



Legal Protection for Tourists Against Unfair Business Practices in the Tourism Sector

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Abstract

The purpose of the study is to analyze the legal framework and its implementation in protecting tourists against unfair business practices in the tourism sector, as well as the mechanisms available for resolving disputes when tourists suffer losses caused by tourism business actors. This research uses a normative-empirical legal research method using statutory, conceptual, and empirical approaches. The results of the study showed that tourist protection is regulated under Law Number 10 of 2009 concerning Tourism, Law Number 8 of 1999 concerning Consumer Protection, and several regional regulations, which generally govern the rights of tourists and the obligations of business actors. Nevertheless, the realization of legal protection for tourists has not been fully effective. This is due to the absence of specific regulations governing complaint mechanisms, compensation standards, and safeguards against unfair business practices, such as fraud, overpricing, and the provision of misleading information. Alternative Dispute Resolution may be pursued through both litigation and non-litigation mechanisms, including settlement through the Consumer Dispute Settlement Agency (BPSK). However, practically, mediation is more frequently utilized, which often fails to create a sufficient deterrent effect for business actors. Therefore, more effective regulations, enhanced supervision, and more effective tourist protection mechanisms are needed to ensure legal certainty, justice, and adequate protection for tourists in the tourism sector.

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1. Introduction

Indonesia is a country with the potential for natural wealth, both flora and fauna as well as ancient relics, historical relics, arts and culture as resources and capital for tourism development to improve the standard of living, prosperity and welfare of the people as contained in the Pancasila and the Preamble to the 1945 Constitution of the Republic of Indonesia. Tourism activities in Indonesia are one of the largest contributors in increasing the country's foreign exchange as a tourist destination for both foreign and local tourists ^[1].

Tourism is generally viewed as an economic activity, given that the primary goal of tourism development is to generate economic benefits for both the community, the region, and the country. This economic activity is inextricably linked to two crucial roles: the producers and consumers of goods/services. This relationship between producers and consumers has given rise to a new problem: the loss or reduction of consumer rights to goods consumed ^[2].

¹ Firya Oktaviarni, *Legal Protection for Tourists According to Law Number 10 of 2009 Concerning Tourism*, Jurnal Wajah Hukum, Vol.2, Number 2, (October 2018), P.138.

² Muhammad Hamimulloh, et al, *Legal Protection of Tourists According to Law No. 10 of 2009 Concerning Tourism*, Merdeka Law Journal, Vol.2, Number 2, (2021), P.136.

In other words, tourism is a strategic sector in Indonesia's national development, playing a vital role in boosting economic growth, expanding employment opportunities, and introducing Indonesia's culture and natural resources to the world. In practice, tourism activities involve various parties, including tourists, tourism businesses, and the government. The legal relationship between tourists and tourism businesses requires guarantees of certainty, fairness, and legal protection for tourists as consumers of tourism services. The tourism industry is currently developing dynamically along with increasing public mobility, advances in digital technology, and easier access to information and transportation. Tourism is a strategic sector for the Indonesian economy, absorbing labor, attracting foreign exchange, and driving regional development. However, growing tourist demand also raises the vulnerability of unfair business practices by tourism businesses (e.g., travel agents, package providers, tour operators, accommodation managers) that harm tourists both materially and non-materially (safety, comfort, destination reputation). These losses raise legal and social issues that require academic attention and policy [3]. In this context, the quality of service and honesty of tourism businesses are crucial factors in creating a safe, comfortable, equitable, and protected tourism experience.

Beyond providing accommodation, protection for tourists at every tourist destination is essential. Tourism activities are primarily focused on ensuring tourist safety, environmental sustainability and quality, and public order and security, all of which are implemented in accordance with applicable laws and regulations.

Constitutionally, protection for citizens, including tourists, is based on the 1945 Constitution of the Republic of Indonesia, specifically Article 28D paragraph (1) of the 1945 Constitution, which emphasizes that everyone has the right to recognition, guarantees, protection, and fair legal certainty. In addition, Article 28G paragraph (1) of the 1945 Constitution guarantees the right of everyone to protection of themselves, their honor, and their property. This provision indicates that the state has an obligation to provide legal protection to tourists from all forms of detrimental business practices, including dishonest business practices in the tourism sector.

If Indonesia, as one of the world's tourist destinations, cannot provide a sense of security, is disorderly, and cannot provide adequate safety and services for tourists, then Indonesia will be shunned by tourists and ultimately will greatly affect the development of tourism in this country. The increasing progress of national tourism, which is marked by the increase in the number of tourists to Indonesia, needs to be maintained by providing maximum legal protection for tourists by ensuring the security and safety of the tourists concerned from the possibility of detrimental actions or events [4].

Furthermore, at the legal level, the protection of tourists as consumers is generally regulated in Law Number 8 of 1999 concerning Consumer Protection (UUPK). UUPK emphasizes that consumers have the right to comfort, security, and safety in consuming goods and/or services, as well as the right to obtain correct, clear, and honest

information regarding the conditions and guarantees of the services offered. On the other hand, business actors are required to act in good faith in conducting their business activities and are prohibited from engaging in actions that mislead or harm consumers. However, in tourism business practices, business actors are still often found engaging in dishonest business practices, such as providing misleading information, non-transparent pricing, facilities that do not match promotions, and services that do not meet promised standards.

More specifically, tourist protection is regulated in Law Number 10 of 2009 concerning Tourism, as amended and updated by Law Number 18 of 2025 concerning Tourism. This law affirms that tourists have the right to quality, safe, and standardized tourism services. The provisions of this law emphasize the implementation of quality, planned, integrated, and sustainable tourism, which implies that tourists have the right to receive services that meet the safety and quality standards promised by business actors.

Likewise, tourists have the right to receive true, clear, and accurate information. Although the full text of specific rights is not yet publicly available, national tourism law still places information as a right; tourists have the right to receive an accurate picture of the facilities, prices, and tourism services they use. This principle is consistent with the direction of the new Tourism Law, which requires transparency in the management of tourism destinations and services. Providing accurate information, standardized services, legal protection, and security and safety during tourism activities are part of the obligations of tourism businesses. Tourism businesses are required to provide honest, responsible, and non-discriminatory services. However, the implementation of these provisions has not been fully effective, particularly in addressing unfair business practices carried out by some tourism businesses.

Dishonest business practices in the tourism sector not only harm tourists economically but also have the potential to cause immaterial losses, such as feelings of insecurity, discomfort, and decreased trust in the national tourism sector. This situation demonstrates a gap between applicable legal norms and the reality on the ground. Furthermore, in the legal relationship between tourists and tourism businesses, there is a significant imbalance. Tourists, especially international tourists, are often in a weak position due to limited information, language and cultural differences, and a lack of understanding of the legal system and applicable complaint mechanisms. This imbalance opens up opportunities for businesses to engage in dishonest business practices, which ultimately harm tourists.

In the tourism industry, protection for tourists, both international and domestic, is considered inadequate. In fact, existing laws and regulations sometimes lack legal certainty and lack the authority to protect tourists. Tourists often target businesses with low ratings, which can be perceived as irresponsible, creating the potential for tourists to profit from these shortcomings. Therefore, it is crucial that all regulations address tourism and tourist safety at tourist destinations [5].

Thus, legally, protection for tourists (consumers) of tourism services is regulated within the legal framework of consumer

³Agunggunanto, et all, *Development of Independent Villages Through Management of Village - Owned Enterprises, Di Ponegoro University Semarang*, Vol. 13, 2016, P.344.

⁴Ni Made Novi Rahayu Widiastari AA Sri Indrawati, "Legal Protection Regulations for Tourists", *Journal of Legal Studies*, Vol. 01, No. 05, (July 2013), P. 2.

⁵Nabilah, Raniah., & Irham, Rizky Ramadhani. "Legal Protection for Consumers in the Event of Losses in Entertainment Facilities", *Journal of Education and development* 9, No. 1, (2021), Pp.169-177.

protection and tourism. Law Number 8 of 1999 concerning Consumer Protection establishes consumer rights, business actors' obligations, and mechanisms for liability and compensation in the event of default or misleading practices. Meanwhile, Law Number 10 of 2009 concerning Tourism, as amended by Law Number 18 of 2025 concerning Tourism, affirms tourists' rights to legal protection, security, and safety when using tourism services. These two legal umbrellas form the basis for legal demands and regulate the obligations of business actors in the tourism sector^[6]. However, the main challenge currently lies not only in the existence of legal regulations, but in the implementation and effectiveness of such legal protection in actual practice.

In practice, gaps between legal norms and realities on the ground are still common. Weak oversight, suboptimal law enforcement, and limited tourist access to dispute resolution mechanisms exacerbate the situation. Furthermore, the development of digital-based tourism businesses, such as online bookings and promotions through social media, also presents new challenges in overseeing business practices, particularly regarding information transparency and business accountability.

This condition shows that legal protection for tourists is not sufficient if it only relies on the existence of written regulations, but also requires in-depth studies regarding the effectiveness of its implementation and the factors that influence the behavior of tourism businesses.

In the field, a number of frequently reported violation patterns have emerged, such as fake package offers or unfulfilled offers after payment (*no-shows* or services not as advertised), unilateral fee transfers/increases, facilities that do not match promises, and the use of digital platforms to deceive consumers. This phenomenon is exacerbated by the digital ecosystem (social media, *marketplaces*) that facilitates fast offers but also obscures the credibility of business actors, making law enforcement and redressing victims' rights more difficult. Studies and practical reports show that such cases are not uncommon and continue to occur repeatedly.

A concrete case study demonstrates the real impact on tourists and the reputation of tourist destinations today. On June 3, 2025, dozens of tourists, including foreign tourists, were reportedly stranded in Labuan Bajo, on the western tip of Flores Island, West Manggarai Regency, East Nusa Tenggara, due to a travel agent allegedly failing to fulfill its obligations (unpaid boat payments, leaving tourists stranded). Incidents like this shake tourist confidence and raise concerns about the effectiveness of tourism business oversight. In this case, the business operator offered a boat tour package to Komodo National Park with promises of certain amenities, a clear departure schedule, and guaranteed accommodation and meals.

Furthermore, a case of alleged fraud by a commercial travel agent reported in October 2025 (selling fake tour packages and hotel vouchers, costing victims hundreds of millions of rupiah) demonstrated new methods and significant losses. These cases underscore the need for legal review and the implementation of more effective protections^[7].

Theoretically, this research stems from a fundamental

problem in the theory of legal effectiveness proposed by Lawrence M. Friedman, namely the failure to transform *law on the books* into *law in action*. Although Indonesia has a legal framework for consumer protection and tourism that is normatively considered comprehensive, the reality of rampant *unfair business practices*, as seen in the Labuan Bajo case and digital voucher fraud, indicates that elements of the law enforcement structure and legal culture do not support the implementation of these norms.

In the context of the digital tourism economy, the information imbalance between tourists and businesses not only persists but also mutates into more complex forms through the manipulation of online reviews, misleading digital advertising, and easily erased reputational traces. This problem is exacerbated by access to justice that exposes structural barriers for foreign tourists such as differences in language, jurisdiction, and procedures in claiming their rights. Thus, a theoretical tension arises between the static paradigm of national consumer protection law and the dynamic and digital character of global tourism transactions. This research will fill this academic gap by critiquing the assumption of universality of legal protection within the framework of Law Number 8 of 1999 concerning Consumer Protection and Law Number 10 of 2009 as amended by Law Number 18 of 2025 concerning Tourism when faced with the reality of tourists as vulnerable cross *-border consumers* in the digital ecosystem.

Despite the existing legal framework, sociological evidence suggests weak preventive measures (certification and supervision), limited access to legal remedies for tourists (costs and procedures), and the need for regulatory adaptation to new digital platforms and commercial practices^[8]. This is compounded by the inconsistency in the implementation of consumer protection regarding legal protection for tourists against dishonest business practices.

2. Research Method

This research uses a normative legal method supported by an empirical approach to examine legal norms and their implementation in the field. The approaches used include a statutory approach, a conceptual approach, and an empirical approach. The statutory approach is carried out through an analysis of regulations related to consumer protection and tourism, while the conceptual approach is used to understand relevant legal doctrines, concepts, and principles. The empirical approach is applied to examine the implementation of the law in practice, particularly regarding unfair business practices in the tourism sector. The research data consists of primary and secondary data. Primary data were obtained through observation, documentation, and direct interviews with respondents and informants in Labuan Bajo, West Manggarai Regency, East Nusa Tenggara Province. Secondary data is sourced from primary legal materials, including the 1945 Constitution of the Republic of Indonesia, Law Number 8 of 1999 concerning Consumer Protection, Law Number 10 of 2009 in conjunction with Law Number 18 of 2025 concerning Tourism, Regulation of the Minister of Tourism and Creative Economy Number 4 of 2021, and

⁶Indonesia, Law Number 8 of 1999 concerning Consumer Protection, State Gazette of the Republic of Indonesia 1999 Number 42, Supplement to the State Gazette of the Republic of Indonesia Number 3821.

⁷ Sui Suadyana, Ambrosius Ardin "20 tourists deceived by Labuan Bajo travel agent stranded at the harbor June 3, 2025, (<https://www.detik.com/bali/hukum-dan-kriminal/d-7945614/20-turis-tertipu-travel-agent-labuan-bajo-rp-101-juta-telantar-di-pelabuhan>).

⁸ Karimah Tuhid, *Legal Responsibility of Tourist Attraction Business Actors to Consumers Due to Natural Disasters in Bogor Regency*, Jurnal Hukum Vol. 3, No. 3, 2014, P. 234.

Regional Regulation of West Manggarai Regency Number 2 of 2017 concerning the Regional Tourism System. Data analysis was carried out qualitatively using deductive thinking logic through systematic analysis, connection, and interpretation of field data and legal materials to obtain answers to research problems.

3. Results and Discussion

3.1. Law Number 10 of 2009 in conjunction with Law Number 18 of 2025 concerning Tourism

Legal provisions are not finalized in the regulatory texts created by the government; however, their implementation in the field is the final outcome, dependent on the government and the community itself. Article 20 of Law Number 10 of 2009 concerning Tourism states that tourists have the right to:

1. Accurate information about tourist attractions
2. Tourism services according to standards
3. Legal protection and security
4. Health services
5. Protection of personal rights
6. Insurance protection for high-risk tourism activities

In this article, fulfilling these rights is the responsibility of business operators or tourism managers. Business operators must provide information appropriate to their business capacity, meaning they must not exaggerate information to attract tourists. Furthermore, business operators must pay attention to the services they provide, and tourist safety is also their responsibility. Furthermore, health services must be considered to anticipate incidents, and insurance coverage is necessary if tourism activities carry high risks. In addition to tourist safety, business operators are also responsible for providing personal protection, including for the protection of tourists' belongings^[9].

Despite all this, Article 20 of Law Number 10 of 2009 concerning Tourism is declarative, general, and non-operational in nature. It does not contain a specific complaints mechanism, tourist protection agency, compensation standards, or legal sanctions for violations. The legal protections in Article 20 are abstract and not elaborated further.

3.2. Special Protection for Travelers

Then in Law Number 10 of 2009 concerning Tourism, Article 25, tourists are required to:

- a. Maintain and respect religious norms, customs, culture and values that exist in the local community.
- b. Maintaining and preserving the environment
- c. Participate in maintaining order and security in the environment
- d. Participate in preventing all forms of acts that violate morality and activities that violate the law

While the provisions of this article clearly stipulate tourists' obligations, they are not balanced by equal protection for businesses and guarantees against unfair business practices. This creates an imbalance between tourists' rights and obligations.

Then in Law Number 10 of 2009 concerning Tourism, Article 26 contains the obligations of business actors:

- a. Maintain and respect religious norms, customs, culture and values that exist in the local community.
- b. Provide accurate and responsible information
- c. Providing non-discriminatory services
- d. Providing comfort, friendliness, security protection and safety to tourists
- e. Providing insurance protection for tourism businesses with high-risk activities
- f. Develop partnerships with local micro, small and cooperative businesses that are mutually beneficial, strengthening and mutually beneficial.
- g. Prioritize the use of local community products, domestic products, and provide opportunities for local workers.
- h. Improving workforce competency through training and education
- i. Play an active role in infrastructure development efforts and community empowerment programs
- j. Participate in preventing all forms of actions that violate morality and activities that violate the law in the business environment
- k. Maintaining a healthy, clean and beautiful environment
- l. Maintaining the sustainability of the natural and cultural environment
- m. Maintaining the image of the Indonesian state and nation through responsible tourism business activities.
- n. Implementing business standards and competency standards in accordance with statutory regulations.

Although the article relates to tourists, it focuses more on business obligations than on tourist protection. Furthermore, it lacks clear compensation rights or a specific dispute resolution mechanism. Therefore, tourist protection is indirect. The article is also very general and does not focus on business obligations.

Law Number 10 of 2009 concerning Tourism is also not very specific or focused on providing legal protection to tourists but also on the tourist attractions themselves. This can be seen in Article 27 of Law Number 10 of 2009 concerning Tourism, which contains a prohibition, namely that everyone is prohibited from damaging part or all of the physical tourist attractions. Such as carrying out acts of changing the color, changing the shape, removing certain *species*, polluting the environment, moving, taking, destroying, or destroying tourist attractions so as to result in the reduction or loss of the uniqueness, beauty, and authentic value of a tourist attraction that has been determined by the Government and/or Regional Government.

In fact, it is not half-hearted and it can be said that the protection of tourist attractions is a higher priority in this regulation when compared to the protection of tourists. In Article 64 of Law Number 10 of 2009 concerning Tourism, it is stated that anyone who intentionally and unlawfully damages the physical characteristics of a tourist attraction as referred to in Article 27 shall be punished with a maximum of seven years' imprisonment and a maximum fine of ten billion rupiah. Then, anyone who, through negligence and unlawfully, damages the physical characteristics, or reduces the value of a tourist attraction as referred to in Article 27 shall be punished with a maximum of one year's imprisonment and/or a maximum fine of five billion rupiah. The provisions of this article clearly constitute a strict form

⁹ Beatrice Tesalonika and Sylvana Murni Deborah Hutabarat, *Application of Consumer Protection Law to Accidents at Tourist Attractions*, USM Law Review Journal vol. 7, No. 3, 2024, p. 1805.

of regulation that provides protection for tourist attractions, even through negligence. Then, when compared to the actions of business actors who violate Article 15 concerning tourism business registration, Article 25 concerning tourist obligations, and Article 26 concerning the obligations of tourism entrepreneurs. In contrast to protection for tourist attractions which is directly stated as a prohibition and given criminal sanctions, in the case of tourists and business actors only in the form of administrative sanctions in this regulation. In Article 62 of Law Number 10 of 2009 concerning Tourism, any tourist who does not comply with the provisions as referred to in Article 25 is subject to sanctions in the form of a verbal warning accompanied by a notification regarding the matters that must be fulfilled. Furthermore, if a tourist has been given a warning as referred to in paragraph 1 of Article 62, and does not heed it, the tourist in question can be expelled from the tourist location where he visited.

Furthermore, Article 63 of Law Number 10 of 2009 concerning Tourism stipulates that any tourism business that fails to comply with Articles 15 and/or 26 will be subject to administrative sanctions. These sanctions can include written warnings, restrictions on business activities, or temporary suspension of business activities.

The Tourism Law does not contain a strengthening regime. The law does not specifically establish an alternative institution for resolving tourism disputes. This is crucial, given that tourism disputes often place tourists in a vulnerable position. This tourist protection institution will be necessary, given that tourist disputes do not always end up in court. Given the large number of foreign tourists in Indonesia, the courts appear inadequate to address these situations. Therefore, the government needs to address this issue through a tourist protection institution. This is especially true considering that the number of foreign tourists traveling to Indonesia is increasing, and some even stay for extended periods ^[10].

Protection for vulnerable tourists, such as children, the elderly, and people with disabilities, is crucial. Yet, in the concept of legal protection, vulnerable groups are prioritized for legal protection. Although Article 21 of Law Number 10 of 2009 concerning Tourism stipulates that tourists with physical disabilities, children, and the elderly are entitled to special facilities tailored to their needs, these details are often difficult for tourism businesses to address, and tourism businesses rarely address them. Given that children are often unable to fully care for themselves and be responsible, and the elderly and people with special needs may not possess the same physical or mental capabilities as other mature individuals, protection for these vulnerable groups needs to be further clarified ^[11].

There are no specific regulations to protect against fraudulent practices such as *overpricing* or unfair pricing. These practices can be seen in small examples, ranging from food prices at tourist attractions, which are several times higher than usual. Entrance fees and parking fees can be set at exorbitant prices. Businesses also offer services and products at excessive prices, which can damage the image of the tourism industry in the area. Even small measures like

entrance fees and parking fees should be included in regulations to protect tourists from illegal levies.

After extensive discussion on tourist protection, business owners also face loopholes that can be detrimental and must be protected and treated equally with tourists. In other words, balanced legal protection is needed for both tourists and business owners. Business owners often experience losses related to property. Business owners can suffer losses due to rental contract cancellations or property damage without compensation. This situation can create disparities for property owners as long as contracts are unclear, resulting in legal uncertainty and weakening legal protection for business owners.

Furthermore, there were even cases of unilateral cancellations of villa rentals in Bali during COVID-19, with owners denied compensation, citing the absence of a *force majeure clause*. Furthermore, in Bali, conflicts between tourists and employees ended in informal mediation by the local government. The over-focus on tourist rights has unbalanced the positions of businesses and property owners. Consequently, the Tourism Law does not actually provide legal protection for businesses, but only for tourists. Although this protection is primarily preventative, it is not clearly repressive and requires additional regulatory support. ^[12]

Therefore, the Tourism Law is dependent on another legal regime, namely Law Number 8 of 1999 concerning Consumer Protection. This is because tourists are categorized as consumers. As discussed earlier, Law Number 10 of 2009 concerning Tourism lacks any clarity regarding liability for compensation, and relies heavily on the Consumer Protection Law.

Regulations such as Law No. 10 of 2009 concerning Tourism predominantly focus on encouraging investment and supporting tourism businesses. It's true that the primary goal of tourism is economic growth and investment. To further clarify this, Article 4 of Law No. 10 of 2009 concerning Tourism states that tourism has the following objectives:

- a. Increase economic growth
- b. Improving people's welfare
- c. Eliminate poverty
- d. Overcoming unemployment
- e. Preserving nature, the environment and resources
- f. Advancing culture
- g. Raising the nation's image
- h. Cultivating a sense of love for the homeland
- i. Strengthening national identity and unity
- j. Strengthening national friendship.

To realize these provisions, particularly economic growth, investment is essential. Therefore, it's no surprise that this regulation should support investment and businesses, but that doesn't mean it should only benefit businesses and ignore tourist protection.

Article 10 of Law Number 10 of 2009 concerning Tourism states that the Government and Regional Governments encourage domestic investment and foreign investment in the tourism sector in accordance with the national, provincial and

¹⁰ Maulana Rouf Ababil, Yayuk Sugiarti, and Abshoril Fithry, *Business Actors' Responsibility for Tourist Losses According to Law Number 10 of 2009 concerning Tourism*, Jurnal Jendela Hukum, Vol. 10, No. 2, 2023, p. 185

¹¹ Wahyuni, Fadhliyah Mubakkirah, and Andi Husnul Khatimah, *Legal Perspectives on the Protection of Children and the Elderly*, Comparativa Journal Vol. 6, No. 1, June 2025, p. 94

¹² I Nyoman Triduta Tari, Et. all. *A Legal Study of the Implementation of Legal Protection for Tourism Owners from the Perspective of Tourism Law*, Journal of Social Sciences & Law Vol. 3, No. 5, 2025, p. 6466

district/city tourism development master plan.

Then, Article 22 of Law Number 10 of 2009 concerning Tourism states that tourism business actors have the right to:

- a. Get equal opportunities in business in the tourism sector
- b. Forming and becoming a member of a tourism association
- c. Get legal protection in doing business
- d. Obtain facilities in accordance with the provisions of statutory regulations.

The provisions of this article state that tourism businesses are guaranteed legal protection, and most importantly, they are provided with facilities. Tourists, however, do not have clear and rapid complaint redress facilities in the event of a dispute. While the regulation does indeed include consumer protections, such as Articles 20, 21, 26, and 23 paragraph 1 letter a, the dispute resolution mechanism for tourists and the standardization of tourism, particularly recreation, are not included in the regulation.

Behaviors or actions that may sometimes seem trivial actually have a significant impact on the sustainability of tourism, particularly in terms of providing information. Businesses often lure tourists by providing inaccurate information. This leaves tourists feeling disadvantaged because the information they receive doesn't align with their expectations. In fact, many vacationers, both Indonesian and foreign, often report these issues to the Tourism Office. However, with the capacity the Tourism Office has, it can only provide guidance and solutions. Therefore, there is a clear need for more robust regulations with clearer dispute resolution processes and a dedicated tourist protection agency.

To strengthen oversight, the Labuan Bajo Tourism Office explicitly requires that agents and business operators operating in Labuan Bajo must be Labuan Bajo-based. In other words, the office wants local residents to manage the tourism industry. This is not without reason, but rather serves a subjective purpose: if problems or disputes arise that harm tourists, the office itself can intervene and more easily track down the business operators, as long as they are Labuan Bajo residents and not from outside the region^[13].

3.3. Law Number 8 of 1999 concerning Consumer Protection

According to the Consumer Protection Law (UUPK), there is more than one form of liability for tourist protection. First, there is *Contractual Liability*, which is civil liability based on contracts between business actors, whether for goods or services, that result in losses to consumers or tourists. However, caution should be exercised regarding the inclusion of standard clauses in such contracts, which could weaken the consumer's position.

In tourism, contracts are often in place, whether for renting something or providing services somewhere. Before any agreement is reached, the business owner will outline the details of the goods or services they will provide. Second, there's *product liability*, which is the business owner's responsibility if the goods or services result in harm to tourists or consumers. And then there's *criminal liability*, which is a criminal responsibility and is closely related to

safety and security issues. Unlike the Tourism Law, the Consumer Protection Law doesn't clearly outline dispute resolution and compensation schemes.

The Consumer Protection Law clearly outlines compensation in the form of monetary compensation, replacement of goods and/or services, health care, compensation, and the dispute resolution process. It even outlines the consumer dispute resolution agency, the Consumer Protection and Consumer Protection Agency (BPSK). Therefore, it can be concluded that the Tourism Law is indeed heavily dependent on the Consumer Protection Law^[14].

Furthermore, a dedicated complaint mechanism should provide a procedure for tourist complaints and a rapid dispute resolution system. The lack of a dedicated tourist protection agency also results in a lack of a dedicated tourism-specific complaint channel for resolving issues. In fact, respondents reported that dispute resolution never involved a third party, but rather directly with the business owner. Consequently, this dispute resolution process tends to weaken tourists. When problems arise and the business owner refuses to take responsibility, it will undoubtedly complicate matters, especially for tourists.

Tourists feel that even a refund alone isn't enough, as they've already wasted time and money at the tourist destination. This leaves them feeling abandoned by travel agencies, even if they receive a refund. The Tourism Law also lacks clarity regarding compensation schemes provided by travel agencies to tourists. The absence of a compensation scheme or compensation provisions in the Tourism Law results in businesses lacking absolute accountability if they rely solely on that regulation.

In this case, regulations are still ineffective in providing protection and are even unable to provide clear legal certainty. And it could be said to be very ineffective because they remain empty and the legal culture is still lacking, making justice very difficult to achieve.

Businesses in Labuan Bajo are also disadvantaged by the situation, where tourists have previously suffered losses caused by other unscrupulous business operators. Many tourists who intend to use our services seem hesitant and worried due to incidents that have harmed them. Tourists who use our services complain of being defrauded by other unscrupulous business operators, for whom they cannot even be held accountable and whose whereabouts are unclear.

This is undoubtedly due to the misuse of information media, which leads tourists to believe their deceptions. As business operators, we are certainly responsible for the safety and comfort of tourists. However, there are circumstances we cannot avoid, such as weather conditions, which can disrupt tourist comfort due to delays or cancellations. However, we ensure their safety. In such circumstances, I believe we are not to blame, and for any other errors, we, the business operators, are prepared to compensate. So far, we have consistently resolved disputes between ourselves and tourists, and have never taken action to the courts.

From this, it can be said that tourism law still has many loopholes and fails to provide adequate legal protection. The law fails to provide justice for injured tourists because it fails to provide accountability for their losses.

¹³Interview Results with the Tourism Office on Thursday, January 29, 2026

¹⁴ AA Istri Eka Krisna Yanti, *Legal Protection of Tourists in the Implementation of Tourism in Indonesia*, Scientific Journal of the Faculty of Law, Vol. 20, No. 1, 2023, p. 82.

3.4. Minister of Tourism and Creative Economy Regulation No. 4 of 2021 concerning Business Activity Standards in the Implementation of Risk-Based Licensing in the Tourism Sector

The Ministry of Tourism and Creative Economy Regulation No. 4 of 2021 concerning Business Activity Standards for Risk-Based Licensing in the Tourism Sector includes service provisions in its appendix. These service provisions must be adhered to by all business operators. In the Labuan Bajo tourist destination area, where shipping activities occur, the service provisions for sea transportation businesses have their own provisions. First, services for accommodation-based tourism include:

1. Receiving and providing information online *and* offline *regarding* product orders and prices
2. Reception of tourist passengers
3. Use of identification badges for all tourist passengers
4. Reservations/tourists
5. Determination of tourist passenger goods
6. Cash and/or non-cash payments
7. Safety check of tourist boats
8. Departure and return of tourist boats
9. Safety and evacuation of passengers and crewing and operational emergency response of tourist vessels
10. Ship operation
11. Maintenance and repair of tourist boats and docking of boats
12. Food and beverage sales
13. Entertainment events
14. Responsiveness to passenger losses
15. Emergency (first aid for accidents)
16. Security handling at the office and for tourist passengers on ship trips
17. Provision of insurance for tourist passengers
18. Handling of tourist passenger complaints

Meanwhile, for sea transportation businesses that do not accommodate, they are as follows:

1. receiving and providing information through internal and external networks regarding orders, products and prices
2. tourist passenger reception
3. reservation or booking
4. passenger luggage storage
5. cash and non-cash payments
6. tourist safety boat check
7. departure and return of tourist boats from and/or to locations based on available tour packages
8. ship operations
9. safety and evacuation of passengers and manning and operational emergency response of tourist vessels
10. maintenance and repair of tourist boats
11. operational emergency response handling of tourist ships
12. security handling in the office and for tourist passengers on ship trips
13. providing insurance for tourist passengers
14. handling of tourist passenger complaints.

Furthermore, because Labuan Bajo is a recreational destination with significant risks, tourists are entitled to legal protection in tourism activities, including security and high-risk insurance. Accident insurance coverage for high-risk

activities includes:

- a. In insurance companies, the risks that tourists are protected against are limited to the risk of accidents that result in tourists:
 1. Death, in the form of death benefits
 2. Permanent disability in the form of permanent disability benefits
 3. Bodily injury in the form of medical assistance
- b. The insurance company parties are responsible, the risks to tourists who are protected include:
 1. Personal accident resulting in death
 2. Disability
 3. Maintenance costs
 4. Loss of property and interests ^[15].

Insurance companies certainly want to attract as many customers as possible, as mentioned above. However, Law Number 10 of 2009 concerning Tourism does not specify the insurance coverage provided in detail. Article 26f of the law only states that every business actor is obliged to provide insurance coverage to tourism businesses with high-risk activities. However, it does not specifically explain the responsibilities for this insurance coverage. This is clearly inappropriate and creates a legal loophole.

3.5. Regional Regulation No. 2 of 2017 concerning the Regional Tourism System

Regional Regulation No. 2 of 2017 concerning the Regional Tourism System does not clearly and firmly regulate tourists, whereas the Tourism Law contains regulations regarding tourist rights, which are certainly preventive legal protections. However, Regional Regulation No. 2 of 2017 concerning the Regional Tourism System does contain several articles that address tourist protection. Article 51 of Regional Regulation No. 2 of 2017 concerning the Regional Tourism System states that:

Regional Apparatus Organizations (OPD), which organize government affairs in the field of public order, are responsible for creating a sense of security and order for tourists in coordination with the police.

Article 56 then explains the registration certificate for tourism businesses, stating that the Regent has the authority to issue such a certificate. This registration certificate provides greater legal certainty, as it signifies that once a business owner has a registration certificate, their operations are legally operating.

Furthermore, regulations for tourism attraction management standards are stipulated in Articles 10 and 11 of the regulation. These articles address management standards, not safety, health, and service standards for tourists. Furthermore, these regulations don't provide detailed explanations of these standards. Therefore, the regulation doesn't provide strong legal protection for tourists.

3.6. Regional Regulation No. 6 of 2023 concerning Regional Taxes and Regional Levies

Regional Regulation No. 6 of 2023 concerning Regional Taxes and Levies does not regulate the protection of tourists or business actors. The regulation views tourists as objects of retribution, not protected subjects. This regulation

¹⁵ Hendrikus Mariano Suku Depa, "Legal Protection for Tourists in the Event of Accidents at Tourist Attractions," Journal of Education, Social and Religious Affairs, Vol. 18, No. 3, 2021, p. 757

demonstrates that tourism significantly influences economic development and is very promising. The regulation only addresses taxes and levies. However, despite this, these regulations actually provide protection to tourists and business actors. For example, tourists are not subject to illegal levies, and business actors are clearly required to pay taxes on the proceeds of their operations. The regulation does not include any articles regulating oversight and legal protection for tourists.

When discussing Labuan Bajo, a tourism destination that requires sailing activities, the Harbormaster's oversight role is a top priority. The Harbormaster and the Labuan Bajo Class III Port Authority are tasked with overseeing the safety and security of shipping. Therefore, the Harbormaster fulfills these duties and authorities under Law Number 17 of 2008 concerning Shipping. These duties include:

1. Supervise the Seaworthiness of Ships, Safety, Security, and Order at the Port
2. Supervise orderly ship traffic in port waters and shipping lanes
3. Supervise the activities of loading experts in port waters
4. Supervise salvage activities and underwater work
5. Supervise ship piloting activities
6. Monitoring delays
7. Supervise the loading and unloading of dangerous goods and hazardous and toxic waste materials
8. Supervise refueling
9. Supervise the orderliness of passenger embarkation and disembarkation
10. Supervise dredging and reclamation
11. Supervise port facility construction activities
12. Carrying out search and rescue assistance
13. Leading pollution control and fire fighting at the port
14. Supervise the implementation of maritime environmental protection.

In this way, government oversight through the Harbormaster, based on Law No. 17 of 2008 concerning Shipping, indirectly protects tourists, even though this protection is considered preventative. To improve the safety and security of tourist vessels, the Labuan Bajo Harbormaster has also introduced several additional regulations.

First, every Labuan Bajo tourist boat must have a ship safety certificate. Having this certificate is mandatory, where new sailing activities are permitted only if it has the certificate. The ship safety certificate is issued every three months, which indicates that the Harbor Master really pays attention to ship safety by not carelessly issuing such certificates to business actors. Second, every Labuan Bajo tourist boat must be equipped with a mooring boy cooperation agreement. The purpose of making this mooring boy agreement is to ensure the ships can dock neatly and safely. Third, every Labuan Bajo tourist boat must also have a ship radio safety certificate. This aims to if a problem occurs, the tourist boat can request assistance from other tourist boats that are sailing. Fourth, every Labuan Bajo tourist boat must have a ship's tanker approval letter for ships that want to refuel, this aims to be more oversight by the Harbor Master. Fifth, every boat that wants to travel to Komodo National Park must carry out the

activities of embarking and disembarking tourist passengers at Labuan Bajo port, where this data is needed by the Harbor Master himself in calculating the number of boarding and disembarking passengers. Sixth, every crew member working on Labuan Bajo tourist sites must possess a basic skills certificate and a seaman's handbook. This clearly aims to protect tourists by preventing any incidents that could endanger their safety in Labuan Bajo, especially those traveling on cruise ships ^[16].

Labuan Bajo also has a special regulation, namely Presidential Regulation Number 32 of 2018 concerning the Labuan Bajo Flores Tourism Area Management Authority. This regulation was created to develop the tourism area in Labuan Bajo, with the establishment of the Labuan Bajo Flores Tourism Area Management Authority. Where the Labuan Bajo Flores Tourism Authority, through the Steering Committee, has the following duties, as stipulated in Article 4, namely:

- a. Establishing general policies, providing direction, carrying out control and coaching on the implementation of management, development and construction policies for the Labuan Bajo Flores tourism area.
- b. Synchronizing the policies of ministries/agencies and regional governments regarding the management, development and construction of the Labuan Bajo Flores tourism area.
- c. Provide implementation instructions to the Implementing Agency regarding the management and development of the Labuan Bajo Flores tourism area in accordance with the general policies of the central government and regional governments.
- d. Supervise the implementation of management, development and construction policies for the Labuan Bajo Flores Tourism Area carried out by the Implementing Agency.

The regulation is clearly specifically for the Labuan Bajo area and is geared toward investment for economic growth. The Authority has no involvement in tourism disputes or similar issues. Therefore, the government here prioritizes tourism investment and neglects legal protection for tourists. Furthermore, the tourism law relies on the UUPK.

Furthermore, considering all existing regulations, there are no specific rules regarding standard tourism prices to control overpricing. It's true that pricing goods and services is a crucial part of economic activity, based on the principle of free enterprise. However, given our laws in Indonesia, this cannot be absolute or unquestionable. Entrepreneurs in the tourism sector cannot be allowed to freely set prices for goods or services as they please, as this could be detrimental to tourists or consumers.

Price increases in goods, including food and beverages, are common in tourist destinations. Therefore, regulations and policies regarding pricing are crucial in any tourist area, particularly Labuan Bajo, which is becoming increasingly popular with both domestic and international tourists. This ensures the tourism image is maintained and provides preventative protection for tourists ^[17].

Neither Law No. 10 of 2009 concerning Tourism nor Law

¹⁶ Theodorus Hendrik Sadipun and Sudirman, *Implementation of the Harbor Master's Supervisory Function in Improving the Security and Safety of Tourist Ship Navigation at the Class III Labuan Bajo Port Authority (KSOP)*, Journal of Shipping and Port Applications Vol. 12, No. 1, September, 2021, p. 52

¹⁷ Gyska Indah Harya, Gideon Setyo Budiwitjaksono, and Rahayu Sri Utami, *Legal Policy on Culinary Pricing in Tourist Destinations Between the Principles of Freedom of Business and Consumer Protection*, Journal of Social Sciences & Law, Vol. 4 No. 2, 2026, p. 737.

No. 8 of 1999 concerning Consumer Protection regulates price fairness, which could provide preventative legal protection for tourists. Therefore, the government needs to pay attention to pricing and price monitoring, emphasizing the principle of *price transparency* to prevent tourists from being disadvantaged.

4. Conclusion

Dishonest business practices against tourists in Labuan Bajo demonstrate that the legal protections stipulated in Law Number 10 of 2009 concerning Tourism, Law Number 8 of 1999 concerning Consumer Protection, Ministerial Regulation of Tourism and Creative Economy Number 4 of 2021 as amended by Ministerial Regulation Number 6 of 2025, and West Manggarai Regency Regulation Number 2 of 2017 have not been optimally implemented. Although these regulations address tourists' rights to accurate information, security, safety, adequate service, and compensation, provisions for protecting tourists from dishonest business practices, complaint mechanisms, and dispute resolution remain incomplete. Furthermore, Regional Regulation Number 6 of 2023 concerning Regional Taxes and Levies positions tourists more as objects of retribution than as subjects of legal protection. The most frequent problems in Labuan Bajo include discrepancies between promised and received services and the prevalence of illegal travel services. Normatively, disputes can be resolved through litigation or non-litigation channels, including through the Consumer Dispute Resolution Agency (BPSK), which offers mediation, conciliation, and arbitration mechanisms. However, in practice, most disputes are resolved directly between tourists and businesses, while complaints to the Tourism Office have not been able to provide adequate legal protection for tourists.

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