



Legal Protection of Tourist Insurance on Watersport of Tanjung Benoa Bali

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Abstract. Watersport Tanjung Benoa Bali is a travel sports activist and lover of watersport activities. Watersport is a type of water sports game or nautical activity ranging from extreme games to watersport activities suitable for families—legally protecting tourist insurance on watersports of Tanjung Benoa Bali. Legal protection of tourists includes rights and obligations so that when there is a risk to tourists, it is based on “good faith” to apply civil sanctions so that the agreement binds all business activities. The research aims to know the legal protection of tourist insurance on the Watersport of Tanjung Benoa Bali. The role of bends adapt to the risk of tourists in the watersport of Tanjung Benoa Bali is there. The research method uses normative legal research with a statutory and conceptual approach. From the study results, it can be seen that the legal protection of tourist insurance on watersports of Tanjung Benoa Bali, aimed at creating legal certainty, is stated in the agreement, which contains the rights and obligations of the parties. Moreover, when one of the parties commits a violation, the sanctions are expressly stipulated in the agreement. Efforts to resolve risks for water tourism tourists (watersports) are carried out with preventive legal remedies, meaning that at the time of handling the agreement, it must be understood and observed the rights and obligations of the parties. In contrast, repressive legal remedies mean the parties must carry out the agreement in good faith. Civil sanctions are applied to parties proven to have violated the agreed agreement. Implementing risks in the watersport of Tanjung Benoa Bali, Bendesada plays a role in supervising community behavior and applying customary sanctions.

Keywords: Legal Protection · Insurance · Tourists · Water Tourism · Traditional Flag

1 Introduction

In the context of nation building, development is an attempt or sequence of planned growth and change initiatives carried out purposefully by a country, state, and government toward modernity. Siagian Sondang P (Siagian Sondang P, 1985: 3) Legal protection of specific interests can be achieved by restricting the opposing party's interests. The Republic of Indonesia's 1945 Constitution guarantees equal legal protection to all Indonesian nationals.

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Legal protection of tourists and tourism entrepreneurs is indispensable to protect development in the tourism sector. Furthermore, the implementation of regional autonomy must spur regions to explore various potentials that exist in the regions, as well as ensure the realization of the sustainable development of Balinese cultural tourism. 2019:24 (Subadra I Ketut) In the field of tourism, Law No. 10 of 2009 was enacted.

To protect religious norms and cultural values, as well as to control the rights and duties of tourists and tourism businesses, tourism development must be organized around many concepts.

The enactment of Regional Regulation Number 2 of 2012, which is a power regulation to achieve goals, is intended as a weapon of power or equipment of the state, as well as an element of regional government administration. This regional power's organizing element is granted jurisdiction connected to Balinese culture tourism to carry out preventive measures against visitors.

One of the primary issues in nation building and the Government of the Republic of Indonesia during the 1980s was the expansion of the tourist sector, constellations, and the status of the tourism world, as well as its progress and future possibilities. As a result, the tourist business in Indonesia today may be deemed to have a substantial presence.

When it comes to visiting recreational areas, for example, sunshine and the sea are often marketed as tourist attractions. As a result, developing tourism becomes a simple way to develop an economy. They (countries) are attempting to overcome issues in the balance of payments deficit by utilizing just the beauty of nature.

The development of a well-developed tourist business can result in balanced economic growth. Hotel corporations can supply lodging, food and drinks (bars and restaurants), tour arrangements (tour operators), travel agents, and, when needed, handcraft industries, as well as economic infrastructures such as roads, bridges, port terminals, and airfields. It also need electricity production infrastructure, physical and recreational facilities, postal and telecommunications, banks, money changers, insurance businesses, advertising firms, and a variety of other economic sectors.

Tourism, as a service business defined as a third industry (James J. Spillance, 1997:47), plays an important role in developing knowledge about job prospects. The reason for this is the urgent need for permanent work opportunities in connection with future tourism growth.

In its broadest sense, tourism's function in development consists of three components: economic (source of foreign tax exchange), social (job creation), and cultural (introducing culture to tourists). These three factors apply to both international and domestic visitors, who are becoming more important. Ari Hartoko (Ari Hartoko, 1974:45).

Bali is a renowned tourist destination in Indonesia due to its natural beauty and cultural diversity. The launch of the Bali Beach Hotel in Sanur Denpasar in 1966 signaled a significant shift in Bali's tourism growth.

During tourism activities, travelers either visit tourist sites, stay in lodging locations (hotels), or participate in other tourism-related activities; tourists are exposed to an uncertain circumstance known as risk. Sri Redjeki Hartono II (Sri Redjeki Hartono II, 1992: 4) For a long period, mankind has struggled with the notion that man may confront hazards to both his soul and his possessions. However, there are numerous strategies or attempts done by people to overcome hazards.

One strategy for mitigating risk is to shift the risk to the other party. The threats that tourists will face are similar. This is meant to provide visitors with a sense of confidence by consenting to this type of arrangement known as an insurance agreement.

The rise of wisdom in insurance to protect international and domestic visitors is due to the rising dynamics of human life, which allows for more and more potential for occurrences that result in losses. The same is true for travelers on vacation.

Based on observations made at several tourist attractions and preliminary information obtained from the Bali Regional Tourism Office, it is possible to conclude that, in addition to the initiative to ensure the risks or interests of tourists coming from the tourists themselves, there is also an initiative coming from other parties (in this case the Government). In the latter instance, the legal connection between the premium payer and the Government as the insurer is formed by law (Simanjuntak, Emmy Pangaribuan, 1990: 3) such that it seems that the other party imposes a required element on one of the parties without respect to the compliance of its desire.

Watersport is a form of water sports game or nautical activity that ranges from intense Bali watersport games to family-friendly watersport activities. Watersports suited for families and children include snorkeling and visiting a turtle conservation island, often known as turtle island banana boat games.

Tanjung Bena Bali is a center for marine rides, in addition to star-rated resort hotels and prominent villas. On the island of Bali, this is one of the most important hubs for marine tourism and water tourist activities. There are dozens of watersport activity service provider vendors in Bali offering services and activities at this site. Travel Gotravela offers 12 different sorts of Watersport activities in Tanjung Bena Bali, such as Banana Boat, Parasailing, Rolling Donuts, Snorkeling, Flying Fish, Sea Walker, Jet Ski Watersport, Gloss Bottom and Turtle Island, Flying Board, Water Ski, Scuba Diving, and Wake Boarding.

Thus, in this scenario, tourism insurance is analogous to mandatory social insurance. Closed insurance is not voluntary; rather, it is required by a certain party (Government). As a result, tourism insurance may be linked to mandatory social insurance because the objective of mandating or holding coverage is to offer social security for specific categories of people, namely members of the general public, international visitors, and domestic tourists. The research seeks to discover what the legal protection of tourist insurance on the Tanjung Bena Bali Watersport is and if bends have a role in adapting to the danger of visitors that happens in the Tanjung Bena Bali Watersport.

2 Method

According to Kartono, research procedures are ways of thinking about and preparing to undertake research and achieve goals. Kartono (1995: 58) According to the preceding explanation, research is essentially an activity designed to be carried out using the scientific method with the goal of acquiring fresh data to determine the truth or falsity of a symptom that has resurfaced. The author conducts normative legal research, which includes reviewing relevant laws and regulations such as the Civil Code (Civil Code), the Trade Law Code (KUHD), Law Number 10 of 2009 concerning Tourism, Law Number 40 of 2014 concerning Insurance, and Law Number 8 of 1999 concerning Consumer

Protection. As a result, the problem method that will be employed in this study is a conceptual approach as well as a statutory approach, which means that the author views the applicable legal regulations, particularly with the legal protection of tourist insurance on water tourism (Watersport) Tanjung Bena Bali.

The legal documents included in this essay were obtained from both primary and secondary sources. The primary legal materials include laws and regulations such as the 1945 Constitution of the Republic of Indonesia, the Civil Code (KUH Perdata), the Trade Law (KUHD), Tourism Law Number 10 of 2009, Insurance Law Number 40 of 2014, and Consumer Protection Law Number 8 of 1999. Secondary legal resources are legal materials gathered from literature or scholarly opinions on the subject.

To get legal resources from the library, conduct research by inventorying, evaluating, and researching primary and secondary legal materials relevant to this topic. The findings of the literature review were then compiled utilizing a card system. There are two types of cards that must be made to record legal materials:

1. Quotation card, which is used to record or cite material along with where the legal material was obtained from (author/author's name, book or article title).
2. Bibliographic cards are used to record the reading sources used. This card was very important and useful at the time the study compiled the reading list as the concluding part of the research report it compiled. (Soerjono Soekanto and Srimamuji, 1985:30)

Records are kept based on the model for items deemed vital and valuable. This will make it easier to do research in order to retrace legal materials gathered when processing legal materials and generating research reports.

After gathering the necessary legal materials, the materials will be processed and assessed utilizing qualitative material processing techniques. The term "qualitative material processing procedures" refers to the selection of materials based on their quality in order to solve the difficulties stated. Ronni Hanitijo Soemitro (1998) For its presentation, descriptive analysis is used, which is a material analysis carried out by assembling a scientific conclusion methodically.

3 Result and Discussion

3.1 Legal Protection of Tourist Insurance on Watersport tanjung Bena Bali

The basis of discussing the notion of visitors, particularly foreign tourists, is strongly tied to tourism as a temporary departure from someone or another area outside their habitation. The drive for his departure was due to a variety of interests, including economic, social, cultural, political, religious, or health interests, as well as ones that were just inquisitive, adding experience, or learning.

Tourism is strongly tied to the concept of tourist sales, as a change of temporary residency of a person outside his place of residence for a cause other than to carry out wage-generating activities. Thus, a tourist trip is defined as a travel taken by a person or group of people for a variety of reasons, including enjoyment and a desire to learn something new. It may also be motivated by interests in health, sports, conventions, religions, or other commercial demands.

Recently, there has been much discussion about the problem of the world of tourism, where people have differing, if not opposing, viewpoints, particularly those concerning cultural customs and the environment of community groups that are directly involved in the flow of traffic and tourism industry activities.

The general limitations regarding tourism are the overall activities of the government, the business world, and the community to regulate, take care of and serve the needs of tourists. While the more technical limitations are as follows:

Tourism is concerned with all aspects of a traveler's affairs and requirements. Travel is undertaken for a variety of reasons or interests, such as vacationing, visiting relatives, recovering health, conducting business, and so on. Tourism in the modern sense, according to Pedit (1981:29), is a phenomenon from today that is based on the need for health and change of air, a conscious assessment and cultivating (love) of the beauty of nature, and is caused in particular by the increasing association of various nations and classes of human society as a result of the development of commerce, industry, trade, and the refinement of transportation means.

More technical limitations are argued that the limitations of tourism should show the anatomy of the symptoms consisting of three elements, namely humans (Man), that is, people who travel; space (space), that is, the area or scope of the place of travel; and time (time), which is the time used during the trip and stay in the tourist destination area.

Salah Wahab defines a consciously carried out human activity that gets service alternately among people in a country itself (abroad) as a consciously carried out human activity that includes the reciprocity of people from other regions (certain regions), a country or continent for a while in search of satisfaction that is varied and different from what it experiences where it obtains a permanent job.

This might be regarded an unseen export for a country that views tourism as an industry that creates things consumed at its destination. However, the gains achieved can have a favorable impact on its people's economy, culture, and social life.

From some of the limitations mentioned above, tourism can include all sorts of trips, as long as the trip is with firstness and recreation. In this case, a dividing line is given, saying that the previous trip does not intend to hold a position in a particular place or area because this last trip can be classified as a trip, not for the first purpose or tourism.

The intended factors include: (Oka. A. Yoeti, 1981:109).

- a. The trip was made for a while.
- b. The trip was made from one place to another.
- c. The journey, although what it takes, must always be associated with firstness or recreation.
- d. The person who makes the trip does not make a living in the place he visits and is solely a consumer in that place.

Based on the factors mentioned above, we are more inclined to give the following definition of tourism:

Tourism is a short-term vacation prepared from one location to another with the purpose of enjoying the trip for the sake of firstness and enjoyment or to fulfill various objectives rather than making an effort (business) or making a life in the location visited.

To unify the understanding or definition of “Tourism and international visitors in particular, as well as tourists in general,” we need refer to the restrictions of the understanding contained in Article 1 of the Law of the Republic of Indonesia No. 10 of 2009 concerning Tourism, which is as follows:

1. Tourism means a travel activity or part of the activity that is carried out voluntarily and is temporary to enjoy tourist objects and attractions.
2. Tourists are people who carry out tourist activities.
3. Tourism is everything related to tourism, including business of objects and tourist attractions as well as related businesses in the field of aforementioned.
4. Tourism is everything related to organizing tourism.
5. Tourism business is an activity aimed at providing tourism services or providing or pursuing objects and tourist attractions, business facilities tourism and other related ventures in the field.

Objects and tourist attractions are everything that is a means of tourism. The types of objects and tourist attractions for foreign tourists based on the Law of the Republic of Indonesia Number 10 of 2009 include:

- 1) Objects and tourist attractions created by God Almighty, which are in the form of natural conditions and flora and fauna.
- 2) Objects and attractions of human-made tourism in the form of museums of ancient relics, historical relics, cultural arts, agro-tourism, tirta tourism, hunting tourism, natural adventure tourism, recreational parks and entertainment venues.

A tourism area is an area with a specific area built or provided to meet tourism needs. About the preceding, there is still no uniformity in stating the object that the author of tourist insurance discussed. Some use the term coverage, and some use the term insurance. (Emmy Pangaribuan Simanjuntak, 1990:22) Uses the term coverage as a translation of the word “verzekering” from WVK (wet Boek Van Koophandel), as well as for the word Verzekaar the term insurer is used. For the word versekerde, the term insured is used.

Insurance (coverage) is an arrangement by which an insurer binds himself to an insured by accepting a premium to make compensation to him for a loss, damage, or loss of projected profits that he may incur as a result of an unforeseen incident, as defined in Article 246 of the Criminal Code.

Emmy Pangaribuan Simanjuntak expanded on the limitation of the definition of insurance in Article 246 of the Criminal Code, stating, “Coverage is an agreement wherein the insurer, by enjoying a premium, binds himself to the insured to relieve him of losses due to loss, loss or absence of expected profits that will be suffered by him, due to an uncertain event.”

According to this view, the insurance contained in the article has the property that the insurance agreement is mainly a compensation agreement in the case of an accident for foreign visitors, and it is also considered to be a conditional agreement and a reciprocal agreement.

If you pay attention to some of the definitions of insurance, there is one crucial element that is of concern to the author, namely, the element of compensation. According to the author, insurance, in this sense, emphasizes the coverage of losses only which lie in the event of an accident, so that understanding cannot be applied to insurance of a certain amount of money. The government turned out to be able to capture this gap, so in 1992 a law was promulgated that regulates the insurance business in Indonesia, namely Law of the Republic of Indonesia Number 40 of 2014 concerning insurance.

The insurance term in the Law of the Republic of Indonesia Number 40 of 2014 has expanded even farther than the insurance definition in Article 246 of the Criminal Code. According to Article 1 sub (1) of the Law of the Republic of Indonesia Number 40 of 2014, insurance or coverage is an agreement between two or more parties in which the insured party binds itself to the insured party by receiving insurance premiums in order to provide reimbursement to the insured for loss, damage, or loss of expected profits, or legal liability to a third party that the insured may suffer as a result of an uncertain event, or to provide a payment based on an uncertain event.

As a comparison of these definitions, the following is put forward the formulation of other definitions of insurance, which are almost the same as the definitions contained in the Law of the Republic of Indonesia Number 40 of 2014.

In this respect, it is stated in Article 1 sub (5) of the Law of the Republic of Indonesia No. 40 of 2014 that a loss insurance company is a firm that offers services in overcoming risks for losses, loss of benefits, and legal liability to third parties stemming from unknown occurrences. Furthermore, Article 1 sub (6) of the Law of the Republic of Indonesia Number 40 of 2014 defines a life insurance business as a firm that offers services to overcome risks linked with an insured person's life or death.

Thus tourist insurance in legal terminology is an agreement. Therefore the agreement itself needs to be studied as a reference to the notion of insurance. Given the importance of a tourist insurance agreement by its purpose, namely as an agreement that provides protection, this agreement offers a certainty from uncertainty regarding economic losses that may be suffered due to an uncertain event.

So the tourist insurance agreement was held to obtain certainty of the state's return (economy) as it was before the event occurred. The limitations on formal tourist insurance agreements are contained in Article 246 of the Criminal Code. The limitation by (Emmy Pangaribuan Simanjuntak, 1990: 22) is flexibly developed as follows: Coverage is an agreement wherein the insurer, by enjoying a premium, binds himself to the insured to relieve himself of losses due to loss, loss, or absence of expected profits that will be suffered by him, due to an uncertain event.

The insurance agreement is included in this case the insurance agreement for tourists due to an accident although it is not contained in the same article (Article 246 of the KUHD), but in other articles, namely in Article 257 of the KUHD and Article 258 of the Criminal Code as follows:

1. Insurance is an agreement based on consensus can occur after there is a word of agreement, meaning it is an agreement without form.
2. Insurance has a special nature of trust, mutual trust between the parties is what determines the agreement itself.

Legal protection is defined as protection supplied to legal subjects by legal methods, both preventative and repressive, written and unwritten. In other words, legal protection is a visual representation of the function of law, which is the idea that legislation may bring justice, order, certainty, expediency, and tranquility.

In reality, there is often an imbalance in position between the insurer and the insured. This imbalance is partly due to the many tempting offers of the insured from the insurer in an insurance product that is promoted so that the insured no longer has time to pay attention to the form of the legal protection of the insurance product. However, apart from the various offers that tempt the insured, the common basic knowledge (education) of the insured is also one of the causes so that often the insured becomes the aggrieved party.

The Law of the Republic of Indonesia No. 8 of 1999 concerning Consumer Protection has regulated the responsibility of business actors, in this case, the insurer, for the production (product liability) of goods or services consumed by consumers and service users in order to strengthen consumer empowerment of the insured.

According to Article 45, paragraph (2) of Law No. 8 of 1999 on Consumer Protection, consumer disputes can be handled in two ways: outside the Court (non-litigation) or through the Court (litigation). Out-of-court conflict settlement is classified into two (two) categories:

1. Amicable settlement, which includes a settlement between the parties, settlement through the Non-Governmental Consumer Protection Agency (LPKSM), settlement through the Directorate of Consumer Protection.
2. Settlement through the Consumer Dispute Resolution Agency (BPSK) which includes Conciliation, Mediation and Arbitration.

The first approach of the type of legal protection against the risk of tourists is classified as an indirect approach as follows:

1. Fundamental Risks

Fundamental risks essentially affect society in general or groups of people, so they cannot be monitored or detected by individuals or groups of people. This kind of risk is usually caused by natural disasters or broad economic situations, for example due to weather or severe inflation or economic recessions affecting the international economy.

2. Risiko Partikular/Risiko Khusus

A particular risk or specific risk is a risk whose cause is carried out by individuals and whose impact is limited, by which we can designate the individual or someone who caused it. For example: fires, thefts and accidents.

The second approach is a type of legal protection against risk for tourists as a direct approach, which is an approach by looking at the consequences caused by certain events that create uncertainty.

3. Speculative Risk

Speculative risk is an event that if it occurs can cause losses, break even (no profit, no loss), and may even bring profit. These kinds of risks are common in the business and gambling worlds; where there are factors that allow a person to benefit. Examples:

marketing new products, increasing the selling price, participating in gambling and others. In speculative risk, it contains two elements, namely:

1. The possibility of loss
2. There is a possibility of gain

Speculative risks containing two elements including those found either in betting or other activities, cannot in essence be automatically generalized. Ultimately it must be distinguished between the speculative risk inherent in the gamble and the speculative risk of another event or activity.

4. Pure Risk

Pure risk is an event that if it occurs always causes losses, or at least breaks even (no profit does not lose), for example: fires, earthquakes, floods, riots, accidents.

Pure risk basically contains only one possibility, namely loss. The deviation of expectations only has unfortunate consequences. This risk can be faced both by individuals, families, and by other companies/organizations.

In addition to the classification of legal protection against risks for foreign tourists or the types of risks already discussed, risks are still distinguished again in the types of legal protection against risks for tourists, especially as follows:

1. a) Fundamental risk: fundamental risk is a risk that concerns the people of many/wider communities, including: earthquakes.
b) Particular risk: a special risk is one that individuals face individually, including: fire, theft.
2. a) Dynamic Risk: this risk occurs due to changes in economic fires including price changes, monetary situations.
3. b) Static Risk: this risk arises in static economic circumstances, fires, earthquakes, floods.
4. a) Personal risk, a risk faced by individuals.
b) Property risk, a risk related to the selection of assets.
c) Liability risk, a risk arising from liability under the law.

3.2 The Role of Bendesa Adat on Tourist Risks that Occur in Tanjung Benoa Bali Watersport

The governance of customary villages is carried out by traditional village administrators commonly called prajuru or dulu (paduluan). The system of government of indigenous villages is very varied influenced by the type of village concerned. The types of traditional villages in Bali are divided into:

1. Baliage Village
Namely, the old village in Bali is still strong in maintaining the original social system, in the ancient kingdom era it was not influenced by the majapahit social system;
2. Apanage Village
Villages that in ancient times were intensively influenced by the majapahit social system;

3. Anyar Village

The village arises because the population movement is driven by the desire to find a livelihood. They palped the forest and formed a village.

The government system of apanage-type indigenous villages and new villages generally adheres to a single government system while baliage villages adhere to twin government systems.

In the single system of government of the prajuru structure there is a top official called Bendesa or village kelian, assisted by a scribe or clerk and his functions such as the treasurer of the modern organization as well as other prajuru such as sinoman. While the traditional village adheres to a twin system of government, there are two top officials of its government structure.

Prajuru traditional villages are selected and determined by traditional villages. The structure and arrangement of the traditional village prajuru is arranged in awig-awig and awig-awig is carried out by the village prajuru. Prajuru desa as the executive body in the administration of village government is guided by awig-awig made and ratified by the village. Therefore, the village prajuru is responsible to the village and the accountability is put forward through the paruman is democratic (I Nyoman Sirtha, 2008: 15).

The duties of the authority of the prejuru of customary villages, contained in the provisions of Regional Regulation Number 4 of 2009, it is determined that the prajuru of customary villages has the following duties:

1. Carrying out the awig-awig of the customary village;
2. Arrange for the holding of religious ceremonies in traditional villages;
3. Seeking peace and settlement of customary disputes;
4. Representing the customary village in acting to carry out legal acts both inside the maupu outside the judiciary with the consent of the village lungman;
5. Manage and regulate the management of the wealth of indigenous villages;
6. Fostering religious harmony within the territory of indigenous villages.

In realizing the common goal, Prajuru Desa adat has the task of carrying out awig-awig, taking policies, through paruman aims to ensure the maintenance of unity and unity of his village krama, strive for a harmonious balance in his village based on the concept of Tri Hita Karana, if there is a violation of the agreed provisions (awig-awig) it will cause an imbalance or disharmony of the scale scale.

I Wayan Surpha gave the meaning of awig-awig, which is in the form of a provision regulating the social manners of life of the community to realize the ajeg life system in society. (I Wayan Surpha, 2003:51).

(I Nyoman Sirtha, 2002:4) stated that: "The life of the people in Bali is composed of a unitary traditional village (pakraman village) has its own law called awig-awig. Every traditional village has awig-awig, based on the Tri Hita Karana philosophy (the three basics of happiness) namely Parhyangan, Palemahan, Pawongan".

Based on the provisions of bali provincial regulation number 4 of 2019 concerning traditional villages in Bali, it is stated that the meaning of awig-awig is: "Awig-awig is a rule made by traditional villages and or traditional banjars that apply to the karma of traditional villages, krama tamiu, and tamiu. This is used as a guideline for the

implementation of Tri Hita Karana according to the villages seeking religious dharma in their respective traditional villages”.

Awig-awig contains basic rules concerning indigenous territories, customary villages, religions and sanctions. Awig-awig customary village, is a customary law has the function of regulating and controlling the behavior of community members in their social lives in order to achieve order and peace of the community.

Awig-awig living in society not only distinguishes rights and obligations but provides customary sanctions in the form of fines, phishing sanctions, and psychological sanctions of a spiritual nature, so that it is felt as suffering from violators.

The inhabitants of Bali live in a unit of traditional villages with their own legislation known as awig-awig. According to the Tri Hita Karana doctrine, every pakraman hamlet possesses awig-awig. In an effort to realize the common goal of indigenous peoples having the task of carrying out awig-awig and participating in taking policies through paruman (meeting) aimed at ensuring the maintenance of the unity of their village krama, while still striving for harmonious balance in their village based on the concept of Tri Hita Karana, so that if there is a violation of the agreed provisions (awig-awig) causing an imbalance or disharmony at the same time as *niskala*. For this reason, it is necessary to recover from imbalances. Recovery is also carried out on a scaled and scaled basis.

Soepomo argued that the relationship between the imposition of sanctions, what is important is that there is a priority for the creation of a balance between the birth world and the supernatural world, between the human class of all people, between communion and society. (Soepomo R, 1977:112)

Sanctions have an important role in the lives of people in Bali. Not only customary violations by their people are subject to customary sanctions, even against ordinary people, often the community is burdened with customary sanctions even though the perpetrator has been convicted in public courts.

There are three groups of customary sanctions of the Balinese people called *pamidanda*, three groups of sanctions known as *tri danda*, consisting of: (Suasthawa Dharmayuda, 2001:45)

1. Artha danda
Namely legal action in the form of imposing fines in the form of money or goods;
2. Danda soul
That is, legal action in the form of the imposition of spiritual physical suffering for the offender (corporal or psychic punishment);
3. Sangaskara danda

In the form of legal acts restores the magical balance (punishment for performing religious ceremonies). The sanctions of awig-awig Traditional Village contained in *pawos indik pamindanda* are:

1. *Miwah banjar* arbitrary village *niwakang pamindanda ring krama/villagers/banjar sane sisip* (Villages and Banjars can *memidanda/sanction* the guilty villagers/banjar residents).

2. Tatiwak danda inucap kalaksanayang olih Kelihan Desa Adat/Kelihan Banjar, manut kawentenan. (Sanctions/fines are carried out by the Banjar Customary Kelihan and the Customary Village Kelihan according to the situation).
3. Read the pamidanda luwire (Various sanctions /fines).
4. Pamidanda sane katiwakan should be madudonan, masor singgih manut kaiwangan (sanctions are imposed to be discriminated against according to his mistakes).
5. Jinah pamidanda/raja berana olih-olihan pamidanda inucap kengin ngeranjing dados druwen Desa/Banjar. (sanctions in the form of arta wealth belongs to the village or banjar).

Among the several types of customary sanctions still in force, the kasepekang (excluded) sanction is the most severe. Sanctions are usually imposed on villagers or someone because the residents are constantly considered disobedient to the collective agreement poured into the awig-awig. Those who are kasepekang do not receive customary services before improving themselves and declare themselves subject to applicable regulations. It often happens that the application of sanctions is beyond its meaning, namely being excluded so that the person concerned realizes his mistakes and improves himself so that he returns to society correctly. Sometimes it happens that those who are kasepekang, besides being ostracized, are also prohibited from using traditional facilities such as Banjar halls, going to temples, and using Setra (graves).

4 Conclusion

Legal protection of tourist insurance on water Tourism (Watersport) Tanjung Bena Bali, in dealing with tourist risks, is given a form of preventive protection measures meaning that the parties, in this case, the tourist party and the Travel party, when signing the agreement, must be understood and observed their rights and obligations. Repressive protection efforts, meaning that the parties are obliged to carry out the agreement in good faith. Travel must be responsible and provide a reasonable loss when there is a violation.

Bendesa adat plays a role in dealing with tourist risks in watersports of Tanjung Bena Bali, and this is regulated in Regional Regulation Number 4 of 2009, which determines, among others, bends adat as perjury of indigenous villages has the task of authority, namely carrying out awig-awig of customary villages, regulating the implementation in the territory of religious, customary villages in customary villages, seeking peace and resolving customary disputes, fostering religious harmony.

Based on the task of this authority, Bendesa Adat in solving tourist risks to Tanjung Bena Bali tourism (watersport) based on the Tri Hita Karana philosophy, To realize the common goal of indigenous peoples having the task of carrying out awig-awig and participating in taking policies through paruman (meetings) aimed at ensuring the maintenance of the unity of their villages, while still striving for a harmonious balance in their villages based on the concept of Tri Hita Karana, so that if there is a violation of the provisions agreed in the awig-awig, it causes an imbalance or disharmony at the time of scale.

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