

THE ROLE OF LAW IN DEVELOPING PAKISTAN'S TOURISM POTENTIAL: LEARNING FROM SOUTHEAST ASIA

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ABSTRACT

Pakistan possesses immense tourism potential due to its rich cultural heritage, diverse landscapes, and historical significance. However, the country has struggled to fully capitalise on this potential due to inadequate legal frameworks, weak regulatory mechanisms, and governance challenges. This paper explores the critical role of law in fostering sustainable tourism development in Pakistan, drawing lessons from Southeast Asian countries such as Malaysia, Thailand, and Indonesia, which have successfully transformed their tourism sectors. The study examines key legal instruments, including eco-tourism regulations, cultural heritage protection laws, and investment policies, that have contributed to Southeast Asia's tourism boom. By conducting a comparative analysis, the paper highlights gaps in Pakistan's existing tourism laws and policies, such as insufficient environmental safeguards, inadequate infrastructure regulations, and limited incentives for foreign investment. It concludes with actionable recommendations for aligning Pakistan's tourism policies with international best practices, ensuring that legal frameworks not only boost tourism but also preserve the country's natural and cultural assets for future generations.

Keywords: *Tourism and Law, Natural & Cultural Assets, Pakistan's Tourism Policies*

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INTRODUCTION

Natural green abundant in Pakistan and cultural heritage make it a potentially important destination of domestic and foreign tourists. All the geographical features of the country, which are various in nature like the Himalayas and Karakoram Range in the north to the strolling of the coastline and slopes of the Arabian Sea, provide special geographical attention in terms of the nature tourism platform. Furthermore, the country is rich in historical and cultural attractions, including early ruins that are located throughout Pakistan (the ancient ruins of Mohenjo-Daro, Taxila, and archaeological sites of Buddhists in Swat) that encourage tourists to come to the country as heritage tourists and/or religious tourists (Rana & Ameen, 2023; Sabir, 2023). Such natural and cultural properties might be useful in developing a successful tourism economy. The same report provided by the World Travel and Tourism Council highlighted that Pakistani tourism industry is capable of producing as much as USD 39.8 billion in a period of 10 years by showing its potential to become a leading contributor of national economies (Khan et al., 2022).

Nonetheless, Pakistan tourism industry is not well developed because of some serious impediments. The problem of security overtakes all the other issues as it is one of the most burning concerns that have tarnished Pakistan's image all over the world. Pakistan is a risky destination to many international tourists due to historical incidences of conflict, terrorism, and political instability. Despite the apparent improvement in security in the past few years, such a perception, as it has persisted so far, still discourages quite a number of would-be travellers. In addition, the country has serious load of infrastructural shortcomings such as bad road networks, absence of a reliable transport system, and inadequate accommodation centres within popular touristic attraction sites. These logistic hurdles make it extremely difficult and uncomfortable to approach and get acquainted with the tourism provisions available in Pakistan, both by domestic and international tourists (Hussain & Kakepoto, 2024).

Lack of well-coordinated and strategic marketing structure is another greatest obstacle to tourism development in Pakistan. The country has been unable to market itself internationally in spite of its competitive tourism resources. Uniform branding activities lack, and a promotional campaign is scarce and largely disorganized (Rana & Ameen, 2023). This has led to poor knowledge of those traveling in the world concerning what is in Pakistan. What is more, there is a digital gap to facilitate tourism marketing like accessible booking websites, tourist information portal or mobile applications. Lack of good online presence and international presence and marketability of Pakistan makes the tourism industry in Pakistan continue to be shadowed by more marketed destinations in the region.

All this is complicated by the socio-economic levels in which tourism functions in Pakistan. Rampant economic crises and crises deters investments on long-term tourism services and infrastructure. In addition, the governance problem, including overlapping authority between the provincial and federal tourism departments, poor regulatory control, and low involvement of the community, partly causes tourism resources to be managed improperly (Hussain et al., 2024). This has led to the depreciation of natural and cultural sites and inability to bring sensible advantages to local populations. Along with poor sustainable tourism planning, a large number of tourist destinations are overused and their environment destroyed. Such positive impacts of tourism are therefore unevenly distributed and do not even reach the core communities on which tourism attractions are based (Sabir, 2023).

Among these issues, emerging opportunities like China-Pakistan Economic Corridor (CPEC) provide a possible route towards the reintegration of the tourism industry. CPEC is already increasing road transportation, access to energy, and interregional inter-connectivity, which would have a great effect on the accessibility of remote tourist destinations (Nazneen et al., 2021). Nonetheless, in order to make sure that these activities and initiatives bring long-term gains to the sector of tourism, it has to be combined with well-

developed legal and regulatory structures that would emphasize sustainability, cultural preservation, and inclusive development. This argument in this paper is that law is the key element in organizing the future of tourism in Pakistan. This research based on the comparative study of the tourism legislation and policy in the successful Southeast Asian nations (Malaysia, Thailand, and Indonesia) finds the legal weaknesses in the current Pakistani strategy and provides practical legal fixes.

OVERVIEW OF PAKISTAN'S TOURISM SECTOR

Cultural, Natural and Historical Tourism Resources

The tourism industry of Pakistan is described by the great cultural heritage its beautiful natural landscapes, and other historic sites. There is a diversity of cultural attractions in the country that can be found in the Indus valley civilization, one of the most ancient civilizations in the world (Bhatti et al., 2024). Things like Mohenjo-Daro and Harappa are priceless archaeological relics that attract the attention of historians as well as of tourists (Khan et al., 2022). Moreover, the diversity of culture in various provinces is a contribution to the rich culture of traditions, arts and cuisine, which makes Pakistan more attractive with regard to tourism (Daraz et al., 2022).

The tourism potential is also high due to the geographical diversity exhibited by Pakistan. The northern areas, such as Gilgit-Baltistan, encompass some of the tallest mountains across the globe, including K2, an attraction to adventure and environmental tourists (Hussain & Kakepoto, 2024). Besides, diverse climate conditions and geography in Pakistan are making the transition of hot deserts to green valleys, offering a lot of possibilities to outdoor enthusiasts (Baig et al., 2020). The country has a potential of ecotourism as depicted by its nature-based tourism resources, including different national parks, wild life reserves, and scenic routes (Bashir et al., 2024). There are historical monuments referring to different periods of time (the Mughal architecture in Lahore and Ancient Buddhist ruins in Swat) which

attract tourists and become significant objects of educational tourism (Ullah et al., 2021).

Another major sector, which contributes to cultural tourism in Pakistan is religious tourism. Some of the major religious pilgrimage sites of some religions have been found in the country; these are Sikh, Buddhist and Hindu pilgrimage sites. Nevertheless, the resources of Islamic tourism are not promoted so widely (Alam & Ali, 2022). The latter fact leaves a possibility that the government could expand its tourism marketing potential by adding Islamic heritage and Islamic cultural tourism to the list, attracting more people (Hussain et al., 2024).

Current State of Tourism Development in Pakistan

Pakistan tourism is endowed with enormous potential that is currently low due to the various challenges that deterred its growth. Issues like political instability, security, and infrastructural gap still influence the development of tourism in a negative way (Munir & Iftikhar, 2021). Development wise there have been positive trends in the contribution of tourism to Pakistan GDP, which indicates that they are highly matched with the overall economic growth (Rehman et al., 2020). Research has shown that tourism spending is highly associated with the economies of countries, which implies that improvement of the tourism industry is likely to result in higher employment rate and economic improvements (Khan et al., 2022; Amjad et al., 2022).

The business model sector of tourism is experiencing a change, and the online channels in connection with encouraging travel in Pakistan is being accepted greatly. As an example, vacation planning and destination promotion on social media and mobile applications are becoming increasingly used, indicating the possibility of the change in the way potential tourists choose their destination (Bashir et al., 2024). Even with this technological interaction, the country continues to trail other tourist-friendly countries in terms of international

visitors and this can be pinned to poor marketing strategies and poor services (Qazi & Baig, 2024).

Moreover, the China-Pakistan Economic Corridor (CPEC) introduces possible opportunities of development of touristic sphere and new roads and other kinds of infrastructure development may open more people to the variety of tourist-attracting natural and cultural landmarks (Baig et al., 2020). The advantages of such projects can, however, be enhanced only with paying a lot of attention to the environmental issue and sustainable tourism development (Nazneen et al., 2021).

Socio-economic Importance of Tourism

Tourism is extremely socio-economic to Pakistan. Also, the industry plays a crucial role in job creation since it provides around 5.7 percent of all national jobs directly or indirectly in the form of supportive industries (Iqbal et al., 2024; Manzoor et al., 2019). Further, foreign exchange can greatly be earned by promoting tourism whereas this aspect can offer a significant boost to the national economy.

Community well-being can also improve through the sustainable management of tourism because of cultural exchange along with educational opportunities that can be promoted (Khan et al., 2020). Through the establishment of tourism projects and acting as stakeholders, local communities can receive tremendous opportunities to engage in the development of tourist projects and investing in them, developing new sources of income (Ullah et al., 2021). Tourism and wholesome development relationship underscores the fact that this sector can also serve as a booster of full-blown socio-economics processes in the nation (Khan et al., 2020).

Existing Challenges: Security, Infrastructure and Governance

Although the opportunities of tourism in Pakistan are encouraging, there are still serious impediments that have been identified especially towards its growth. First, this is security: people have had

the idea that Pakistan is not a secure place to visit based on the previous instances of terrorism. Nevertheless, even the considerable improvements and advancements on the path of peace cannot change this perception, and it is more necessary to implement advanced security systems and efficient communication strategies to the potential tourists (Khan et al., 2020).

Deficiencies in the infrastructures are also other major impediments to successful tourism development. Infrastructure within critical sectors that need improvement includes transportation, accommodation and basic services like sanitation and health (Khan et al., 2022; Daraz et al., 2022). The infrastructural investment does not only improve the tourist satisfaction but it also ensures the local community derive the benefits of the tourism activity (Bashir et al., 2024). The government should create a priority of such investments in order to improve the tourism experience and make people stay longer.

Also, the problematic of governance and development of policies does not have positive perspectives on sustainable growth of tourism. Natural and cultural heritage must be regulated through the appropriate governance frameworks that would guide the tourist development to be in tandem with the needs of the local population, which would simultaneously limit the impact on nature (Hussain et al., 2024). Well-designed policies which promote sustainable, respectful tourism development can create a better level of participation on a community level, and will make them less inclined to resist tourism developments, thereby ensuring that it has a positive impact on the local economy (Hussain & Kakepoto, 2024; Daraz et al., 2022).

Legal and Institutional Framework in Pakistan

Review of National and Provincial Tourism Laws

The legislative and institutional environment that regulates the Pakistani tourism industry offers its share to the sustainable

development of this industry. The tourist government regulations at the national level are directly placed under the Ministry of Tourism and other government agencies that are charged with the policies that will help in encouraging tourism by balancing economic growth, development and protection of the environment. Past research indicates weaknesses in the current legislation and the enforcement and implementation aspects in order to facilitate tourism development in a manner that complies with the sustainability concepts (Javed et al., 2024; Daraz et al., 2022).

The Tourism Policy of Pakistan states a vision that is to be transformed in the rise of tourism as a factor and contributory in the economic growth, employment generation and the regional wellbeing. However, such issues as the lack of legislative acts on environmental protection and cultural heritage clearly exist, also having possible negative effect on the sustainable nature of tourist destinations. It is not surprising that such defects are often reflected in provincial acts according to which local powers have to cope with rather poor resources and do not possess sufficient expertise to effectively implement tourism regulations (Shaohui, 2022; Hussain et al., 2024)

This problem further highlights the problems of political instability and mismanagement that get in the way of a successful implementation of tourism policies (Daraz et al., 2022; Khan et al., 2022). The difference between the national and provincial policies enter the mix of coherent tourism growth when national and local governments arrive at different approaches since national goals are not the ones that necessarily reflect local policies (Khan et al., 2022; Ullah et al., 2021).

In addition, it is also important to note that despite various efforts to make amendment to tourism laws to incorporate stricter measures on protection of the environment, opposition to environmental stricter measures by stakeholders in the tourism sector (on grounds of costs and government regulations) has persisted effectively to block

meaningful changes (Javed et al., 2024; Hussain et al., 2024). Therefore, whole changes are necessary to develop an adequate legal framework in order to promote tourism development as well as to guarantee natural and cultural resource safety.

Environmental and Heritage Protection Regulations

The issue of environmental degradation is a major setback to the tourism industry in Pakistan; therefore, a powerful environmental protection framework is required in combination with regulations on heritage protection. Such aspects make Pakistan a diversity blessed country with a lot of cultural heritage sites but when proper protection measures are not put in place, this aspect causes factors like loss of habitats and loss of historical monuments among others (Javed et al., 2024; Rehman et al., 2020).

A number of the national laws seek to conserve the environment such as the Pakistan Environmental Protection act 1997, this act required environmental assessments of projects that have a significant effect on the environment to be performed on it, including tourism (Sabir, 2023). This legislation has been generally imposed poorly because of the absence of the mechanism to monitor and involve the stakeholders; therefore, it is not likely to contribute to the desired behaviour change (Tanveer et al., 2023; Khan et al., 2020).

Additionally, the heritage protection legislation in Pakistan, including the one developed on the basis of the Antiquities Act of 1975, strives to maintain historic sites, but these acts often lack the perspective of tourism development, and the conservation agenda and its consequences clash with the idea of cultural assets being marketable to be turned into a tourist attraction (Seraphim & Haq, 2019; Fatima et al., 2022). As a result, what is more, is a dire necessity to balance the policies of protection of the environment and heritage with tourism development goals in a view to construct that economic prosperity does not come at the cost of ecological and cultural integrity.

Role of Tourism Development Corporation and Regulatory Bodies

The Pakistan Tourism Development Corporation (PTDC) and other tourism development corporations in Pakistan are very important in their role regarding the implementation of the tourism policy both nationally and provincially. These organizations are charged with marketing tourism, building infrastructure, and improving experiences of the visitors. Nevertheless, organizational constraints, which include low funding, inefficiencies in the bureaucracy, and lack of coordination among different regulatory authorities, have inhibited their performance (Daraz et al., 2022; Ullah et al., 2021).

Local regulatory agencies have the duty to set out the policies of tourism operators and their enforcement, but again, the laxity in implementation of these policies has also made the stakeholders concerned (Hussain & Kakepoto, 2024). What is more, communities are only peripherally involved in the decision-making process, which results in an imbalance between the needs of the residents and tourist development efforts, potentially limiting the benefits that tourism is able to bring to local economies (Hanif et al., 2024; Sabir, 2023).

The case studies abroad have indicated that tourism destination development is successful when there is a close collaboration between the government, the business community, and the local population (Hussain et al., 2024; Daraz et al., 2022). In Pakistan, developing synergies between these stakeholders and improving the management of tourism projects that do not harm the environment and promote its cultural heritage but also stimulate the development of the country is a viable solution (Seraphim & Haq, 2019; Khan et al., 2020).

Legal Gaps and Regulatory Weaknesses

Instability and fragmentation of the tourism legal framework in Pakistan are some of the most apparent problems in the area that need to be fixed, which creates many gaps in the legal field. Although laws

of tourism have been developed, they do not always meet the mark of interconnectivity between tourism, environmental sustainability, and cultural inheritance maintenance (Amir et al., 2021; Abbas, 2018). Such a non-integration leads to an insufficient regulatory environment, which is not equipped with a sufficiently high level of complexity of the existing challenges of the industry (Khan et al., 2022).

Further, there is a serious mismatch between law and its implementation, especially the rural region, which mostly harbours lots of tourism resources. The power to implement the current legislation is often in the hands of the local governments that lack their capacity and become incapacitated, and the illegal activities connected to tourism operations that include the illegal use of the land and wildlife trafficking only develops (Hanif et al., 2024; Seraphim & Haq, 2019). This form of open activities that are unregulated pulls down the viability of tourism industry and deepens the social economic gaps of societies whose livelihoods depend on tourism.

Such external factors as security issues have traditionally stunted the growth in the Pakistani tourism sector, pushing away the domestic and international investments (Khan et al., 2022). The government should embrace a holistic strategy that would not only reinforce the laws but also the lack of socio-political conditions influencing the stability of tourism.

Comparative Study: Tourism Law and Policy in Southeast Asia

Tourism Legal Structure in Malaysia

The legal framework of the Malaysian tourism industry regulates the losses and the aims of advancing sustainable tourism and harmonizing economic development along with the concern of preserving culture. Act 482, that is, the Tourism Industry Act 1992, is the backbone of this structural framework and stipulates the guidelines and rules under which tourism industry functions. Recent studies also note that there are considerable gaps present in this

legislation, and it requires reforms to work better in the contemporary environment of the tourism industry (Bakar et al., 2024). In addition, the issues that are specific to Malaysia, the implications of foreign landownership in the context of tourism development, disclose the urgent necessity of synergy between the tourism legislation and the general laws on the use of land (Sumarja et al., 2023).

Tourism and technology are the dynamic field that has necessitated the employment of smart tourism systems into the current legal framework to promote visitor satisfaction and improve operational efficiency (Amir et al., 2022). These changes precondition the ongoing revisions of the legislative instruments to fit the new tendencies, including digitized eSports and community-based tourism projects (Azmi & Ahmad, 2022). In that regard, there is a need to conduct a systemic review that will provide viable solutions to the existing gaps in the laws as well as create an atmosphere that will make it easy to invest in the Malaysian tourist sector (Bakar et al., 2024).

Eco-Tourism and Cultural Heritage Laws in Malaysia

Malaysia had observed during the past several years the significance of eco-tourism and cultural conservation as central issues of the tourism policy. The planning at the national level on eco-tourism has been done by the Ministry of Culture, Arts, and Tourism and this demonstrates how the government regards environmental practices in the tourism industry as sustainable (Choo & Halim, 2022). Through the approaches of the cultural heritage sites and eco-tourism, Malaysia seeks to improve the general tourists experience as well as to make them aware of the local practices and histories.

In the case of legal instruments of the eco-tourism governance, the indigenous communities and their culture heritage are as well protected. Certain policies should be targeted to protect the rights of the minority groups such as the Pala community of Sabah and make sure their sustainable inclusion in the tourism industry. According to research findings, the contribution of such communities to their heritage could be facilitated by using specific pieces of legislation that

might help ensure that these groups are able to climb the ladder and share their culture and traditions without being exploited, whatsoever (Hadzlan et al., 2024). These two approaches, which concern the environment (eco-tourism) and culture (heritage), can be seen in the concept of Malaysia supporting its tourism industry on international market by reinforcing the focus on the local environment as well as the culture.

Investment Incentives and Governance Models in Malaysia

There is an important role played by investment incentives in the tourism sector in Malaysia in attracting foreign direct investment (FDI). These incentives are underpinned by a variety of governance systems, such as tax exemptions and incentives of a fiscal type that can be promised to local and foreign investors (Choo & Halim, 2022). The Malaysian government has introduced solutions that are focused on simplifying the process of investment such as the adoption of digital technologies that would ensure that they could accept an application to issue a permit online (Amir et al., 2022).

Nonetheless, the efficiency of these models is usually undermined by the inconsistency of regulation and red tape, which is depicted in studies devoted to different regions. The existence of such gaps is quite important in the context of achieving maximum returns of tourism-related investments. Local governmental organizations have to enhance coordination and communication among different bodies of the state and federal levels engaged in tourism planning and development (Samudin & Zakaria, 2017). Such a renewal of the models of governance in Malaysia is central to the need to make the sector of tourism competitive as well as contributing to the development that is sustainable.

Legal Support for Community-Based Tourism in Thailand

The way Thailand manages the community-based tourism (CBT) is indicative of a significant legal framework that is meant to enable the local communities to become actors of the tourism industry. Thai government has implemented policies to endorse their CBT programs

with legal status and aid to the local organizations financially (Choo & Halim, 2022). These policies help in bringing about sustainable tourism products, which are attractive and close to the local cultural dynamics as well as allowing the people to embrace the economic aspect of tourism.

In addition, the discussions suggest that the Thai legal regulations of community rights have become an exemplar of its neighbors in the Southeast Asian region. They lay stress on models that guarantee community involvement in decision-making activities with respect to the tourism developments that might influence their lives (Sumarja et al., 2023). To strengthen the impact of these legal supports, they should constantly be linked with the local communities, whose voices should be heard to influence in significant ways the tourism activities.

Zoning, Licensing, and Environmental Protections in Thailand

An essential role of zoning controls and licenses in tourist destination Thailand is to control the development of tourism and protect the environment as a resource base (Choo & Halim, 2022). The Thais government has enacted a strict zoning legislation in a bid to strike a balance between tourism development within the country and protection of the environment and particularly the ecologically sensitive sites. According to these regulations, major tourism projects should be assessed regarding their impact on the environment (environmental impact assessments (EIAs)), which is crucial to reducing negative environmental impacts (Samudin & Zakaria, 2017).

Furthermore, Thailand laws in the area of environmental protection are supported by international commitments, so that national policies are coordinated with international sustainability activities. This twofold compliance emphasizes the fact that Thailand tries to be the example of responsible tourism development in Southeast Asia (Samudin & Zakaria, 2017). Nevertheless, the law can sometimes permit uneven adherence to similar rules, usually when developers and nature conservation clash (Choo & Halim, 2022). The solution to

such gaps is important in ensuring that Thailand remains one of the most popular sustainable tourism destinations.

Sustainable Tourism Strategies in Thailand

Thailand has come up with numerous sustainable tourism mechanisms that involve stewardship of the environment, culture conservation as well as empowerment of the communities. The government of Thailand has implemented programs that would encourage tourism that is environmentally friendly due to the concern of increasing environmental degradation. Some of the areas in which the tourism sector has implemented sustainable practices imply a broad likelihood of solving environmental issues, including lowering the number of plastics used and encouraging conservation tourism (Choo & Halim, 2022).

In addition, the ideas like marketing of green certifications of tour operators and hotels indicate that environmental sustainability in tourism is on the agenda, which gives tourism companies an incentive to develop environmentally friendly activities (Bakar et al., 2024). Awareness and education campaigns of both tourists and the operators should be conducted to sensitize them about sustainable tourism so that these strategies are maintained in a long-term prospect. When Thailand develops the culture, of sustainability, it maximizes its tourism product and it makes a positive impact on the bigger picture environmental and social objectives.

Regulatory Approaches to Conservation and Tourism in Indonesia

The tourism industry in Indonesia depends on the fact that the country can offer a great deal of rich biodiversity and cultural heritage to rest on, making the regulation of tourism and conservation an extremely delicate matter (Bakar et al., 2024). Interest of the government in taking care of its natural and cultural heritage is also evident through the laws like environment law and the tourism law, which provide frameworks of sustainable development in the tourism sector. Favorable rules and regulations that accompany the

conservation of national parks and marine reserves make sure that tourism activities do not undermine the integrity of the environment.

In addition, the Indonesian legislative systems also underscore the significance of community participation in the conservation. On the one hand, community-based programs have been effective in terms of protection of natural habitats, and in terms of the positive effects of tourism on the natives (Sucipta & Jaafar, 2024). Such efforts mean that good regulation processes not only safeguard those assets of the ecology but also give power to the local residents and transform them into initiators of tourism but not passive observers.

Legal Mechanisms for Public-Private Partnerships in Indonesia

Public-private partnerships (PPPs) are very important aspect of Indonesia tourism policy. Government promotes partnership between the state and the market to strengthen the infrastructures, attract investments, and to encourage a better service delivery within tourism industry (Omara & Tauda, 2023). The legal instruments through which such partnerships are raised play a pivotal role towards establishing an enabling environment that entices the private investor and safeguards the interest of the citizenry along with regulatory conformity.

The importance of PPPs is especially noticeable in creating tourism infrastructure, e.g., resorts and transport systems. Nevertheless, effective and well-developed PPPs presuppose clear and transparent legal environment with well-defined roles, responsibilities, and risks on both sides of the process (Omara & Tauda, 2023). Through the facilitation of synergy between the state and the market, Indonesia will maximize the potential of tourism to drive its economy but at the same time, making sure that legal protection will be embedded intrinsically in the collaborations.

Tourism and Decentralization Laws in Indonesia

The Indonesian decentralized system of governance provides a special set of opportunities and challenges in managing its complex

tourism system (Sucipta & Jaafar, 2024). It has given regional governments power to develop and implement local tourism policies, and these local tourism policies are possible to increase the responsiveness to local conditions and community demands (Omara & Tauda, 2023). This decentralization will enable local consistent decision-making to harmonize the tourism development to the social-economic interests of different communities living in the various islands of Indonesia.

The case with the decentralization of tourism governance, however, may include regulations disparities and inequalities in implementation at the local levels, as well (Sucipta & Jaafar, 2024). Development of national guidelines that are comprehensive in nature and offer a guideline to the local guidelines can also streamline the efforts and yet fit local peculiarities. The idea that decentralization will have positive impact on tourism development relies on the incorporation of stakeholders' voices, enhancement of capacity building and promotion of legal literacy at grass roots.

Key Lessons for Pakistan

As Pakistan aims at developing and revamping its tourism industry, it helps to obtain important lessons in the legal and policy settings that have been made in Southeast Asian nations like Malaysia, Thailand and Indonesia. These countries have provided pro-active tourism legislations, which focus on sustainability, connectivity to technology, inclusion of the community and good governance systems. As an illustration, one can consider the Thai approach to community-based tourism and the Malaysian National Eco-Tourism Plan that help to reconcile environmental and economic growth through legal issues. On the contrary, the regulations of tourism in Pakistan are haggard and inconsistent, without extensive protection of the environment, the legal focus on online spaces, or official appreciation of Native homeland tourism. According to Choo and Halim (2022), the experience of Southeast Asian countries reveals that inclusive and culturally sustainable growth can be achieved in countries through integrated legal frameworks that allow

maximizing the potential of tourism. Pakistan can equally pursue a stringent way to legal architecture through employing similar strategies to result in a responsible, community-based, and sustainable tourism development.

Prioritizing Sustainable Legal Frameworks for Tourism Development

Malaysia has successful experience in attempting to incorporate sustainability into the tourism law, which can become an example of best practices to Pakistan. Tourism is regulated by its Tourism Industry Act 1992 (Act 482) and although this tourism regulation has been complemented by recent scholarly works, it has been reflected on the fact that it cannot take care of contemporary issues about sustainability thus necessitating a reform (Bakar et al., 2024). The National Eco-Tourism Plan in the Malaysia further illustrates this legislative harmony between the sphere of environmental protection and tourism promotion (Choo & Halim, 2022). The 18th Amendment type of decentralization has compounded the lack of such national coherence in the current legal framework of Pakistan. In order to follow the example of Malaysia, Pakistan needs to write down national norms of sustainable tourism in particular in ecologically fragile territories, such as Gilgit-Baltistan and Khyber Pakhtunkhwa.

Integrating Technology and Smart Tourism in Legal Reforms

Malaysia began to adopt digital governance in its tourism regulations, favouring such initiatives as smart tourism platform, online licensing, and AI-based tourist management (Amir et al., 2022). The innovations simplify administrative actions and the experience of tourists. Pakistan, on the contrary, does not have any in-depth legal stipulations to govern the process of digital tourism, which puts the users and service providers at the grey zone of their liability. In order to fill this gap, Pakistan needs to revise its legislation to qualify e-tourism as a separate industry, with strict provisions on personal information protection, permitting, and online accessibility, just like

in the case of recently revised legal frameworks in Malaysia (Azmi & Ahmad, 2022).

Community-Based Tourism as a Legal and Economic Strategy

Community Based Tourism (CBT) in Thailand is well supported by the government in terms of laws, making it a comprehensive development concept where the locals are not left back. Communal groups and policies empowerment with the support of legal recognition and metabolisation at the bottom and the middle level indicate the decentralized and participative approach to tourism (Sumarja et al., 2023). Tentative steps have been taken by Pakistan in this direction, e.g. in Hunza and Kalash, but there are no legally established community rights to protection, or of equitable benefit-sharing. Using the example of Thailand, Pakistan can implement laws that will mean that the ownership of tourism projects will be ceded to the community and respect local decisions besides ensuring that the principles of fair-trade tourism are promoted (Choo & Halim, 2022).

Strengthening Environmental Regulation through Zoning and Licensing Laws

Tourism expansion in sensitive areas or in zones where environmental protection is important is controlled through the provisions of strict zoning and Environmental licensing law in Thailand as well as Indonesia. These are compulsory Environmental Impact Assessments (EIAs) and land use legislations that are conservatory (Samudin & Zakaria, 2017). The case is similar in Pakistan where the scenic areas like Murree and Kaghan are usually over developed without proper environmental scrutiny. Based on the experience of Thailand, planning to strengthen the positions of a touristic state one must institutionalize the EIAs in the provincial and federal tourism legislation and also carry out the zoning regulations which limit the construction within the ecologically risky areas. This would assist in the preservation of biodiversity as well as climate related risks in the highlands and coastal regions.

Developing National Guidelines within a Decentralized Framework

The case of Indonesia can give us a valuable suggestion on how to balance national tourism goals in accordance with decentralized governance. After legal amendments, regional governments were empowered to control tourism, but this had to be aligned with national rules to avert any form of fragmentation of the control (Omara & Tauda, 2023). After the tourism was devolved to the provinces by Pakistan under its 18th amendment, there also exists variation in standards across the regions there. The Indonesian model implies that Pakistan is to prepare a national tourist code or legislation that would provide the standard set of principles and allow provinces autonomy with their Implementation (Sucipta 2024, Jaafar, 2024).

Encouraging Public-Private Partnerships (PPPs) Through Legal Clarity

The interest of Indonesia in the distinct legal frameworks regarding Public-Private Partnerships (PPPs) demonstrates how laws can offer investment attraction as well as securing the interests of the people. The legal mechanisms establish contract, risk sharing and accountability between the public agencies, and the private investors (Omara & Tauda, 2023). In Pakistan, much of the PPP designed tourism projects have lost momentum as a result of ambiguous laws and red-tape. An exclusive tourism specific PPP law based on the legal tools applied in Indonesia would help to have clear channels of investment especially in the fields of hotel development, transportation systems, and even ecotourism.

Protecting Indigenous and Marginalized Communities Through Law

The tourism legislations in Malaysia also provide a section on protecting the rights of the natives especially in places of eco-tourism such as Sabah where Palau are found. Laws focus on the maintenance of culture and community and the non-exploitation of it (Hadzlan et al., 2024). Most of the indigenous communities in Pakistan including the Kalash, Baloch and others are mostly prone to the risks of having

their cultures diluted by unregulated tourism. Drawing experiences and lessons on Malaysia, Pakistan ought to instigate legalization over cultural tourism, such as consent of the community members, intellectual rights-based protection of cultural manifestations, and revenue-sharing models that directly support indigenous groups (Choo & Halim, 2022).

Institutionalizing Tourism Governance and Reducing Bureaucratic Overlaps

The Malaysian experience of centralized but flexible central steering of governance in tourism is of instructional importance in terms of institutional efficiency. Digital integration and permit systems that minimize bureaucratic friction have been part of changes to governance in Malaysia (Amir et al., 2022). Development of tourism in Pakistan is usually hampered by the unclear roles played in level of Pakistan Tourism Development Corporation (PTDC), the province departments and the districts. One of the major lessons in Malaysia is the necessity of having clear institutional functions and the use of centralized databases and online permit systems, which will help coordinate the activities of stakeholders (Samudin & Zakaria, 2017).

Identified Gaps in Pakistan's Tourism Law

The Pakistani tourism industry is full of potential but limited in its growth in view of many lacks of law and regulations that hinder its sustainable development. Some of the fundamentals of concern are poor protection of the environmental and cultural heritage, low legal encouragement of investments, ambiguous institutional roles, and the absence of an enforcement tool.

Inadequate Environmental and Cultural Heritage Safeguards

The impact of tourism on the environment in Pakistan is significantly interrelated to the lack of legal protection mechanisms that are supposed to preserve the biodiversity and cultural heritage in the country. Studies have revealed that most regions experience losses in biodiversity even when there are rules to control such problems

because of poor enforcement, and lack of concern by the community (Javeed et al., 2024; Javed et al., 2024). The problem facing the region is that tourism development may lead to the loss of resources, the destruction of the environment, and subsequently, to an increase in this biodiversity crisis (Muhammad et al., 2019). There should be a complex plan to implement a more sustainable environment into tourism, which involves the increased organization of tourism activities around these safeguarded areas (Altaf et al., 2023).

Weak Legal Incentives for Investment

The legal system that directs investment in tourism in Pakistan is weak and unclearly defined thereby putting a hitch on both local and foreign investors. The sustainability of tourism is not supported with sufficient incentives by the existing policies (Sabir, 2023). Profit motives behind the actions of tour operators as well as the absence of effective legal frameworks in terms of encouraging the notion of responsible tourism practices also stalls the development thereof (Baloch et al., 2022). The policymakers should be mindful of emerging opportunities as identified in international tourism markets, which encourage ecotourism and preservation of cultures (Hussain et al., 2024; Ullah et al., 2021).

Poorly Defined Roles of Institutions and Overlapping Jurisdictions

One of the most impediments to the effective tourism governance in Pakistan is fragmentation in institutions. The duplication of functions of different state agencies contributes to policy inefficiencies because of confusion within the implementation system (Ashraf et al., 2023). As it is determined in the researches devoted to the role of tour operators, the necessity of stakeholders to draw their responsibilities is evident to improve cooperation towards sustainable tourism (Baloch et al., 2022; Ullah et al., 2021). An organized chain of command and simplified procedures would enable a more collaborative work between various sectors of the government and describe the tourism policies enforcement.

Lack of Enforcement and Compliance Mechanisms

The current state of the tourism laws and their enforcement is quite low, which several studies showcase (Javeed et al., 2024; Muhammad et al., 2019). The absence of compliance tools will lead to the reluctance to follow the regulations and create a possibility of environmental degradation because of the unregulated tourism business (Altaf et al., 2023). To enable good governance, it is also imperative that a legal environment be put in place that does not only have well defined rules but also a credible regime of enforcement and accountability. These are also associated with the training of law enforcement agencies and the increased testing of the society on the need to follow environmental norms (Awan et al., 2020).

CONCLUSION

With a huge potential based on a wide range of cultural, natural, and historical resources, Pakistan is a major tourist destination, which lags far behind regarding the development of its tourism industry given the lack of integration within the legal and institutional framework. Comparative study against Malaysia, Thailand, and Indonesia has highly showed that strong, comprehensive legality and enforced legal systems is the best way to develop healthy and sustainable tourism sector. Although Pakistan has made some progress, especially concerning the infrastructural developments offered through projects, such as CPEC, the challenges that still stand in the way of development centre on security concerns, infrastructural weaknesses, the lack of comprehensive marketing, and governance challenges. This lack of detailed laws to guard the environment, safeguard cultural heritage in addition to holiday seasonality based on the virtual sector of the business and the involvement of the communal premises appears to cause a considerable barrier towards the achievement of complete economic and socio-cultural opportunities accessible in the aspiring sphere.

Legal reforms in Pakistan can take important pointers through the success stories of Malaysia, Thailand, and Indonesia. The above-

mentioned countries have embedded sustainable tourism in their priority by using exclusive laws, merger of technology in their governance and visitor innovations, and having legalized the local population to help in the enhancement of their tourism works. This has been the lesson of their experiences in regard to Environmental Impact Assessments (EIAs), and stringent zoning code in order to make sure that sensitive lands should not be overdeveloped and this is a matter of grave concern to spontaneously threatened natural landscapes of Pakistan. Also, the focus on more prominent public-private partnerships (PPPs) with the definition of distinct legal frameworks and the decentralization of tourism regulation with national control can be taken as action strategies towards investment attraction and the competent development of province management in terms of co-ordination.

To tap into the great tourist potential it has got, Pakistan will have to undergo a radical transformation of its tourism legislations and policies. This involves the formulation of a national code of tourism, which will offer uniformity in the set of principles with flexibility in application on the provincial levels. Importantly, the new framework also has to directly support the environmental and cultural heritage protection with the high level of enforcement mechanism and liability. It will be critical to incorporate legal frameworks on digital tourism platforms, community-based tourism enterprises where the benefits are equally distributed, facilitated investment incentives, and so on. Moreover, the streamlining of the functions of different hospitality entities and simplifying bureaucracy can facilitate the cooperative work between agencies and successful implementation of tourism policies (Hussain & Kakepoto, 2024; Rana & Ameen, 2023).

In the end, an effective and supported legal and institutional regime does not only guarantee the much sought-after investment and improvement of the global image of Pakistan tourism, but also increases security of these natural and cultural treasures, which remain to be the priceless and irreplaceable heritage in the long run. Drawing on the experience of other Southeast Asian countries that

have become successful models in terms of tourism-related development, Pakistan can become one of the most powerful instruments to achieve long-lasting economic growth, employment, and well-being of its people (Khan et al., 2022; Daraz et al., 2022). This is the strategic legal and policy change of improving Pakistan as a real potential country as a tourist destination of the world. Paper presents following recommendation:

Formulate a general federal policy (Unified National Tourism Act), which establishes high standards of sustainable tourism, environmental protection, and the preservation of local culture, as guidelines on the provincial level legislations.

Conduct stringent environmental impact assessment (EIAs) legally on any new and large scale tourism projects particularly in environmentally sensitive regions and have strong enforcement measures to avoid unkempt construction and clearing.

Specific legislation often legalizes, outright, community-based tourism (CBT) and is focused on granting it a legal status, access to financing, training, and benefit-sharing instruments.

Develop a specific Digital Tourism Act with a view to establishing a legal framework to govern online based booking, online-based customer data protection, consumer rights, online tour operators licensing and online tourism security.

Enhance legal encouragements through restructuring investment regulations by providing specific tax exemptions, subsidies, and other economic incentives on the companies that engage in sustainable applications, acquire environmentally-friendly infrastructure, or through cultural conservation.

Institutional roles and responsibilities should be streamlined by ensuring that the responsibilities of national, provincial and local tourism authorities have clear mandate under the law in order to reduce overlapping jurisdictions and the practice of bureaucracies.

Provision of legal policies to defend indigenous rights in tourist regions, unrestricted, prior, and informed permission of tourism ventures, cultural protection, and the equal distribution of income.

Enhance regulations and enforcement measures by providing adequate funds and training to regulatory authorities and law enforcement department, so that tourism regulations get implemented properly with strict punitive measures.

Develop specific Public-Private Partnership (PPP) laws applying to the tourism sector that contain detailed guidelines on issues in relation to the contractual aspects, risk-sharing, accountability and dispute protocols in an endeavour to attract private sector investment.

Come up with a systematic procedure of updating and modifying laws that govern tourism in relation to the changing world tourism trends and changes in technologies so that the legal framework is dynamic and able to keep up with the changes in the world.

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