



Regulation of Legal Protection Against Tourists and Implementation of Criminal Sanctions Against the Act of Against the Law According to Law Number 10 of 2009 on Tourism

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Abstract. This study aims to determine the legal protection for tourists according to Law No. 10 of 2009 concerning the implementation of criminal sanctions against tourism. Against the law against part or all of the physical tourist attraction according to Law Number 10 of 2009 concerning Tourism. The type of research used is normative research or *library research*. Based on the description above, it can be concluded as follows. According to Article 62 of Law Number 8 of 1999 concerning Consumer Protection, it is stated that the losses suffered by tourists caused by human error which in this case are carried out by tour guides and other staff are acts against the law as regulated in Article 1365 of the Civil Code. The law provides legal protection for those who are harmed by demanding the party causing the loss to provide compensation to tourists who have suffered losses for the travel agent as the organizer (producer) is obliged to provide legal protection and provide trust for the services that have been provided. According to Law Number 10 of 2009 concerning Tourism, Article 64 paragraph 1 and paragraph 2 states that “(1) Anyone who intentionally and against the law damages the physical tourist attraction as referred to in Article 27 shall be punished with imprisonment for a maximum of 7 years. (seven) years and a maximum fine of Rp. 10,000,000,000.00 (ten billion rupiah). (2) Any person who due to negligence and against the law, physically damages, or reduces the value of a tourist attraction as referred to in Article 27 shall be sentenced to a maximum imprisonment of 1 (one) year and/or a maximum fine of Rp. 5,000,000,000.00 (five billion rupiah)”.

Keywords: Legal Protection · Traveler · Criminal Sanctions

1 Introduction

The tourism sector is one of the sources of foreign exchange that makes the largest contribution to the Indonesian economy. Therefore, the tourism sector must be managed appropriately by relying on the charm of tourist objects, infrastructure readiness, community friendliness, natural carrying capacity, in a multidimensional perspective, as well as protection and legal certainty. Indonesian tourism is organized with several principles: upholding religious norms and cultural values as part of the concept of life in the

balance of the relationship between humans and God Almighty, the relationship between humans and fellow humans and the relationship between humans and the environment; uphold human rights, cultural diversity and local wisdom; provide benefits for people's welfare, justice, equality, and proportionality; preserving nature and the environment; empowerment of local communities; ensure the integration between sectors and regions, between the center and the regions which are a systemic unit within the framework of regional autonomy, as well as integration between stakeholders; and comply with the world tourism code of ethics and international agreements in the field of tourism [1].

Tourism is a large-scale industry, so it is necessary to regulate regulations to meet legal demands and certainty. In Indonesia, to meet the demands of legal certainty and economic needs, the government issued Law Number 10 of 2009 concerning Tourism which is called the Tourism Law. This law comes into force on the date of its promulgation, namely on January 16, 2009. Law Number 10 of 2009 concerning Tourism is contained in 27 chapters and 70 articles.

Referring to the provisions of Article 2 of Law Number 10 of 2009, tourism is organized based on the principles of benefit, kinship, justice and equality, sustainability, independence, sustainability, participatory, sustainable, democratic, equality, and unity. Meanwhile, the objectives of tourism implementation as referred to in Article 4 of the Tourism Law are to: (1) Increase economic growth (2) Improve community welfare (3) Alleviate poverty (4) Overcome unemployment (5) Preserve nature, environment and resources (6) Promoting culture (7) Paying attention to the image of the nation (8) Cultivating a sense of love for the homeland (9) Strengthening national identity and unity and (10) Strengthening friendship between nations.

. The regulation of tourism is centered on Law 10 of 2009 concerning the Indonesian Tourism Law. Consideration of the law stipulates that Indonesian tourism prioritizes strategic and sustainable national development. That is, tourism must be profit-oriented while maintaining the preservation of natural resources. This philosophy is embodied through verses and parts of action. Article 5 of Law 10 of 2009 regulates the principles of tourism behavior. These rules should be considered as a whole, not hierarchical or alternative. The principle of benefit for the welfare of the people as regulated in Article 5 (c) of the Law can be placed above the principle of nature and environmental sustainability as regulated in Article 5 (d) of Law 10 of 2009.

Article 14 of Law of the Republic of Indonesia Number 10 of 2009 concerning Tourism stipulates that tourism businesses that can be carried out throughout the territory of Indonesia include tourist attractions, tourism areas, tourism transportation services, tourist travel services, food and beverage services, accommodation provision, organizes entertainment and recreational activities, organizes meetings, intensive trips, conferences, exhibitions, tourism information services, tourism consulting services, tour guides and water and spa tours. The tourism industry can be seen as a subsystem of the overall tourism system. The structure of the tourism industry starts from a travel-producing area, from which potential tourists will plan a tourist trip. The tourism industry subsystem will continue throughout the transit point/line which includes flight services and accommodation during flight transit [2]. Tour travel services business referred to as tourism business is the operation of a Travel Bureau, while what is meant by a tourist

travel bureau is an effort to organize travel planning services and/or tourism services, including the organization of religious trips [3].

Furthermore, Article 19 paragraph 1 point (a) of the Tourism Law regulates that everyone has the right to have the opportunity to meet tourism needs. Recognition of Human Rights in tourism activities is a representation of the recognition of the economic and social rights of the community. This condition in turn will revive the tourism business which had slumped with the increasing interest of the public, both domestic and international, to travel. As a result, the tourism business in Indonesia will survive in the face of increasing competition as a result of service liberalization.

In tourism-related businesses, the Law of the Republic of Indonesia Number 10 of 2009 concerning Tourism seeks to provide a legal framework to ensure business legality and compliance with business standards. It aims not only to focus on tourists, but also Indonesian laws and regulations that also prioritize consumer protection and existing unfair competition can be a legitimate instrument to improve the safety and ethics of the service industry in tourist destinations such as Bali.

In a strong cultural identity such as Bali, there is a clash of interpretations of customary rules with the legal norms of the Indonesian state which can actually have an impact on decreasing the degree of enforcement and application of state law in their respective territories. Worse still, the hierarchy of norms between the various sources of Indonesian law among themselves and Adat does not appear to be clearly regulated in constitutional law. This is evidenced in Article 18 of the Indonesian Constitution which emphasizes the special characteristics of traditional rights and thereby guarantees the importance of adat itself in the legal system. However, a clear presentation of the hierarchy of norms in the legal system does not exist. Indications of a certain hierarchy between customary law and state law can be found in the agricultural law (Article 5 of Law No. 5/1960 on basic regulations on agrarian matters) and in the forestry law (Law No. 41/1999 on forestry).

On August 10, 2020, the Governor of Bali, Wayan Koster explained the purpose of the legislation of Regional Regulation Number 28 of 2020 concerning Bali Tourism Governance, namely to ensure the quality and sustainability of Bali Tourism in accordance with the regional development vision “Nangun Sat Kerthi Loka Bali” (2020). Especially important in this context are the two objectives of the vision of this vision, which also includes aspects of business ethics and fair market behavior, especially in the tourism industry:

1. Developing highly competitive human resources, namely quality and integrity: qualified, professional and moral and has a strong identity developed based on the values of local wisdom of Krama Bali.
2. Develop an integrated security system that is supported by human resources and adequate infrastructure to maintain regional security and Balinese manners as well as the safety of tourists.

The decision to strengthen tourism based on quality, nature and culture that also considers the safety of tourists depends on how the legal framework in Bali is. In this context, several legal aspects emerge from the consumer protection law concerning the law relating to the relationship and hierarchy of legal sources to each other. It also

raises difficult questions about the systematic position of adat in the Indonesian legal system. Tourists and entrepreneurs or groups of people who carry out tourism business activities are required to comply with restrictions such as not destroying part or all of the physical attractions of tourism as regulated in Law Number 10 of 2009 concerning Tourism. Foreign tourists who harass the Holy Water from a shrine in the Monkey Forest Ubud, Bali. The viral video was spread where the two tourists splashed holy water on the back of their bodies. The action should be subject to legal proceedings based on these rules. In order to protect tourist attractions from the threat of damage or pollution of physical development tourist attractions, both in urban, rural areas, and those in the water environment, arrangements are needed to ensure their existence. This means that conservation efforts need to pay attention to the balance between academic, ideological, and economic interests.

Protection of the existing tourism potential must be maintained, because tourism is a characteristic of a country. The development of supporting factors in developing the Indonesian tourism industry must also be considered and maintained, so that in the tourism industry, Indonesia can compete. as a potential sector in the future. According to the analysis of the World Travel and Tourism Council (WTTC), the tourism industry accounts for 9.1% of Indonesia's gross domestic product (GDP).

Based on the introduction described above, the formulation of the problem in this study is as follows:

1. How is the implementation of legal protection for tourists according to Law no. 10 of 2009 concerning Tourism?
2. How is the application of criminal sanctions for unlawful acts against part or all of the physical tourist attraction according to Law Number 10 of 2009 concerning Tourism?

2 Research Method

2.1 Design

This research is a legal research which requires a method in its preparation. According to Sugiyono states that legal research is a scientific activity, which is based on certain methods, systematics, and thoughts, which has the aim of studying one or more certain legal phenomena [4]. While the research method is the procedure for how a research is carried out which includes research techniques and research procedures.

The type of research used is normative research or *library research*, meaning that this research is based on library sources to discuss the problems that have been formulated [5]. By examining secondary data by conducting an investigation of the study including descriptions of the research subject, the background of differences in views implemented in books, previous books and scientific works, and other supporting data related to the theme of this research.

In this case, the scope of this research is based on the history of law, research on legal theory and legal principles that have been applied. Research interprets legal events against a case that occurred in Indonesia, through research that underlies the law in Indonesia. Data taken from normative juridical law research is secondary data. Secondary data is

data obtained from literature studies or research conducted on the material to be studied [6].

In this case, the data comes directly from legal rules, legal principles and written legal theories. In addition, this study also analyzes legal events in the community for some of the implementation of legal protection for tourists according to Law No. 10 of 2009 concerning Tourism and the application of criminal sanctions for unlawful acts against part or all of the physical tourist attraction according to the Law - Law Number 10 of 2009 concerning Tourism. In the juridical aspect, analyzing the basis or application of the law that has been implemented, while normative is the legal aspect, legal theory.

2.2 Sources of Data and/or Legal Materials

Sources of legal materials used in this research are secondary data through the study of documents, to obtain data taken from library materials, including:

1. *Primary Legal Materials*, namely legal materials that have binding power as the main basis used in the context of this research, including: Law No. 10 of 2009 concerning Tourism, Law no. 8 of 1999 concerning Consumer Protection, Badung Regency Regulation No. 2 of 2012 concerning Tourism, Article 17 No. 4 of 2004 Regulation of the Minister of Tourism and Creative Economy concerning Standards for Tourism Travel Services
2. *Secondary Legal Materials*, namely materials that are closely related to primary legal materials and can help analyze and understand primary legal materials, such as books related to research, research results, results of seminars, works of law and literature.
3. *Tertiary legal materials*, namely materials that provide instructions and explanations of primary legal materials and secondary legal materials. The materials used in this research are legal dictionaries, newspapers, encyclopedias, papers related to the object of research.

2.3 Data Analysis Data

Analysis is a process of organizing and sorting data into patterns, categories and basic units of description so that themes can be found and working hypotheses can be formulated as suggested by the data [7]. Data analysis in this research is using qualitative analysis, which is an analytical data that is clearly described in the form of sentences so that a clear picture and purpose can be obtained related to this thesis research.

This qualitative approach method will produce data in the form of statements or data generated in the form of descriptive data on the subject under study. Qualitative research aims to obtain a complete picture of a matter according to the view of the human being studied. Qualitative research deals with the ideas, perceptions, opinions, or beliefs of the people being studied, all of which cannot be measured using numbers [8]. Furthermore, conclusions are drawn using deductive thinking methods, namely ways of thinking that start from general things to then draw specific things, using provisions based on general knowledge such as theories, arguments or principles in the form of proportions to draw conclusions on specific facts, in order to answer the problems that have been formulated in this research.

3 Result and Discussion

3.1 The Application of Legal Protection for Tourists According to Law Number 10 of 2009 Concerning Tourism

Consumers are defined as people or companies who buy certain goods or use certain services. Consumers are end users without requiring consumers to act as buyers of these goods and or services [9]. Tourists are consumers of tourism user services, which means tourists are parties who use tourism service products by using travel agents. With their position as consumers, tourists need legal protection that can provide a sense of security in using the services provided by travel agents who in this case act as producers.

However, it cannot be denied that tourists as users of travel agents often ignore their rights. According to Law Number 10 of 2009 concerning Tourism, it is stated that every tourist has the right to obtain:

- a. Accurate information on tourist attractions;
- b. Tourism services according to standards;
- c. Legal protection and security;
- d. Health services;
- e. Protection of personal rights; and
- f. Insurance coverage for high-risk tourism activities.

According to Article 62 of Law Number 8 of 1999 concerning Consumer Protection, it has been regulated regarding violations committed by business actors. However, in every problem it is necessary to determine who is responsible for harming consumers. The issue of civil liability for negligence or wrongdoing in the company can be related to the management of the travel agent acting on behalf of the company's legal entity, which they handle under the provisions of the company's articles of association.

Thus the responsibilities of travel agents consist of two kinds, namely; personal responsibility and corporate responsibility. In every agreement, the position of the parties is the same. This means that the rights and obligations of the parties to the agreement made must be balanced. The position of tourists as users of travel agent is very weak, especially if there are problems or disputes. In fact, the practice of agreements between travel agents and tourists cannot be made properly, in the sense that they only protect the interests of travel agents, but do not provide adequate protection for the interests of tourists.

This problem exists because the Risk Agreement of Liability Agreement is made in the form of a standard agreement, where the agreement occurs by one party having prepared standard conditions on a printed agreement form and then submitted to the other party for approval. Agreed virtually and there is no freedom at all to the other party to negotiate the terms offered [9]. In the Risk and Release of Liability Agreement, the draft agreement will be made by travel agent based on the standard provisions made by them, as stated in the risk report accountability agreement form. All terms and conditions that apply to the implementation of the agreement are those stated in the formula [8].

Based on the theory and law of the agreement, tourists as the aggrieved party are given the right to claim compensation from the tour operator so that legal protection can

be provided based on the agreement they made, namely Risk and Release of Liability Agreements. Loss experienced by tourists caused by human error which in this case is carried out by tour guides and other staff is an act against the law as regulated in article 1365 of the Civil Code. The law provides legal protection for those who are harmed by demanding the party causing the loss to provide compensation to tourists who have suffered losses for the travel agent as the organizer (producer) is obliged to provide legal protection and provide trust for the services that have been provided.

However, in practice, the implementation of the protection of tourists as users of the services of a travel agent is based on an agreement only, so it is very difficult to implement. The absence of a travel agent for things that harm tourists so that these consumers weaken their position to get their rights. Meanwhile, Law Number 10 of 2009 concerning Tourism can be said to not contain provisions on legal protection for tourists. Therefore, Law Number 8 of 1999 concerning Consumer Protection is expected to be a legal basis for tourists to claim their rights.

Every agreement made by tourists and travel agents cannot contain standard clauses that state the full transfer of company responsibility to tourists and include submitting tourist complaints against regulations in the form of new, additional, continued, and/or advanced regulations. Arrangements made unilaterally by the travel agent.

In practice there is still a full handover of responsibility to tourists, of course it does not fulfill a sense of justice from any angle. This standard clause becomes standard in every agreement with tourists. A quotation clause (exoneration clause) aims to relieve or limit the liability of one party to the claims of the other party in relation to whether its obligations specified in the agreement must be carried out properly or not. This is a violation of Article 18 paragraph (1) letter a and letter g of Law Number 8 of 1999 concerning Consumer Protection which reads:

“Business actors in offering goods and/or services intended for trading are prohibited from making or including standard clauses in every document and/or agreement if:

- a. Stating the transfer of responsibility of the business actor;
- b. Declare consumer compliance with regulations in the form of new rules, additions, continuations, and/or follow-up changes made unilaterally by business actors within the period of time consumers use the services they purchased.

In addition to the inclusion of standard clauses, there is one important thing that sometimes goes unnoticed, which includes standard clauses with very small writing that is difficult to read, or the use of words that are not understood by ordinary people in general. This is very common in field practice in Indonesia and causes potential tourists to be reluctant to read carefully the contents of the agreement and immediately sign it. Whereas all the rights and obligations of tourists are stated in the agreement, so that when a problem occurs, tourists are aware of the unequal position.

3.2 Imposition of Criminal Sanctions Against Unlawful Acts According to Law Number 10 of 2009 Concerning Tourism

The negative impact of tourism occurs when the level of visitor use is greater than the ability of the environment to cope with this use within the limits of acceptable change.

Uncontrolled tourism poses a potential threat to many natural areas around the world. This can put enormous pressure on an area and cause impacts such as soil erosion, increased pollution, discharge to the sea, loss of natural habitat, increased pressure on endangered species and increased vulnerability to forest fires [10]. This often puts a strain on water resources, and can force local people to compete for the use of primary resources.

Interesting landscape sites, such as sandy beaches, lakes, riverbanks, and mountain peaks and slopes, are often transition zones, characterized by species-rich ecosystems. Typical physical impacts include the degradation of these ecosystems. An ecosystem is a geographical area that includes all living organisms (humans, plants, animals, and microorganisms), their physical environment (such as soil, water, and air), and the natural cycles that sustain them [10]. Ecosystems most threatened with degradation are areas that are ecologically fragile such as mountainous areas, rainforests, wetlands, mangroves, coral reefs and seagrass beds. Threats and pressures to these ecosystems are often severe because such places are very attractive to tourists and developers. The physical impacts of tourism activities resulting from tourist activities include [10]:

a. Trampling

Tourists who use the same route repeatedly trample on vegetation and soil, which in turn causes damage that can result in the loss of biodiversity and other impacts. Such damage can become more widespread when visitors frequently deviate from existing paths.

b. Anchoring and other marine activities

In marine areas (around coastal waters, coral reefs, beaches and coastlines, offshore waters, plateaus and lagoons) many tourism activities occur in or around fragile ecosystems. Anchoring, snorkeling, sport fishing and scuba diving, yachting, and sailing are some of the activities that can cause direct degradation of marine ecosystems such as coral reefs, and their subsequent impact on coastal protection and fisheries.

c. Ecosystem changes by tourism activities

Habitats can be degraded by recreational tourism activities. For example, seeing wildlife can cause stress for animals and change their natural behavior when tourists come too close. Safaris and wildlife watching activities have a habitat-destroying effect as they are often accompanied by the noise and commotion tourists make as they chase wild animals in their trucks and planes. This puts high stress on the habits and behavior of the animal and tends to bring about behavioral changes.

Meanwhile, according to Ticketsntour in 2022 states that the physical impacts of tourism activities resulting from tourist activities include [12]:

a. Environmental damage

In tourism, this can cause enormous environmental damage, especially in very popular destinations and many tourists. This usually doesn't happen because the tourists themselves are directly causing the damage, but rather because of the large number of airplanes and cars going by. This peak of activity leads to higher carbon monoxide production in a country, thus negatively impacting the environment.

b. Cultural Exploitation

With many tourists coming to enjoy certain well-known lifestyles and traditions, of course there will be cultural commercialization. This can have a negative impact on the local population of a country, because instead of respecting and admiring the culture from a distance

c. Bad Behavior from Tourists

The more people a country invites into its borders each year, the more likely it is to bring in tourists who don't respect local traditions and customs. . Sometimes, tourists do not respect the local culture, and will violate certain unspoken or spoken codes of conduct that are highly respected by the natives of a country. For example, the habit of not getting drunk in public or not carrying burdens can become a joke among tourists, and can undermine the traditional beliefs of local people.

d. Job Loss

Despite rapid growth in the labor market, sometimes the work provided is seasonal and inconsistent with some local residents working only a few months of the year.

e. Lack of Job Security

Seasonal jobs resulting from tourism, employees are easily left without pensions and insurance. This is due to the inconsistent nature of work, and the way the company does not have a defined customer base.

According to Law Number 10 of 2009 concerning Tourism, Article 64 paragraph 1 and paragraph 2 states that.

“(1) Anyone who intentionally and against the law damages the physical tourist attraction as referred to in Article 27 shall be punished with imprisonment for a maximum of 7 years. (seven) years and a fine of not more than Rp.10,000,000,000.00 (ten billion rupiah)

(2) Any person who due to his negligence and against the law, physically damages, or reduces the value of a tourist attraction as referred to in Article 27 shall be punished with imprisonment maximum of 1 (one) year and/or a maximum fine of Rp. 5,000,000,000.00 (five billion rupiah)”

This also applies to tourism business actors, in this case *travel agents*, as stipulated in Article 63 of Law No. 10 of 2009 concerning Tourism Paragraphs 1 to 5 states that.

1. Every tourism entrepreneur who does not meet the provisions as referred to in Article 15 and/or Article 26 shall be subject to administrative sanctions. if.
2. The administrative sanctions as referred to in paragraph (1) are in the form of:
 - a. a written warning;
 - b. limitation of business activities; and
 - c. temporary suspension of business activities.
3. The written warning as referred to in paragraph (2) letter a shall be imposed on the entrepreneur at most 3 (three) times.
4. Sanctions for limiting business activities are imposed on entrepreneurs who do not comply with the warning as referred to in paragraph (3).

5. The sanction of temporary suspension of business activities is imposed on entrepreneurs who do not comply with the provisions as referred to in paragraphs (3) and (4) in terms of tourism, namely the Regional Regulation of Badung Regency No. 2 of 2012 concerning Tourism

According to Article 22 of the Regional Regulation of Badung Regency No. 2 of 2012 concerning Tourism states that every tourist has the right to obtain:

- a. accurate information about tourist attractions and their facilities;
- b. tourism services according to standards;
- c. legal protection and security and comfort;
- d. health services;
- e. protection of personal rights; and
- f. insurance protection for tourism activities that have a high risk.

Therefore, tourists are obliged to maintain and respect religious norms, customs, cultures and values that live in the local community; and participate in maintaining security, order, cleanliness and environmental sustainability; and participate in preventing all forms of actions that violate decency and activities that violate the law.

The prohibition of physical destruction of tourist attractions has been stated in Article 28 of the Regional Regulation of Badung Regency No. 2 of 2012 which states that:

1. Everyone is prohibited from damaging part or all of the physical tourist attraction.
2. Physically damaging a tourist attraction as referred to in paragraph (1) is to change color, change shape, eliminate certain species, pollute the environment, move, take, destroy, or destroy tourist attractions so as to result in the reduction or loss of uniqueness, beauty, and the authentic value of a tourist attraction that has been determined by the Government, Provincial Government and/or Regional Government.

According to the Regional Regulation of Badung Regency No. 2 of 2012 concerning Tourism, in Article 42 paragraph 1 and paragraph 2 states that.

1. Anyone who violates the provisions as referred to in Article 14 paragraph (1) and Article 28, shall be sentenced to a maximum imprisonment of 6 (six) months or a maximum fine of Rp. 50,000,000.00 (fifty million rupiah).
2. The criminal act as referred to in paragraph (1) is a violation of

This also applies to tourism business actors in this case are travel agents, which are stated in Article 41 of the Regional Regulation of Badung Regency No. 2 of 2012 concerning Tourism Paragraphs 1 to 5 states that.

1. Every Tourism Entrepreneur who does not comply with the provisions of Article 15 paragraph (3), shall be subject to administrative sanctions.
2. The administrative sanctions as referred to in paragraph (1) are in the form of:
 - a. written warning;

- b. temporary suspension of tourism business registration; and
 - c. Revocation of business registration marks and deletion in the list.
3. The written warning sanction as referred to in paragraph (2) letter a shall be imposed on the Tourism Entrepreneur for a maximum of 3 (three) times provided that the second written warning is given with a grace period of 30 (thirty) working days after the first written warning and the third written warning. Given with a grace period of 21 (twenty one) working days after the second written warning.
 4. The sanction of temporary suspension of tourism business registration is imposed within a grace period of 14 (fourteen) working days to Tourism Entrepreneurs who do not comply with the third written warning as referred to in paragraph (3)
 5. Sanctions for revocation of business registration marks and deletion in the tourism business register shall be imposed on Tourism Entrepreneurs who do not meet the provisions as referred to in paragraphs (3) and (4).

4 Conclusion

Based on the description above, it can be concluded as follows: According to Law Number 10 of 2009 concerning Tourism, it is stated that every tourist has the right to get:

- a. Accurate tourist attractions information;
- b. Tourism services according to standards;
- c. Legal protection and security;
- d. Health services;
- e. Protection of personal rights; and
- f. Insurance coverage for high-risk tourism activities.

According to Article 62 of Law Number 8 of 1999 concerning Consumer Protection, it has been regulated regarding violations committed by business actors. However, in every problem it is necessary to determine who is responsible for harming consumers. The issue of civil liability for negligence or wrongdoing within the company can be related to the management of the travel agent acting on behalf of the company's legal entity, which they handle under the provisions of the company's articles of association. The loss experienced by tourists caused by human error which in this case is carried out by the tour guide and other staff is an act against the law as regulated in article 1365 of the Civil Code. The law provides legal protection for those who are harmed by demanding the party causing the loss to provide compensation to tourists who have suffered losses for the travel agent as the organizer (producer) is obliged to provide legal protection and provide trust for the services that have been provided.

According to Law Number 10 of 2009 concerning Tourism, Article 64 paragraph 1 and paragraph 2 states that.

1. Anyone who intentionally and against the law damages the physical tourist attraction as referred to in Article 27 shall be punished with imprisonment for a maximum of 7 (seven) years and a fine of a maximum of Rp.10,000,000,000.00 (ten billion rupiah).

2. Any person who due to negligence and against the law, physically damages, or reduces the value of a tourist attraction as referred to in Article 27 shall be sentenced to a maximum imprisonment of 1 (one) year and/or a maximum fine of Rp. 5,000,000,000.00 (five billion rupiah)”
3. This also applies to tourism business actors in this case are travel agents, as stated in Article 63 of Law Number 10 of 2009 concerning Tourism Paragraphs 1 to 5 states that
 - a. Every tourism entrepreneur who does not meet the provisions as referred to in Article 15 and/or Article 26 is subject to administrative sanctions.
 - b. The administrative sanctions as referred to in paragraph (1) are in the form of:
 - a) written warning;
 - b) limitation of business activities; and
 - c) temporary suspension of business activities.
 - c. The written warning as referred to in paragraph (2) letter a shall be imposed on the entrepreneur at most 3 (three) times.
 - d. The sanction of limiting business activities is imposed on entrepreneurs who do not comply with the warning as referred to in paragraph (3).
 - e. The sanction of temporary suspension of business activities is imposed on entrepreneurs who do not meet the provisions as referred to in paragraphs (3) and (4)

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