spiritual health has constitutional legitimacy as part of the fulfillment of the right to health.

From a political and legal perspective, Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia provides direction that state policies in the health sector must shift from a purely curative health service paradigm to a promotive and preventive health development paradigm. This paradigm shift is in line with global developments that place wellness as part of a strategy to improve people's quality of life while supporting economic development through the health-based tourism sector.

The direction of the constitutional policy was then realized through Law Number 17 of 2023 concerning Health, which carried out major reforms to the national health legal system. One of the main characteristics of this law is the change in the orientation of health development from an approach that focuses on the treatment of diseases to a more comprehensive approach through promotive, preventive, curative, rehabilitative, and palliative services. The legal politics built through Law Number 17 of 2023 shows that the state no longer views health as a matter of medical services alone, but as an investment in human resource development that must be protected from the moment a person is in good health.

In addition to strengthening promotive and preventive services, Law Number 17 of 2023 also provides recognition for Traditional Health Services as part of the national health system. The recognition reflects a shift in legal politics that was previously more oriented towards conventional health services towards a more inclusive health system by accommodating traditional health practices that meet the requirements of safety, quality, and benefits. This policy has an important meaning for the development of *wellness tourism* because various services such as health spas,

traditional therapy, yoga therapy, meditation, and *traditional healing practices* are part of the health services that are developing in various tourist destinations, especially in the province of Bali.

Further arrangements regarding this policy are outlined in Government Regulation Number 28 of 2024 as a regulation for the implementation of Law Number 17 of 2023. In Article 479, traditional health services are defined as health services that are based on knowledge, skills, and values that develop in society and are sourced from local traditions and wisdom. Furthermore, Article 480 emphasizes that traditional health services are carried out through promotive, preventive, curative, rehabilitative, and palliative approaches. This arrangement shows that national legal politics has given considerable space to the development of traditional health services as part of the national health system. Furthermore, Article 482 stipulates that traditional health services can be provided in an integrated manner with conventional health services. This provision shows that there is a legal policy that prioritizes the integration of health services, not the dichotomy between modern health services and traditional health services. Furthermore, Article 485 regulates the place where traditional health services are organized, while Article 488 gives authority to local governments in the issuance of practice licenses. From a political and legal perspective, these provisions show that the state has built a regulatory system that provides legal certainty for the implementation of traditional health services while strengthening the government's coaching and supervision function.

If analyzed further, the politics of national law through Law Number 17 of 2023 and Government Regulation Number 28 of 2024 show the existence of three main policy directions. First, strengthening the promotive and preventive paradigm as a priority for national health development. Second, it provides legal legitimacy to traditional health services as part of the national health system. Third, improving the quality of health services through setting service standards, competencies of health workers, licensing, as well as coaching and supervision mechanisms.

These three policy directions have basically provided a strong normative foundation for the development of *wellness tourism* in Indonesia. Most *wellness tourism activities*, such as yoga, meditation, health spas, traditional therapies, *wellness retreats*, and various forms of health services based on a healthy lifestyle, are real implementations of promotive and preventive efforts driven by the national health legal system. Thus, philosophically and juridically, the politics of national health law has led to the strengthening of the concept of *well-being* as part of public health development.

However, when associated with the implementation of *wellness tourism* as a tourism industry, national legal politics still shows a sectoral approach. Law Number 17 of 2023 and Government Regulation Number 28 of 2024 focus on regulating health services, traditional health services, health workers, health service facilities, as well as licensing and supervision mechanisms. Meanwhile, the aspect of implementing *wellness tourism* as an activity that integrates health services with tourism activities has not been the object of special regulation. As a result, the new national legal political direction provides a foundation for the health aspect of *wellness tourism*, but has not yet built a regulatory framework that integrates the health dimension with the governance of the tourism industry.

Thus, the legal politics of regulating *wellness tourism* in the national health legal system shows the state's commitment to strengthening promotive, preventive, and traditional health services as part of the fulfillment of constitutional rights to health. However, the legal policy still needs harmonization with the tourism legal regime so that *wellness tourism* is not only seen as a form of health service, but also as an instrument for the development of quality tourism (*quality tourism*) that is able to provide legal certainty, community protection, and support sustainable economic development. This harmonization is important, especially for the Province of Bali, which has developed as a world-class *wellness tourism* destination and requires a political and legal framework that is able to integrate the health legal system with the tourism system comprehensively.

To understand the direction of *wellness tourism* regulation in the national health legal system, it is necessary to analyze using the Political Theory of Law proposed by Mahfud MD. According to Mahfud MD, legal politics is a *legal policy* or the direction of legal policy set by the state regarding laws that will be formed, maintained, amended, or abolished in order to achieve state goals as mandated in the 1945 Constitution of the Republic of Indonesia. Thus, the formation of a law and regulation is not only seen as a normative product, but also as a reflection of the choice of state policies in responding to the needs of the community and the dynamics of development.

When analyzed based on this theory, the health regulation in Law Number 17 of 2023 and Government Regulation Number 28 of 2024 show a significant change in the direction of national legal politics. Before the birth of Law Number 17 of 2023, national health policies tended to be oriented towards curative services, namely services that focused on curing diseases after people experience health problems. Through the establishment of Law Number 17 of 2023, the government changed this orientation by strengthening promotive and preventive services as a priority for national health development. This shift shows that health law policy no longer only aims to cure diseases, but also builds a healthy society through prevention and improvement of quality of life.

The change in orientation is also an implementation of the mandate of Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia, which places the right to health as part of the constitutional rights of every citizen. From a political and legal perspective, the state is obliged to establish regulations that are able to ensure the fulfillment of the right to health as a whole. Therefore, policies that accommodate promotive, preventive, and traditional health services show that the state not only carries out a protection function, but also an *empowerment function* in improving the degree of public health.

The direction of legal politics is increasingly visible through the recognition of traditional health services in Law Number 17 of 2023 and its further regulation in Government Regulation Number 28 of 2024. The recognition reflects a shift in legal policy from a previously more conventional health care approach to a more inclusive health system that accommodates local knowledge, culture, and traditional wisdom as part of the national health service. This policy choice shows that the government is trying to integrate local potential into the national health system without neglecting aspects of safety, quality, and benefits for the community.

When associated with the development of *wellness tourism*, the political direction of the law has actually opened up space for the development of various promotive-based and preventive health services, such as yoga, meditation, health spas, traditional therapy, *wellness retreats*, and other forms of complementary health services. This shows that philosophically the government has built a legal foundation that supports the concept of well-being as part of national health development. However, based on Mahfud MD's perspective, legal politics is not only measured by the existence of norms, but also by the consistency and integration of legal policies in achieving the goals that have been set. In this context, the direction of government policy still shows a sectoral approach. The health law regime has provided a solid foundation for promotive, preventive, and traditional health services, while the tourism law regime regulates the development of destinations and the tourism industry. However, the two policies have not been fully integrated into a single legal framework that specifically regulates wellness tourism as a sector that is at the wedge between health and tourism. (Atmadja, I Dewa Gede, & Budiarta, I Nyoman Putu. 2018; 50) ^[3].

Thus, when analyzed using Mahfud MD's Legal Political Theory, it can be understood that the direction of government policy has actually moved towards strengthening the concept of holistic health through promotive, preventive, and traditional health services. This policy is an important foundation for the development of wellness tourism in Indonesia. However, national legal politics still focuses on strengthening each sector separately so that it has not yet formed a legal policy that comprehensively integrates the health legal system with the tourism legal system. This condition shows that the challenge of political law in the future is no longer to form the recognition of traditional health services, but to develop legal policies that are able to synergize the two legal regimes so that wellness tourism has legal certainty, integrated governance, and is able to support the development of quality tourism, especially in the province of Bali.

1.2.2. Legal Politics of Wellness Tourism Regulation in Bali Provincial Regional Policy

In the perspective of Mahfud MD's Legal Political Theory, regional legal policy is part of the legal policy formed by local governments to realize development goals in accordance with regional characteristics and needs as long as it does not conflict with national legal policies. Therefore, the legal politics of regulating wellness tourism in Bali Province cannot be separated from the direction of the Bali Provincial Government's policy in building a sustainable, cultural-based, and oriented tourism sector that is oriented towards improving the quality of destinations (quality tourism).

The policy direction is reflected in Bali Provincial Regulation Number 2 of 2012 concerning Balinese Cultural Tourism. Through Article 2, this Regional Regulation emphasizes that the implementation of Balinese Cultural Tourism is based on Balinese culture which is imbued with Hindu teachings and the Tri Hita Karana philosophy. Furthermore, Article 3 determines that tourism development aims to realize quality, sustainable tourism, improve community welfare, preserve Balinese culture, and preserve the environment. When analyzed using the Legal Political Theory of Mahfud MD, this provision shows that the legal politics of the Bali Provincial Government are no longer oriented towards

increasing the number of tourist visits (mass tourism), but are beginning to direct development towards tourism that puts the quality of tourism experience, cultural preservation, and environmental sustainability as the main goal. These policy choices are in line with the characteristics of wellness tourism which prioritizes a balance between human health, culture, and the environment as a unit of tourism experience. (Kelsen, Hans., 2009; (p. 76) ^[4]

Furthermore, the political direction of the law is strengthened through the Governor of Bali Regulation Number 28 of 2020 concerning Bali Tourism Governance. In Article 47, it is regulated that health tourism is a person's journey to a tourist destination to obtain health services that include promotive, preventive, curative, and rehabilitative efforts. This provision also requires health tourism operators to have permits in accordance with the provisions of laws and regulations and encourage the use of traditional Balinese health services as part of tourist attractions. Furthermore, Article 48 stipulates that traditional health services in health tourism are carried out by Rulers or traditional health workers who have competence, while Article 49 requires health tourism operators to cooperate with health service facilities through cooperation agreements.

The existence of Articles 47 to 49 shows that the Bali Provincial Government has provided normative recognition of the existence of health tourism as a form of tourism activities. From a political and legal point of view, it reflects the choice of regional policies to develop the health sector as one of Bali's tourism attractions. This policy also shows that the Bali Provincial Government has read the changes in global tourism trends that have shifted towards quality tourism and made health and well-being part of the destination development strategy.

The policy direction is also in line with the regional development planning documents, both the Bali Provincial RPJPD, the Bali Provincial RPJMD, and the Bali Development Direction 100 Years of the New Era, which consistently places quality tourism development, cultural preservation, environmental protection, and improving the quality of human resources as priorities for regional development. In these various documents, tourism development is no longer solely directed at increasing the number of tourists, but at increasing economic added value, service quality, environmental sustainability, and the welfare of the Balinese people. Thus, in terms of macro policy, the development of wellness tourism is in accordance with the direction of regional development of Bali Province.

However, if analyzed more deeply using Mahfud MD's Legal Political Theory, the policy direction has not been fully followed by the formation of comprehensive legal norms. Bali Provincial Regulation Number 2 of 2012 has indeed provided a philosophical foundation regarding the development of culture-based tourism, while Bali Governor Regulation Number 28 of 2020 has introduced the concept of health tourism. However, the two regulations have not provided a legal construction that expressly defines wellness tourism, the scope of activities, business classifications, service standards, certification mechanisms, coaching, supervision, and the division of authority between regional apparatus in its implementation. Thus, it can be said that wellness tourism in Bali Province has received policy recognition, but has not received a comprehensive legal framework. The politics of local law have shown the government's will to develop wellness tourism as part of the

transformation towards quality tourism, but this will is still manifested in the form of general policies and has not been followed by technical arrangements that integrate all aspects of the implementation of wellness tourism.

The next analysis is related to the relationship between health policy and tourism policy. In terms of health, the Bali Provincial Government through Governor's Regulation Number 55 of 2019 concerning Balinese Traditional Health Services has regulated traditional health service standards, Ruler competence, service security, and the preservation of *Usada Bali* as part of the regional health service system. Meanwhile, tourism policy through Regional Regulation Number 2 of 2012 and Governor's Regulation Number 28 of 2020 regulates the governance of destinations and the implementation of health tourism.

When the two policies are compared, it can be seen that each has complementary goals, but still operates under different regulatory regimes. Health policy is oriented towards protecting public health, service quality, and patient safety, while tourism policy is oriented towards destination development, increasing competitiveness, and regional economic growth. Until now, there has been no regional legal instrument that specifically integrates the two policies into one wellness tourism implementation system. As a result, coordination between the health sector and the tourism sector still depends on administrative mechanisms and cooperation across regional apparatus, rather than on a regulatory design that is systematically built within a single regulatory framework.

Based on the analysis of Mahfud MD's Legal Political Theory, this condition shows that the legal politics of the Bali Provincial Government have actually led to the development of *wellness tourism* as an instrument for quality tourism development. This is reflected in the recognition of health tourism, the strengthening of traditional health services, and the direction of regional development that places quality, culture, and sustainability as priorities. However, the policy direction has not been fully implemented in the form of regulations that integrate the health law regime and the tourism law regime. Thus, the challenge of political law at the regional level does not lie in the absence of policies, but in the need to build harmonization and integration of norms so that *wellness tourism* has legal certainty, integrated governance, and is able to support Bali's vision as a *world-class* quality tourism destination.

1.3. The regulation of *wellness tourism* in the health legal system has provided legal certainty for the implementation of *wellness tourism* in the province of Bali

1.3.1. Analysis of Legal Certainty of Wellness Tourism Regulation in the Health Legal System in Bali Province

Legal certainty is one of the main goals of law formation in addition to justice and utility. According to Gustav Radbruch, law must be able to realize three fundamental values, namely justice (*gerechtigkeit*), legal certainty (*rechtssicherheit*), and utility (*zweckmäßigkeit*). In the context of implementing *wellness tourism*, legal certainty is not only interpreted as the existence of laws and regulations, but also as the existence of norms that are clear, consistent, harmonious, and can be applied effectively by all stakeholders. (Ali, Achmad. 2015; (58)

In line with this opinion, Utrecht stated that legal certainty provides assurance to the public about what is allowed and what is prohibited by law so that every subject of the law

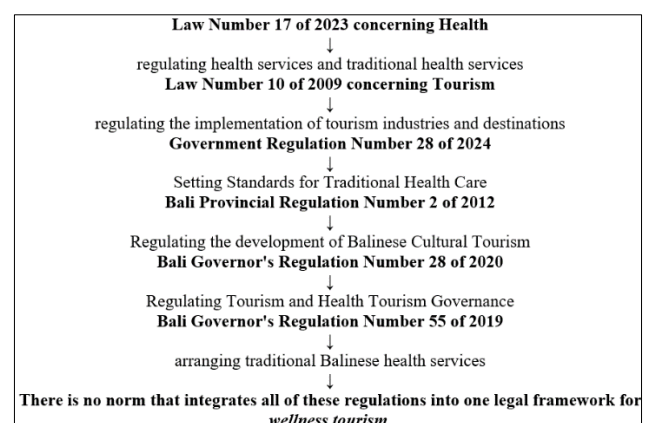
obtains protection from arbitrary actions. Thus, legal certainty in the implementation of *wellness tourism* requires synchronous arrangements starting from the legal level to implementing regulations so that there are no multiple interpretations or overlapping authorities.

When analyzed based on the hierarchy of laws and regulations, the regulation of *wellness tourism* in Indonesia is still spread across several legal regimes that regulate different substances.

Nationally, Law Number 17 of 2023 concerning Health provides a legal basis regarding promotive and preventive health services, traditional health services, health workers, health service facilities, and public health protection. This law places traditional health services as part of the national health system, but does not regulate *wellness tourism* as an activity that combines health services with tourism activities. On the other hand, Law Number 10 of 2009 concerning Tourism regulates the implementation of national tourism, destination development, tourism industry, marketing, and tourism institutions. However, this law also does not provide regulations regarding the characteristics of *wellness tourism* as a form of health-based tourism that requires service standards, safety standards, and supervision mechanisms that are different from other types of tourism businesses. Furthermore, Government Regulation Number 28 of 2024 has regulated in detail traditional health services, ranging from the type of service, competence of health workers, place of service delivery, to licensing and supervision mechanisms. However, the scope of regulation remains oriented to the health service system and has not yet linked these services with the implementation of tourism activities.

At the regional level, Bali Provincial Regulation Number 2 of 2012 concerning Balinese Cultural Tourism and Bali Governor Regulation Number 28 of 2020 concerning Bali Tourism Governance have provided the basis for the development of health tourism as part of the transformation towards *quality tourism*. In addition, Bali Governor Regulation Number 55 of 2019 concerning Balinese Traditional Health Services regulates the implementation of traditional health services based on *Usada Bali*. However, the three regulations still regulate their respective fields so that they have not formed a complete *wellness tourism* regulatory system.

When arranged based on the hierarchy of laws and regulations, the construction of norms can be described as follows:



From the perspective of Gustav Radbruch's Theory of Legal Certainty, this condition shows that legal certainty has not

been optimally realized. The main problem lies not in the absence of regulations, but in the lack of a harmonious normative relationship between the health law regime and the tourism law regime. As a result, each regulation runs in accordance with its sectoral scope without providing comprehensive guidelines regarding the implementation of *wellness tourism*.

The disharmony can be seen in the arrangement of authority between agencies. The health sector is under the scope of guidance and supervision of the Ministry of Health and the Health Office, while the tourism sector is under the authority of the Ministry of Tourism and the Tourism Office. In the practice of *implementing wellness tourism*, the two authorities intersect because the services provided are not only in the form of health services, but also tourism business products. However, there is no regulation that clearly determines the coordination mechanism, division of authority, and responsibility for supervision of the implementation of *wellness tourism*. This condition has the potential to cause differences in interpretation in the implementation of coaching, licensing, and supervision.

In addition to the disharmony of authority, there are still several aspects that have not been explicitly regulated, creating a vacuum of partial norms. Until now, there has been no juridical definition of *wellness tourism* in national and regional laws and regulations. There are also no regulations regarding the classification of *wellness tourism businesses*, standards for the implementation of *wellness resorts*, *yoga retreats*, *meditation retreats*, *holistic healing centers*, and competency standards for non-health workers involved in *wellness services*, integrated certification mechanisms, and cross-sectoral supervision systems. The absence of norms in these aspects causes the implementation of *wellness tourism* to still depend on the interpretation of various applicable sectoral regulations.

Based on Gustav Radbruch's Theory of Legal Certainty, a legal system is said to provide certainty if the norms that govern a field are consistent, do not contradict each other, are easy to understand, and can be applied effectively. If these parameters are used to assess the regulation of *wellness tourism* in the Province of Bali, it can be concluded that legal certainty has begun to be built through various regulations in the field of health and tourism. However, the legal certainty is not fully optimal because there is still fragmentation of regulations, disharmony of norms, overlapping scope of authority, and regulatory vacancies in specific aspects of *wellness tourism*.

Thus, the regulation of *wellness tourism* in the health legal system has not fully provided legal certainty for the implementation of *wellness tourism* in Bali Province. The expected legal certainty is not enough to be realized through many regulations, but requires harmonization and integration of norms between the health law regime and the tourism law regime so that a regulatory framework is formed that provides clarity on institutions, service standards, licensing mechanisms, coaching, supervision, and legal protection for business actors and tourists.

1.3.2. Comparison of Wellness Tourism Regulatory Laws in Thailand and South Korea

To assess whether the regulation of *wellness tourism* in the health legal system in Indonesia has provided legal certainty, a comparative law approach is needed with countries that have succeeded in developing *wellness tourism* as one of the

strategic sectors. In this study, Thailand and South Korea were chosen as the object of comparison because both have succeeded in integrating health policy with tourism policy through a relatively comprehensive regulatory framework.

According to Gustav Radbruch, legal certainty is not only measured by the existence of norms, but also by the consistency, synchronization, and ability of these norms to provide clear guidelines for all legal subjects. Therefore, a legal comparison was conducted to assess how the two countries build legal certainty through institutional arrangements, service standards, certification mechanisms, consumer protection, and inter-agency coordination.

• Thailand

Thailand is one of the countries that has succeeded in making *wellness tourism* part of the national economic development strategy. This success is inseparable from the integration of policies between the health sector and the tourism sector supported by a clear regulatory framework. From a health law perspective, Thailand has the Thai Traditional Medicine Profession Act B.E. 2556 (2013) which comprehensively regulates the practice of traditional Thai medicine. The regulation regulates the requirements for education, professional certification, practitioner registration, code of ethics, competency standards, supervisory mechanisms, and the authority of institutions responsible for traditional health services. Thus, all traditional health service providers who are part of the *wellness industry* are required to meet the professional standards set by the state. (Ministry of Public Health of Thailand., 2024; 20) ^[5].

In addition to professional regulation, the Thai Government also develops the Thailand Wellness Hub policy through synergy between the Ministry of Public Health and the Ministry of Tourism and Sports. In the policy, *wellness tourism* is positioned as one of the national priority sectors that integrates medical spa services, traditional Thai medicine, *wellness retreats*, fitness, nutrition, and preventive health services into the tourism industry. Such institutional integration allows for the establishment of uniform service standards, national certification systems, integrated promotions, and clear oversight mechanisms. (Ministry of Tourism and Sports of Thailand. 2023; 32) ^[6]

When analyzed using Gustav Radbruch's Theory of Legal Certainty, the Thai legal system provides relatively high legal certainty because the relationship between health services and tourism management has been regulated through a clear institutional coordination mechanism. Business actors obtain certainty regarding service standards and operational requirements, while tourists obtain service quality assurance through the government's certification and supervision system.

• South Korea

Unlike Thailand, which focuses on traditional medicine, South Korea has developed *wellness tourism* through the integration of modern health services, health technology, and the tourism industry.

The legal basis is contained in the *Medical Service Act*, which regulates the provision of health services, licensing of health facilities, medical service standards, the responsibility of health workers, and the protection of patients. The regulation was then strengthened by various government policies regarding *Medical and Wellness Tourism*, which placed the health sector as part of the strategy to increase the

competitiveness of the national tourism industry.

From an institutional aspect, the South Korean Government has built close coordination between *the Ministry of Health and Welfare, the Ministry of Culture, Sports and Tourism, and the Korea Health Industry Development Institute (KHIDI)* in the development of *medical and wellness tourism*. The division of authority provides clarity on the functions of each institution, starting from the preparation of service standards, accreditation of health facilities, consumer protection, to international promotion. (Korea Health Industry Development Institute (KHIDI), 2024; 27) ^[7].

Legal protection for tourists is also an important part of the South Korean legal system. Tourists obtain transparent information about the type of service, costs, facility standards, and dispute resolution mechanisms in the event of a violation of consumer rights. In addition, the government actively promotes international through the certification of health facilities, the development of information centers, and cooperation with various countries so as to increase tourists' confidence in the quality of health services in South Korea. (Ministry of Health and Welfare of the Republic of Korea, 2023; 40) ^[7].

When analyzed based on Gustav Radbruch's Theory of Legal Certainty, the South Korean legal system shows a synchronization between health regulations, institutions, and international promotion policies. Legal certainty is not only given to business actors through clear arrangements, but also to tourists as consumers of health services through a comprehensive legal protection system.

When compared to Thailand and South Korea, the regulation of *wellness tourism* in Indonesia still shows a sectoral approach. Law Number 17 of 2023 concerning Health and Government Regulation Number 28 of 2024 regulates health services and traditional health services, while Law Number 10 of 2009 concerning Tourism, Bali Provincial Regulation Number 2 of 2012, and Bali Governor Regulation Number 28 of 2020 regulates the implementation of tourism and health tourism. However, there is no single regulatory framework that specifically integrates all aspects of the implementation of *wellness tourism*.

1. In terms of certification, Indonesia already has a certification mechanism for health workers and traditional health workers, but there is no special certification standard for *wellness tourism organizers* that combine elements of health services and tourism services. In contrast to Thailand, which has developed national standards for wellness practitioners and facilities.
2. From the aspect of service standards, Indonesian regulations still separate health service standards from tourism business standards. As a result, there is no integrated service standard for *wellness resorts, yoga retreats, meditation centers, and holistic healing centers*. In contrast, Thailand has developed national service standards that apply in an integrated manner to the *wellness industry*.
3. From an institutional aspect, the regulation in Indonesia has also not shown a firm coordination mechanism between the health sector and the tourism sector. Meanwhile, Thailand and South Korea have built inter-ministerial coordination through a clear division of authority so that the implementation of coaching, certification, supervision, and promotion can run in an

integrated manner.

4. Furthermore, from the aspect of consumer protection, Indonesia does not have special regulations regarding the rights of tourists as users of *wellness tourism* services, including service information standards, complaint mechanisms, and dispute resolution specifically related to *wellness* services. In contrast, South Korea has integrated consumer protection into *medical and wellness tourism policies* thereby increasing the confidence of international tourists.
5. In terms of international promotion, Bali has been known as one of the world's *wellness tourism* destinations through the power of culture, *Usada Bali*, yoga, meditation, and spa services. However, these promotions are still driven more by potential destinations and business actors than by an integrated regulatory system. In contrast to South Korea, which makes regulation, certification, and quality assurance part of its international promotion strategy.

Based on this comparison, it can be concluded that the legal certainty of the implementation of *wellness tourism* is not only determined by the number of regulations owned by a country, but also by the state's ability to build norm integration, institutional coordination, service standards, certification systems, consumer protection, and promotional strategies in one integrated legal framework. Thailand and South Korea have demonstrated a more integrated regulatory model, while Indonesia, particularly the province of Bali, still faces regulatory fragmentation between the health law regime and the tourism law regime. Therefore, the experience of the two countries can be a *best practice* in formulating the strengthening of political law and reconstruction of *wellness tourism* regulations in Bali Province in order to provide legal certainty while increasing the competitiveness of health-based tourism at the international level.

The novelty of this article does not lie in the discussion of *wellness tourism* as a phenomenon of the tourism industry or as a form of traditional health services, but in the political analysis of its regulation in the perspective of the health law system by integrating the approach of health law, tourism law, and regional legal policy of the Province of Bali.

In contrast to previous research that generally examines *wellness tourism* from the perspective of economics, destination marketing, public health, or sustainable tourism development, this article places *wellness tourism as the object of legal study analyzed through* Mahfud MD's Legal Political Theory and Gustav Radbruch's Theory of Legal Certainty. This approach is used to assess the direction of legal *policy*, norm synchronization, and the level of legal certainty in the implementation of *wellness tourism* in Bali Province.

The results of the study show that politically and legally, both the central government and the Bali Provincial Government have directed development policies towards strengthening promotive health services, prevention, traditional health services, and tourism transformation towards *quality tourism*. The policy direction is reflected in Law Number 17 of 2023 concerning Health, Government Regulation Number 28 of 2024, Law Number 10 of 2009 concerning Tourism, Bali Provincial Regulation Number 2 of 2012 concerning Balinese Cultural Tourism, and Bali Governor Regulation Number 28 of 2020 concerning Bali Tourism Governance. However, the regulation is still developing in different legal regimes so that

an integrated *wellness tourism* legal system has not yet been formed.

The main finding of this study is that the legal problem of *wellness tourism* in Bali Province does not lie in the absence of regulation (*legal vacuum*), but in the fragmentation of norms, regulatory disharmony, and the lack of integration between the health law regime, the tourism law regime, and local law policies. This fragmentation has an impact on the lack of optimal legal certainty, implementation standards, institutional coordination, coaching, supervision, and legal protection for business actors and tourists.

Based on these findings, the scientific contribution of this article is to offer the construction that *wellness tourism* needs to be positioned as a sub-system in the health legal system that is integrated with the tourism legal system through a harmonious political and legal direction between the central government and the Bali Provincial Government. With this construction, the development of *wellness tourism* is no longer seen as a slice of two sectors that run separately, but as a regulatory regime that has legal certainty, synchronization of norms, institutional clarity, service standards, and comprehensive legal protection for all stakeholders.

Thus, this article makes a conceptual contribution in the form of the development of a political model of *wellness tourism* law that integrates aspects of health, tourism, and regional policies as the basis for the formation of *wellness tourism regulations* that are responsive to the development of the health tourism industry in Bali Province.

1.4. Conclusion

1. The legal politics of regulating *wellness tourism* in the health legal system shows that the government has directed health development policies to strengthen promotive, preventive, and traditional health services as reflected in Law Number 17 of 2023 concerning Health and Government Regulation Number 28 of 2024. At the regional level, the Bali Provincial Government has also integrated the concept of *quality tourism* through Bali Provincial Regulation Number 2 of 2012 concerning Balinese Cultural Tourism and Bali Governor Regulation Number 28 of 2020 concerning Bali Tourism Governance which has begun to accommodate health tourism as part of sustainable tourism development. This shows that politically and legally, both the central government and the Bali Provincial Government have policy directions that support the development of *wellness tourism*. However, the policy direction has not been realized in a single regulatory framework that specifically integrates the health law system and the tourism legal system as the basis for the implementation of *wellness tourism*.
2. The regulation of *wellness tourism* in Bali Province has also not fully provided legal certainty because the norms that govern it are still spread in various legal regimes, namely health law, tourism law, and regional policies. The fragmentation of these regulations results in the suboptimal synchronization of norms, division of authority, service standards, certification mechanisms, coaching, and supervision in the implementation of *wellness tourism*. The results of legal comparisons with Thailand and South Korea show that legal certainty can be realized through integrated regulations, clear institutional coordination, uniform service standards,

and legal protection for business actors and tourists. Therefore, the development of *wellness tourism* in Bali Province requires harmonization of regulations in order to create legal certainty that can support Bali as a *world-class* quality wellness tourism destination.

1.5. Suggestions

The government, especially the Ministry of Health together with the Ministry of Tourism, needs to form a Ministerial Regulation that specifically regulates the implementation of *wellness tourism* as a form of health and fitness-based tourism services. The Ministerial Regulation needs to contain at least the definition and scope of *wellness tourism*, classification and service standards, requirements and certification mechanisms, division of authority between agencies, coaching and supervision mechanisms, legal protection for tourists and business actors, and coordination mechanisms between the health sector and the tourism sector. The establishment of the Ministerial Regulation is needed to provide a clearer and uniform legal basis for the implementation of *wellness tourism* in Indonesia and prevent overlapping authorities and legal uncertainty in its implementation.

The Bali Provincial Government needs to harmonize Bali Provincial Regulation Number 2 of 2012 concerning Balinese Cultural Tourism, Bali Governor Regulation Number 28 of 2020, and Bali Governor Regulation Number 55 of 2019 by adding special arrangements regarding *wellness tourism* in the form of separate chapters. The separate chapter needs to contain provisions regarding the position of *wellness tourism* as part of the development of Balinese cultural tourism, the scope and form of *wellness tourism activities*, the integration of health services and tourism, implementation standards, institutions and division of authority, guidance and supervision, as well as the involvement of traditional Balinese and Bali health services. The harmonization is directed to form an integrated regional legal basis and provide legal certainty in the implementation of *wellness tourism*, as well as support the development of Bali as a *sustainable and internationally competitive* quality wellness tourism destination.

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How to Cite This Article

Pranata MD, Aryani NM. Legal politics regulating wellness tourism as part of health services in supporting sustainable tourism in Bali Province. *Int J Judicial Law*. 2026;5(5):14-24. doi:10.54660/IJL.2026.5.5.14-24.

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