



# Legal Protection for Tourists in Post-covid-19 Tourism Development in Indonesia

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**Abstract.** The COVID-19 pandemic has had a huge impact on many aspects of Indonesia and even the world. The sector that has the most impact is the tourism sector, which is not only felt in Indonesia but also internationally. However, tourism itself cannot be separated from legal aspects, the legal basis of tourism activities in Indonesia is contained in Law Number 10 of 2009 concerning Tourism, besides that the very basic thing from increasing tourism activities is how a country provides a sense of security and comfort for tourists who carry out tourism activities. This is very important and needs to be considered to increase tourism activities in Indonesia, especially in the post-covid-19 pandemic era. The central government must synergize with local governments to establish a safe and comfortable tourism climate so as to minimize legal losses for tourists while conducting tourism activities in Indonesia. In carrying out legal protection for tourists, the Indonesian government has two events, namely litigation and non-litigation carried out by the Consumer Dispute Resolution Agency if tourists as consumers in Indonesia experience legal losses while traveling in Indonesia. This study uses a normative juridical method, using a literature approach that analyzes the definition of tourism and legal protection for tourists.

**Keywords:** Tourism · legal protection

## 1 Introduction

The global tourism industry has witnessed a dramatic fall in recent years as a result of the pandemic and a rate of global economic growth that remains unpredictable.

As the number of international tourists, including those visiting Indonesia, decreases from year to year, the income of the nations visited by these tourists would inevitably decline. The drop in the number of tourists has repercussions for the foreign exchange of countries that are destinations for tourists.

Tourism is an important source of foreign currency for national and regional development. In order to boost its worldwide competitiveness, Indonesia's tourism growth must be able to generate new innovations. Considering the correlation between tourism growth and the amount of tourist visits, it is crucial for a government to safeguard visitors who visit a tourist location in addition to promoting tourism. This article focuses on establishing special legislative protections for tourists in Indonesia in order to promote and strengthen tourism in Indonesia.

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According to Tourism Law Number 10 of 2009 of the Republic of Indonesia, tourism is a diverse activity supported by a variety of community, company, government, and local government-provided facilities and services. Tourism is the government, corporate, and social activity that regulates, manages, and meets the demands of tourists. (Karyono, 1997:15). Tourism is a variety of activities that individuals and groups engage in on the territory of another nation. These activities utilize government and/or community-provided facilities, services, and other supporting factors to fulfill the needs of tourists. According to volume 12 of the Indonesian National Encyclopedia, tourism is the temporary relocation of an individual or a group of individuals from their place of origin to a location in another city or nation. The travel may be motivated by tourism, commerce, science, religious activities, goodwill, or friendship. Tourism is a cultural phenomena on a worldwide scale that can be viewed as a system. According to the model established by Leiper, tourism consists of three components: tourists, geographical variables, and the tourism sector (tourism industry). Yoeti (1996:108) defines tourism as a trip from one location to another that occurs within a specific time frame. Not with the intention of attempting to make a living or settling down at the destination, but rather to enjoy the voyage. According to Robert Mc. Intosh and Shashiakant Gupta, tourism is a collection of symptoms and interactions resulting from the interaction of tourists, businesses, host governments, and host communities in the process of attracting and serving them and other tourists (Pendit, 1999: 31). The Ecotourism Society (1990) defines tourism as follows: "Tourism is a form of tourism to natural regions that protects the environment and preserves the lives and well-being of local populations." Tourism is a fundamental component of human life, particularly while engaging in socioeconomic activities. Human rights today include an activity that was once limited to a small number of very wealthy individuals in the early 20th century. This occurs not only in industrialized nations but also in developing nations. As a developing nation, Indonesia is attempting to boost its tourist industry in order to achieve a foreign trade balance. This industry is anticipated to increase foreign exchange revenues (Pendit, 2002). As is well-known, the tourism industry in Indonesia has always played a crucial role in supporting national development and has evolved into a very strategic force in boosting people's income and foreign exchange. Tourism, Tourism is the accurate translation of the term. Yayasan Alam Intra Indonesia (1995) translated trip tourism. In this article, forest communities use the term tourism extensively to characterize the 1980s emergence of a new type of tourist. Tourism as a concept has developed over time. Nonetheless, tourism is fundamentally a sort of tourism whose purpose is to preserve natural places, generate economic advantages, and preserve the cultural integrity of the local population. Tourism is, therefore, primarily a sort of conservation movement directed by the global community. This ecotourism is conservation of the environment. Initially, tourism was conducted by nature-loving tourists who wished for tourist locations to stay pristine and sustainable, as well as for the culture and way of life of the locals to be preserved. However, this type of tourism is expanding since it is so popular with travelers. In 1995, the Tourism Association defined tourism as a new form of responsible tourism in unspoiled areas or areas managed according to natural principles, which is not only about appreciating its beauty, but also includes elements of education, understanding, and support for the conservation of nature, as well as boosting the local economy around tourist attractions. In various regions, new ways

of thinking on the concept of tourism have emerged. In this type of tourism, the phenomena of education is required. The Australian Department of Tourism defines tourism as nature-based tourism that incorporates education and interpretation of the natural environment and community culture with a focus on ecological sustainability. This definition highlights that the key features include not only business and other forms of tourism, but also special interest tourism, alternative tourism, and special interest tourism for specific audiences, as well as the image of natural and appealing tourism. On the basis of the preceding definition, there are five major aspects that support tourism: although more closely tied to special interest tourism, alternative tourism or special interest tourism for certain audiences, the image of natural and appealing tourism. On the basis of the preceding definition, there are five major aspects that support tourism: although more closely tied to special interest tourism, alternative tourism or special interest tourism for certain audiences, the image of natural and appealing tourism. On the basis of the preceding definition, there are five essential criteria that support tourism:

- a. Responsible tourism means that all tourism actors are responsible for the impact of tourism on the natural and cultural environment.
- b. Tourism activities carried out in/in natural areas (natural creations) or in/to areas managed according to natural principles. The goal is not only to enjoy the charm of nature, but also to increase knowledge and understanding of various natural and cultural phenomena. Support nature conservation efforts. Improve the welfare of the surrounding community. According to Pendit (1999), there are several well-known types of tourism, including:
- c. Cultural tourism is a trip that is carried out on the basis of a desire to expand one's vision of life by visiting other places or going abroad, learning about the current situation of people, customs, lifestyles, and their culture and arts culture. Health tourism, namely the journey of a tourist with the aim of changing the daily conditions and the environment in which he lives to rest in a material and spiritual sense. Sports tourism, namely tourists who travel for fitness purposes or intentionally participate actively in a sporting event in a place or country.
- d. Commercial tourism, including visits to exhibitions and fairs of a commercial nature, such as industry fairs, trade shows, etc. Industrial tourism, is a trip for a group of students, students, or ordinary people to an industrial area or cluster with the intent and purpose of conducting an investigation or research.
- e. Marine tourism, namely tourism that is mainly related to lakes, beaches or the sea. Forest areas, etc., the sustainability of which is protected by law. Honeymoon tour, is a travel arrangement for newlyweds to enjoy their honeymoon with various facilities.

According to JCT Simorangkir, as cited by CST Kansil, the concept of law is, "Laws are coercive laws that regulate human behavior in a communal setting and are enacted by authorized officials." The legal dictionary defines law as "coercive norms that control the behavior of people in a community, set by authorized officials; breach of these laws leads to criminal activity." A good definition of law is provided by Sudikno Martokusumo: "law as a set of rules or regulations that are broad and normative; law is general because it applies to everyone, and normative because it specifies what to do and what not to do,

as well as how to do it in accordance with the laws.” Consumer protection can take various forms, including economic, social, and political protection. Legal protection is the most essential aspect of this discussion, which focuses on the protection of consumers. Legal protection is the most important form of protection because it is predicated on the notion that legislation is a vehicle by which the interests and rights of consumers as a whole can be considered. In addition, the law has recognized the state’s coercive power such that it can be exercised in perpetuity. Unlike protection provided by other institutions, such as economic or political protection, it is transient or temporary. According to Satjipto Raharjo, the purpose of the law is to protect a person’s interests by granting them the right to act within the context of those interests. This authority is granted in a quantifiable manner, in that its breadth and depth are determined. Protection is the act of providing guarantees or protection of peace, security, well-being, and peace to those who are safeguarded against threats or hazards. According to Soedjono Dirdjosisworo, the concept of authority may be viewed from eight different perspectives, including the understanding of a leader, the awareness of officials, the proper way of acting, and the appropriate way of thinking. Law in the sense of legal order, law in the sense of law, and law in the sense of legal discipline. Soedjono Dirdjosisworo described different legal interpretations from a variety of perspectives, demonstrating that the law is more than just a written document, so that those who are unfamiliar with the law can understand law enforcement agents. But the law also applies to objects that genuinely exist in society, and the word ‘protection’ incorporates linguistically similar aspects, namely:

- (1) elements of protective measures;
- (2) protective part elements; and
- (3) elements of protective equipment.

Thus, the word protection carries the notion of protective activities or protective actions taken by multiple parties against specific persons using specific means. In the legal sense, the concept of making law exists. There are three sorts of legal construction, the first of which is protest construction. It involves legal interpretation between the rule of law and the case or topic at hand. Second, a legal structure that restricts the process of interpreting the law in accordance with actual circumstances. Thirdly, the legal structure expands, namely the structure that interprets the law by enlarging its meaning in order to solve a problem in accordance with the law. Hans Kelsen asserts that law is a normative science and not a natural science. Hans Kelsen elaborated that the law is a social strategy for controlling human conduct. The English word protect is referred to linguistically as protection. According to the KBBI, protection is synonymous with protection, which refers to a process or act of protection, however the Black Law Dictionary defines protection as an act of protection. Protection entails shielding anything from things that are more harmful or undesirable, which might take the shape of advantages, objects, or property. Additionally, protection refers to the protection that a person provides to those who are weaker. Thus, legal protection entails ensuring the protection of citizens so that their rights are not violated and violators are punished in line with applicable legislation, despite the government’s efforts to provide legal certainty. Protection is defined in the KBBI as the technique, process, and protective action. While the law is a regulation enacted by the government that applies to all persons or residents of the same country or state, it is not itself a person. Legal protection refers to the protection granted to legal

objects in the form of written and unwritten legal instruments for both prevention and repression. In other words, law enforcement is a functional definition of the law itself, specifically the concept where the law can give justice, order, certainty, advantage, and peace. The following are comments attributed to numerous legal protection specialists: Protection is characterized by its methods, processes, and actions. While the law is a regulation enacted by the government that applies to all persons or residents of the same country or state, it is not itself a person. Legal protection refers to the protection granted to legal objects in the form of written and unwritten legal instruments for both prevention and repression. In other words, law enforcement is a functional definition of the law itself, specifically the concept where the law can give justice, order, certainty, advantage, and peace. The following are comments attributed to numerous legal protection specialists: Protection is characterized by its methods, processes, and actions. While the law is a regulation enacted by the government that applies to all persons or residents of the same country or state, it is not itself a person. Legal protection refers to the protection granted to legal objects in the form of written and unwritten legal instruments for both prevention and repression. In other words, law enforcement is a functional definition of the law itself, specifically the concept where the law can give justice, order, certainty, advantage, and peace. The following are comments attributed to numerous legal protection specialists: While the law is a regulation enacted by the government that applies to all persons or residents of the same country or state, it is not itself a person. Legal protection refers to the protection granted to legal objects in the form of written and unwritten legal instruments for both prevention and repression. In other terms, law enforcement is a functional definition of the law, a concept in which the law can give justice, order, certainty, benefit, and peace. The following are comments attributed to numerous legal protection specialists: Law enforcement is a functional definition of the law itself, namely the concept where the law can give justice, order, certainty, advantage, and peace. The following are comments attributed to numerous legal protection specialists: Law enforcement is a functional definition of the law itself, namely the concept where the law can give justice, order, certainty, advantage, and peace. The following are comments attributed to numerous legal protection specialists:

1. According to Philipus Hardjo, there are two forms of legal protection for people:
  - a. Legal protection means that everyone has the opportunity to express their opinion before the government's decision has the final form to prevent litigation.
  - b. Wise legal protection for dispute resolution. Legal protection is a state guarantee to the parties for their legal rights and interests as legal subjects.
2. According to Satjito Rahardjo, legal protection is an effort to protect one's interests by giving human rights to act in their interests.
3. According to Setiono, legal protection

is an action or effort to protect the public from arbitrary government actions that are not in accordance with the rule of law, in order to create order and peace in order to enable humans to benefit from their rights, Human dignity People. According to Muchsin, legal protection is an activity aimed at protecting individuals by regulating the relationship of values or rules expressed in attitudes and actions by creating order in the social life of human relations.

## 2 Method

This type of legal research is normative legal research, which is the process of identifying the rule of law, legal principles, and legal doctrines in order to handle legal issues. In this work, the researcher employed normative research to establish a clear connection among the rule of law, legal norms, and legal principles. The researchers must determine whether or not they are qualified to handle the concerns identified by this study. In this study, the researcher applied two ways to problem-solving: the legislative approach and the conceptual approach. 1. Legislative technique (statute approach). The statutory method is searching the statute for provisions related to the topics under investigation. In line with this study, the researcher looks for provisions in laws and regulations that provide investors in a virtual land trade in the metaverse with legal protection. 2. Conceptual strategy (conceptual approach). The conceptual technique begins with the perspectives and doctrines of academics or legal professionals. By studying these perspectives and views, researchers can find ideas that give rise to legal concepts and principles associated with the author's research areas. Regarding this research, legal experts will be consulted in order to answer questions regarding legal protection for investments in a virtual land exchange in the metaverse environment.

## 3 Result and Discussion

### 3.1 Tourism Law

Tourism is one of the most strategically important areas of development in a country, providing economic advantages both directly and indirectly. These benefits are typically derived from foreign exchange rates, local government revenues, regional development stimulation, job creation, and an increase in people's incomes, all of which contribute to a region's socioeconomic growth. In addition to its great economic and commercial worth, tourism offers numerous other potentials, such as enhancing the quality of sociocultural values, integrity and identity, expanding horizons, friendship, nature conservation, and enhancing environmental quality. In accordance with Tourist Law No. 10 of 2009, tourism development is guided by the concepts of benefit, kinship, fairness, and equity. In addition, tourist development based on this principle is implemented by implementing a tourism development plan that takes into account the diversity, distinctiveness, and uniqueness of culture and nature as well as human tourism needs.

The Law Number 23 of 2014 pertaining to Regional Government enables regions to enjoy their own authority. The execution of Law Number 23 of 2014 for Regional Government, which includes regulating regional authorities, is carried out through modifications connected to the transition from centralization to decentralization of development, which includes tourism development.

This method creates the groundwork for growth by empowering regional governments to boost tourism in their own regions.

The tourism industry is a component of the growth of regional autonomy. The management of a portion of tourism remains the responsibility of the central government, although the development of a number of tourist destinations has been delegated to local governments.

In the past, the central government had the authority to develop tourism in a variety of regions, the majority of which had been delegated, thus it was proper for autonomous regions to assume responsibility for development. Together with the necessary parties and taking into account policies at a higher level, deciding that tourism development would be developed in the affected area. In this instance, the authority of the central government will be more focused on direction, guidance, and facilitation of planning or overseas cooperation, etc.

Prior to the Covid-19 pandemic, which had a huge impact on the tourism industry, the global tourism industry grew at a highly rapid rate from one year to the next. Two years after the epidemic, the tourism industry has become a global phenomenon, a fundamental need, and a component of human rights that must be preserved and respected.

The Central Government and Regional Governments, the tourist industry, and the society are obligated to ensure that tourism as a human right can be exercised so as to contribute to the improvement of welfare and good relations between nations in the framework of achieving world peace.

Tourism development must consider the local populace. The population will be one of the most important factors in the current and future development of the tourism sector due to its numerous purposes; in addition to being an asset in terms of human resources, tourism also works as a potential source of domestic tourists. As stated in the Indonesian State's founding documents, the development of the tourist sector can be used to foster a sense of national identity and unity in variety.

An approach to economic growth for community welfare and development that is oriented towards regional development, relies on the community, and empowers the community enhances the development of the tourism sector. This approach includes various aspects, such as human resources, marketing, destinations, science and technology, cross-sectoral links, cross-country cooperation, empowerment of small businesses, and responsibility for the utilization of natural and cultural resources.

The Tourism Law of the Republic of Indonesia No. 10 of 2009 was ratified in Jakarta on January 16, 2009. The Tourism Law No. 10 of 2009 was promulgated on January 16, 2009, and published in the State Gazette of the Republic of Indonesia for 2009 No. 11. The explanation of Law of the Republic of Indonesia No. 10 of 2009 pertaining to Tourism is published in the Supplement to State Gazette of the Republic of Indonesia No. 4966 so that everyone is aware of it.

## **3.2 Legal Protection for Tourists in Indonesia**

### **3.2.1 Tourist Legal Protection Arrangements Based on Legislation**

Presently, every nation, including Indonesia, strives to provide travelers with attractive tourism amenities and infrastructure. However, these efforts will be for naught if

Indonesia cannot provide tourists with a sense of security and comfort. In the era of globalization, legal protection for both domestic and international customers of tourism services and tourism entrepreneurs is crucial. Article 20(c) of this statute states: "Every tourist is entitled to legal protection and safety."

The provisions of Article 26 paragraph (d) require tourism entrepreneurs to provide tourists with comfort, friendliness, security protection, and safety.

In addition, according to Article 23 paragraph (1) a, the central government and local governments are required to offer tourists with tourism information, legal protection, and security and safety. In addition to Law No. 10 of 2009 Concerning Tourism, Article 4 of Law No. 8 of 1999 Concerning Consumer Protection governs the legal protection of tourists' rights as customers. In reference to consumer rights, the right to comfort, security, and safety when consuming goods and/or services is mentioned (Article 4 letter a).

Article 4 also includes the right to get advocacy, protection, and efforts to correctly resolve consumer protection problems (e). The Law No. 10 of 2009 and the Law No. 8 of 1999 can be utilized to safeguard and regulate tourists' rights and responsibilities as consumers of tourism services. The protection of tourists must be maintained because, without it, tourists prefer to avoid visiting Indonesia. If this occurs, it will have a negative impact on the country's tourism development.

The legal protection of tourists is of utmost importance, as tourism depends on maintaining their safety, the sustainability and quality of the environment, or public order and tranquility. If a country that is a tourist destination cannot create a sense of security, is disorderly, and cannot provide proper service and security to tourists, the country will alienate tourists, which will have a substantial impact on the country's tourism development. The gradual development in domestic tourism, which is characterized by an increase in the number of visitors visiting Indonesia, must be encouraged by providing maximum legal protection for tourists by ensuring their safety and security from potential undesirable actions or occurrences. A country's laws and regulations must provide legal protection for tourists, as the management of tourist attractions is primarily responsible for ensuring their comfort and safety. This article will therefore cover the legal protection of tourists under Indonesian national law.

Tourists are a crucial topic in the tourist industry. Tourists determine the success or failure of the tourism industry. To achieve success in the tourism industry, it is necessary to protect the interests of tourists. In tourist protection contracts, avoid and endeavor to protect tourists intrinsically from potential damage. Any disruption to tourists might cause them to feel unsafe and possibly endanger their lives or property. In this situation, travelers must be shielded from a variety of distractions. Theft, pickpocketing, fraud, extortion, arrest, or murder can result in tourist disorientation. Disruption might occur at destinations, transport, lodging, tourist attractions, restaurants or entertainment venues. Additionally, Riots can be triggered by fighting, riots, illegal rallies, and terrorist activities. This not only annoys tourists, but also poses a grave threat to their safety.

Legal clarity to secure the protection of travelers/tourists is of the utmost importance. Thus, if visitors have a clear understanding of their rights and responsibilities, it is their



responsibility to protect those rights and responsibilities; if their rights and responsibilities are violated, they will employ legal means. There is no dispute resolution provision in the regulating tourist law.

Alternative dispute resolution is vital, especially for facilitating the redress of violated traveler rights and saving time. Since it is impossible, the settlement is brought before the general court in the event of a dispute. We also wish to avoid this because the legal process is more complex and time-consuming, thereby interfering with the influx of international tourists and reducing efficiency. The method of resolving disputes outside of court is outlined in article 5 of Law no. 8 of 1999, which states: “*Consumer disputes can be resolved through the Consumer Dispute Settlement Agency (Badan Penyelesaian Sengketa Konsumen), which is established in every Dati II across Indonesia.*”

Regulations governing out-of-court conflict settlement, including Law No. 30 of 1999 on Arbitration and Alternative Dispute Resolution (ADR).

In addition, some tourist issues can be resolved by the provision of money, sometimes known as compensation. If the tourist suffers a loss while using the service or has his or her rights infringed, resulting in damage, the organizer is obligated to pay compensation or reimbursement. This is stipulated in Article 19 of Law No. 8 of 1999, which states, “*The commercial party is responsible for any damages or losses incurred by the consumer.*”

Indemnification is provided in the form of replacement money or replacement of products and/or services of equivalent or equivalent value. Restitution must be made within seven days after the date of the transaction. Mistake element caused by the commercial agent of the service.

Article 26 of Tourism Law no. 10 of 2009 states that “*everyone who operates a tourism business is required to ensure the safety and security of tourists*” and “*everyone who operates a tourism business is required to insure risky tourism enterprises.*” scuba diving, white water rafting, mountain climbing, roller coaster rides, and visits to specific tourist sites, such as wild animal sightings, Article 26 stipulates that “any tourism entrepreneur must apply commercial and technical standards in line with statutory rules.

According to Government Regulation 52 of 2012 governing certification of expertise and certification of business entities in the tourist sector, “tourism entrepreneurs are required to have a Tourism Business Entity Certificate in compliance with the law.” The Regulation of the Minister of Culture, Sports, and Tourism Number: PM.96/HK.501/MKP/2010 Concerning Registration Procedures and Requirements for Tirta Tourism Businesses controls registration procedures and requirements for Tirta’s tourism businesses. Article 6 of Regional Regulation No. 7 of 2007 of the Province of Bali pertaining to the Provision of Tourist Facilities in Tirta Article 8 of Regional Regulation of the Province of Bali No. 7 of 2007 Regarding the Provision of Tourism Facilities in Tirta says that business entities or persons that engage in marine tourism business activities must have a license. Article 15 of Regional Regulation Number 7 of the Province of Bali from 2007 stipulates that commercial operators who provide water tourism services shall prevent pollution and environmental devastation. Laws and regulations regarding marine tourism activities as above, it can be seen that the obligations of companies/entrepreneurs can be detailed as follows:

- 1) Administrative obligations, especially those related to the requirements for the implementation of marine tourism such as registering companies with all the requirements, issuing permits, implementing trade standards, skill standards, trade certification,
- 2) Ethical and legal obligations, especially those related to tourist satisfaction and business obligations to tourists and/or third parties such as roof comfort, friendliness, protecting travel safety and security, protecting insurance, preventing pollution and environmental damage.

Responsibility is associated with the obligation to bear everything (if any, it can be sued, blamed, sued, etc. (Poerwadarminta: 101) according to Ridwan HR (2008:335), there are two terms that refer to responsibility, namely state responsibility.

## 4 Conclusion

Although not expressly defined, the legal issue of protecting the interests of visitors as users of tourism services in Indonesia is clearly stated in Law no. October 2009 on Tourism. The government and local governments as well as tourism business actors are obliged to offer legal protection for the safety, security and comfort of tourists in compliance with the rights of tourists as tourists who enjoy travel services.

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