



THE RECONSTRUCTION OF LEGAL PROTECTION REGULATIONS FOR TOURISTS BASED ON JUSTICE VALUE

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ARTICLE INFO

Keywords:

Fairness; Legal; Managers; Protection; Tourists.

DOI :

10.30659/jh.v42i1.42194

ABSTRACT

This research aimed to examine the legal protection available and to propose reconstruction of government regulations in legal protection for tourists in Mount Ciremai National Park in Indonesia based on the principles of justice. The methodology used was socio legal research analysis. The results showed that legal protection for tourists in Mount Ciremai National Park area was supported by Islamic law, specifically referenced in the Qur'an, Surah Al-Tawbah, verse 6, as well as by various Indonesian laws and regulations. These included Law on Tourism, Kuningan Regency Regional Regulation on Tourism Implementation, Majalengka Regency Regional Regulation on Tourism Implementation, and Law on Consumer Protection. Furthermore, the proposed reconstruction of government regulations included the inclusion of a new article in Law on Tourism. This article would hold tourism entrepreneurs legally accountable for any losses resulting from the negligence of service personnel or deficiencies in infrastructure at tourist attractions. The research outlined two key discoveries where regulations governing tourism were established under existing tourism laws. Although these laws provided legal protection for tourists, the regulations did not address compensation for losses caused by the mismanagement of tourist attractions. The inclusion of these provisions would significantly enhance the legal framework for safeguarding tourists.

1. Introduction

A sustainable environment is a blessing that should be preserved and used responsibly to promote public welfare as mandated by the 1945 Constitution and to achieve happiness in life based on Pancasila¹. Sustainable development with an environmental perspective is implemented through integrated and

1 Khudzaifah Dimiyati et al., Indonesia as a Legal Welfare State: A Prophetic-Transcendental Basis, *Heliyon*, Vol.7 No.8, 2021, page. 1–8

comprehensive national policies, addressing the needs of both present and future generations². This method aims to manage the environment harmoniously and sustainably to support environmentally conscious development³. The 1945 Constitution in Article 28H affirms that a good and healthy environment is a fundamental right of every Indonesian citizen⁴. However, the declining quality of the environment threatens the survival of humans and other living beings⁵. This prompts environmental protection and management to be increasingly urgent, particularly in the face of global warming and the role in accelerating climate change and environmental degradation⁶. The presence of Law No. 32 of 2009 on Environmental Protection and Management serves as a guideline for environmental stewardship in Indonesia⁷. This law recognizes forests, land, air, water, and the natural resources contained in the provision as essential assets to be used for the community's benefit⁸. Non-renewable natural resources such as mining materials also play a critical role in supporting human life and development. The demand for these materials continues to increase with regional growth⁹.

Tourism has recently become a prominent topic in public discussions due to the proven role as an alternative economic activity that improves community welfare¹⁰. Indonesia which is rich in culture, natural beauty, and historical heritage possesses abundant resources and opportunities for tourism development. This correlates with the national objectives of improving human resources, living standards, welfare, and prosperity as outlined in the 1945 Constitution and Pancasila¹¹. Tourist attractions are further defined in Article 1, Number 5 of Law No. 10 of 2009 on Tourism as "everything that has uniqueness, beauty, and value including natural diversity, culture, and artificial products serving as destinations for tourist visits". Designated tourist areas are

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- 2 Rakhmat Jazuli and Nurikah Nurikah., Regulatory Policy Model for Ecotourism-Based Heritage Tourism Development in the Old Banten Region, *Unifikasi: Jurnal Ilmu Hukum*, Vol.9 No.1, 2022, page. 45-53.
 - 3 Ze Zhang, Baoqing Hu, and Haihong Qiu., Comprehensive Evaluation of Resource and Environmental Carrying Capacity Based on SDGs Perspective and Three-Dimensional Balance Model, *Ecological Indicators*, Vol.138 No.January, 2022, page. 108788
 - 4 Suwari Akhmaddhian, "Discourse on Creating a Special Environmental Court in Indonesia to Resolve Environmental Disputes," *Bestuur* 8, no. 2 (2020): 129.
 - 5 Daffa Ladro Kusworo and Fitra Arsil, "Green Constitutional Paradigm for Sustainable Environmental Development in the Capital of Archipelago: A Comparative Study with France and Ecuadorian Constitution," *Unifikasi: Jurnal Ilmu Hukum* 343, no. 1 (2024): 83–98.
 - 6 Suwari Akhmaddhian and Hartiwiningsih. Hartiwiningsih., The Public Participation in Water Conservation to Embody Food Security in Kuningan, *International Journal of Civil Engineering and Technology*, Vol.9 No.4, 2018, page. 254-264.
 - 7 Kevin Philips Barakati, Tjahyo Nugroho Adji, and Noorhadi Rahardjo., Status of Groundwater and River Water Quality around the Location of Illegal Gold Mining Activities in Lantung District , Sumbawa, *Journal of Degraded and Mining Lands Management*, Vol.10 No.3, 2023, page. 4433–4443.
 - 8 Akhmaddhian and Hartiwiningsih., The Public Participation in Water Conservation to Embody Food Security in Kuningan, *International Journal of Civil Engineering and Technology*, Vol.9 No.4, 2018
 - 9 Shyla Del-Aguila-Arcenales et al., Influence of Social, Environmental and Economic Sustainable Development Goals (SDGs) over Continuation of Entrepreneurship and Competitiveness, *Journal of Open Innovation: Technology, Market, and Complexity*, Vol.8 No.2, 2022, page. 73.
 - 10 Rismahayani Rismahayani., Perlindungan Hukum Terhadap Wisatawan Di Festival Pacu Jalur abupaten Kuantan Singingi Dilihat Dari Undang-Undang Nomor 10 Tahun 2009 Tentang Kepariwisataaan, *Kodifikasi*, Vol.4 No.2, 2022, page. 1–18.
 - 11 Haris Budiman et al., Tourism Law Enforcement in Regional Spatial Planning and Licensing Perspectives, *Unifikasi: Jurnal Ilmu Hukum*, Vol.10 No.1, 2023, page. 1–10.

geographical locations with administrative, community, and infrastructural support aimed at facilitating tourism and enhancing the appeal. These areas often include public facilities, tourist amenities, accessibility, and other key characteristics¹².

For instance, tourism development in national park areas can increase rapidly. All tourist areas in Indonesia contribute positively to the development of ecotourism at national and international levels¹³. Part of tourist areas that are increasingly advanced in managing the ecotourism sector are the marine and land national parks. For instance, Kuningan Regency has the potential for natural wealth that can be used as tourist destinations such as villages, nature, historical, religious, culinary, and creative industries. Kuningan Regency currently features personal tourist destinations with the ideas and creativity of the local community, government, and entrepreneurs¹⁴.

To ensure the consistency and synchronization of tourism, Kuningan Regency government issued Kuningan Regent Regulation Number 90 of 2020 on the Master Plan for Tourism Development of the Regency for 2020-2028. Furthermore, Mount Ciremai National Park is a protected area in West Java Province with natural tourism widely known by the community, specifically in Kuningan Regency. This area has 36 tourist attractions in Kuningan Regency and 15 in Majalengka Regency.¹⁵ According to Law No. 5 of 1990 on Conservation of Natural Resources and Ecosystems, Article 1 Paragraph 14 states that national parks have unique ecosystems managed with a zoning system for various purposes such as research, nature reserves, scientific support, education, cultivation, tourism, and recreation¹⁶.

Tourism industry is constantly evolving, presenting various challenges and opportunities. Tourism development remains a key focus for investors and corporate stakeholders in the sector¹⁷. Tourist attraction managers are tasked with ensuring visitors experience comfort, safety, and security. Additionally, visitors have inherent rights during the travels, and the state has a responsibility to respect, uphold, and protect these rights¹⁸.

Thailand is one of the world's most popular tourist destinations, renowned for its natural beauty, cultural heritage, and the hospitality of its people. The rapid growth of the tourism industry has brought significant positive impacts on the national economy; however, it has also introduced new challenges, particularly

12 Sheilla Kristiana Putri., Perlindungan Hukum Terhadap Wisatawan Menurut Undang-Undang Nomor 10 Tahun 2009 Tentang Kepariwisata, *Jurnal HAK*, Vol.1 No.1, 2023, page. 21–26.

13 Luh Putu Sudini and I Wayan Arthanaya., Pengembangan Pariwisata Berwawasan Pelestarian Lingkungan Hidup, *DiH: Jurnal Ilmu Hukum*, Vol.18 No.1, 2022, page.65–76

14 Didit Aditya., Penamaan Objek Wisata Di Wilayah Kabupaten Kuningan Jawa Barat, *Deskripsi Bahasa*, Vol.3 No.2, 2020, page. 170–181.

15 Silvia Lucyanti and Boedi Hendarto., *Penilaian Daya Dukung Wisata Di Obyek Wisata Bumi Perkemahan Palutungan Taman Nasional Gunung Ciremai Propinsi Jawa Barat*, 2014, page. 232–40.

16 Ajeng Aditya Listyani., Green Investment as A Guarantee to Protect the Indigenous People's Rights, *Unifikasi: Jurnal Ilmu Hukum*, Vol.11 No.1, 2024, page. 29–39.

17 Binahayati Rusyidi and Muhammad Fedryansah., Pengembangan Pariwisata Berbasis Masyarakat, *Focus: Jurnal Pekerjaan Sosial*, Vol.1 No.3, 2018, page. 155–165.

18 I Putu Andika Sanjaya., Anak Agung Sagung Laksmi Dewi, and Luh Putu Suryani., Perlindungan Hukum Wisatawan Yang Berkunjung Ke Tempat Wisata Berisiko Tinggi Di Bali, *Jurnal Konstruksi Hukum*, Vol. 3 No.2, 2022, page. 371–376.

in terms of legal protection for tourists¹⁹. In response to these challenges, the Thai government has implemented various policy measures aimed at ensuring the safety and rights of tourists visiting the country²⁰. One of the most relevant legal instruments is the Tourism Business and Guide Act B.E. 2551 (2008), which governs tourism business operations and the professionalism of tour guides. This law stipulates that tourism operators must obtain official licenses and are held responsible for the safety and overall experience of tourists. In addition, the government has established a specialized unit known as the Tourist Police, which is tasked with handling issues specifically related to tourist welfare and protection²¹. Despite these efforts, the implementation of these legal protections still faces numerous challenges. Cases of fraud by taxi drivers, price manipulation by unlicensed travel agents, and the lack of accessible legal information for foreign tourists are still frequently reported. Language barriers, bureaucratic complexities, and inconsistencies in law enforcement across different regions also contribute to the ongoing difficulties in ensuring comprehensive legal protection for all tourists²².

Currently, the tourism industry is rapidly developing as one of the strategic sectors driving economic growth, cultural exchange, and cross-border social integration. However, this increase in tourist movement poses various legal risks and vulnerabilities that can threaten the safety, rights, and comfort of both domestic and international tourists²³. Therefore, legal protection for tourists is very important because it has not received adequate attention in existing research. Most research in the field of tourism tends to focus on marketing aspects, customer satisfaction, or destination development, while the legal dimension, especially concerning the rights and protection of tourists, is still rarely studied in depth and comprehensively. The research conducted opens up opportunities to develop a legal protection model based on justice, inclusivity, and adaptability to current tourism dynamics. The provisions of Article 23 of Law No. 10 of 2009 on the Obligations of the Central and Regional Governments to provide tourism information, legal protection, security, and safety for tourists. This underscores the obligation of Indonesia to respect, protect, and fulfill the right to travel as a fundamental human right.²⁴ When tourist destination fails to offer security, order, safety, and adequate services, it risks losing visitors which has a negative impact on the development of the sector. To maintain the progress of national tourism reflected in the increasing number of tourists to Indonesia, providing maximum legal protection to tourists is essential. This can be performed by maintaining the security and safety of

19 Lis Julianti and Artit Pinpak., The Digitalization of Investment Impact on Developing Tourism Industry, *Journal of Human Rights, Culture and Legal System*, Vol.4 No.3, 2024, page. 655–681.

20 Dikha Anugrah et al., Regulation of Physical Data on Land Destroyed by Natural Disasters, *Unifikasi: Jurnal Ilmu Hukum*, Vol.10 No.2, 2023, page. 124–135.

21 Sureeporn Huengwattana., Legal Problems of Travel Agency Business and Tour Guide in Thailand, *Thammasat Business Law Journal*, Vol.8 No.8, 2018, page. 112–127.

22 I Made Gde Bamaxs Wira Wibowo., *Legal Renewal: The Relationship of Business Law, Local Wisdom and The Tourism Industry*. Atlantis Press, 2023.

23 Tazim Jamal., *Justice and Ethics in Tourism*, London: Routledge, 2019

24 Putu Eva Laheri., Tanggjawab Negara Terhadap Kerugian Wisatawan Berkaitan Dengan Pelanggaran Hak Berwisata Sebagai Bagian Dari Hak Asasi Manusia, *Udayana Master Law Journal*, Vol.4 No.12, 2015, page. 126–137.

tourists from various possible detrimental actions or incidents. The protection of tourists in tourism business should also be enforced, considering the increasing innovation in tourism sector in Indonesia²⁵.

Government first issued Law No. 9 of 1990 on Tourism but the regulation did not fully address the needs of tourism industry. Consequently, in 2009, government changed the existing and established Law No. 10 of 2009 on Tourism²⁶. The law prioritizes guaranteeing the freedom of individuals to travel as a social pillar and a fundamental human right. It emphasizes the importance of visitor comfort, as well as legal and security protection in promoting tourism growth and development. Visitors require legal and security protection as many become victims of theft, fraud, and other detrimental crimes²⁷. Losses at tourist attractions are often attributed to tourists under the assumption that these losses originate from negligence. However, Article 23 of Law No. 10 of 2009 explicitly guarantees the security and safety of visitors. Legal protection is not provided under Law No. 10 of 2009 on Tourism but also under Law No. 8 of 1999 on Consumer Protection. According to Article 4 of Law No. 8 of 1999, tourists have the right to legal protection in the form of clear information, security, and comfort to be served honestly and to receive compensation. The obligations of business actors are outlined in Article 7(b) of the same law, requiring the actors to provide accurate, clear, and honest information about the condition and guarantee of goods and services, as well as explanations regarding the use, maintenance, and improvement.²⁸

When tourists experience material or immaterial losses, what forms of accountability should tourism management provide²⁹. In January 2023, the number of foreign tourists visiting Indonesia through all entry points reached 735,947 individuals. Among these, 620,905 entered through the main entry points while the remaining 115,042 tourists accounted for 15.63% of total visits entered through other border entry points as recorded by Mobile Positioning Data. This figure represents a significant growth of 503.34% compared to January 2022 which saw only 121,978 foreign tourist visits.

Cumulatively, from January to October 2023, foreign tourist arrivals reached 9.49 million which is an increase of 124.30% compared to the same period in 2022. This figure exceeded the total number of foreign tourist visits in 2022 which amounted to 5.9 million. Focusing on provincial data, West Java Tourism and Culture Office recorded 388,147 foreign tourist visits from January to September 2023, comprising 241,814 who stayed in accommodations and

25 Firya Oktaviarni., *Perlindungan Hukum Terhadap Wisatawan Menurut Undang-Undang Nomor 10 Tahun 2009 Tentang Kepariwisata*, *Wajah Hukum*, Vol.2 No.2 2018, page. 138–145.

26 Rakhmat Jazuli and Nurikah Nurikah., *Community Group-Based Tourism Development Model: Banten Lama Tourism Area*, *UNIFIKASI: Jurnal Ilmu Hukum*, Vol.8 No.2, 2021, page. 154–166.

27 Adik Nur Luthiya, Benny Irawan, and Rena Yulia., *Kebijakan Hukum Pidana Terhadap Pengaturan Pencurian Data Pribadi Sebagai Penyalahgunaan Teknologi Komunikasi Dan Informasi*, *Jurnal Hukum Pidana dan Kriminologi*, Vol.2 No.2, 2021, page. 14–29.

28 Nabilah Luthfiyah Chusnida., *Perlindungan Hukum Terhadap Wisatawan Dalam Kegiatan Pariwisata Beresiko Tinggi Menurut UU Perlindungan Konsumen*, *Penelitian Hukum De Jure*, Vol.23., 2023, page. 1–14.

29 Rabiatur Adawiyah et al., *Penerapan Prinsip Keadilan Pada Perjanjian Kerjasama Antara Pemilik Lahan Persawahan Dengan Pengelola Wisata Bidadari Di Dusun Pamah Simelir Desa Telagah Kecamatan Sei Bingai, Kabupaten Langkat*, *Jurnal Media Akademik (JMA)*, Vol.2 No.3, 2024, page. 1–29.

146,333 who visited tourist attractions. During the same period, domestic tourist visits totaled 52,672,603 including 19,873,342 who stayed in accommodations and 32,799,261 who visited tourist attractions. These numbers show a significant increase in tourist visits to West Java in 2023 compared to 2022. At the regency level, Kuningan Regency achieved significant success. By June 2023, the number of tourist visits had reached 3 million, surpassing the annual target of 2 million visits in 6 months.

Previous publications on government policies in legal protection for tourists include an article entitled Legal Protection for Tourists in the Context of Using Sharia Tourism Products and Services (Halal Tourism) which examines legal protection and guarantees of legal certainty for tourists. Several laws serve as alternative references for using Sharia tourism products and services (Halal Tourism)³⁰. Another research, Legal Protection for Tourists by Travel Agencies in Badung Regency explores the forms of legal protection for tourists traveling in the province. The publication outlines measures such as ensuring security and welfare, providing special services for elderly and disabled tourists, as well as offering insurance for tourists engaged in high-risk activities³¹. Similarly, Legal Protection of Tourists Visiting High-Risk Tourist Destinations in Bali discusses the responsibilities of business actors to compensate for losses caused by negligence or errors of tourist attraction managers³². Regional Government plays a crucial role in the development and progress of tourism sector, serving a major source of income and helps address community challenges. Providing legal protection guarantees for tourists ensures their safety and security. Tourists who experience losses are entitled to legal protection under Tourism Law.³³ This research aims to provide a balanced understanding that tourists such as entrepreneurs have both rights and obligations. Tourists are entitled to legal protection while accessing tourism services. Several recent incidents at tourist attractions outline the lack of adequate security and safety measures, resulting in both material and physical harm to visitors. For instance, tourists have fallen victim to exorbitant entrance and parking fees at certain tourist attractions. This research introduces a novel focus on strengthening tourism management regulations to enhance legal protection for tourists. It emphasizes reconstruction of government policies based on justice values to address the legal protection of tourists in Mount Ciremai National Park.

2. Research Methods

The method used was socio legal research including legal research that placed law as a structure in a system of norms. This normative system comprised

30 Elan Jaelani., Perlindungan Hukum Terhadap Wisatawan Dalam Rangka Pemanfaatan Produk Dan Jasa Pariwisata Syariah (Halal Tourism), *JES (Jurnal Ekonomi Syariah)*, Vol.3 No.1, 2018, page. 45–59.

31 Agung Ngurah Gusti I Suryadewa, Ida Ayu Widiati, and I Wayan Arthanaya., Perlindungan Hukum Terhadap Wisatawan Oleh Biro Perjalanan Wisata Di Kabupaten Badung, *Jurnal Analogi Hukum*, Vol.1 No.3, 2019, page.336–340

32 Sanjaya, Dewi, and Suryani., Perlindungan Hukum Wisatawan Yang Berkunjung Ke Tempat Wisata Berisiko Tinggi Di Bali. *Jurnal Konstruksi Hukum*, Vol.3 No.2, 2022.

33 Sumriyah Ridho Jusmadi Firda Puspita Sari., Perlindungan Hukum Terhadap Wisatawan Di Kawasan Religi Menurut Undang-Undang Nomor 10 Tahun 2009 Tentang Kepariwisata, *Interdisciplinary Journal On Law*, Vol.4 No.1, 2023, page. 76–94.

principles, norms, rules of laws and regulations, as well as legal doctrines.³⁴ Normative legal research examined legal rules or regulations as a system related to specific legal events. The analysis relied on secondary data including primary, secondary, and tertiary legal materials from books, literature, papers, laws, regulations, and other sources. The laws and regulations referenced included the Qur'an, the 1945 Constitution, Law No. 5 of 1990 on Conservation of Natural Resources and Ecosystems, Law No. 8 of 1999 on Consumer Protection, Law No. 10 of 2009 on Tourism, Kuningan Regency Regional Regulation Number 2 of 2013 on Tourism Implementation, and Majalengka Regency Regional Regulation Number 10 of 2021 on Tourism Implementation. Secondary data collection was also conducted using a literature-based method. Legal materials were gathered through conventional document tracing, collection, and research such as reading, viewing, listening, or using information technology.³⁵

3. Result And Discussion

3.1 Legal Protection for Tourists in Mount Ciremai National Park Area Based on Islamic Law and Legislation in Indonesia

Mount Ciremai National Park is a protected area in West Java Province widely known for the natural tourism, particularly in Kuningan Regency. This park includes 36 and 15 tourist attractions in Kuningan and Majalengka Regencies, respectively.³⁶ According to Law No. 5 of 1990 on Conservation of Natural Resources and Ecosystems, Article 1 Paragraph 14 states that national parks have unique ecosystems managed with a zoning system for purposes such as research, nature reserves, scientific support, education, cultivation, tourism, and recreation³⁷.

Tourism industry constantly changes and develops, presenting various challenges and opportunities³⁸. Furthermore, the background of tourism development remains essential for investors and corporate actors engaged in the industry³⁹. Tourist attraction managers also hold the responsibility of ensuring visitors' comfort, safety, and security. Visitors have also inherent rights when traveling. Since the right to travel is fundamental to individuals during the journey, the state should respect, uphold, and preserve these rights⁴⁰.

34 Arpangi, Arpangi, Andri Winjaya Laksana, Hendro Widodo, Toni Triyanto, and Akhmad Suparmin. "Resolution of Industrial Relations Disputes in Court Rulings and the Fair Fulfillment of Workers' Rights in Indonesia: An Islamic Legal Perspective." *JURIS (Jurnal Ilmiah Syariah)* 24, no. 1 (2025): 51-62.

35 Laksana, Andri Winjaya, Muhammad Ridwan Lubis, Denny Suwondo, Muhammad Ngazis, and Ratih Mega Puspa Sari. "Integrating Maqasid al-Shari'ah in Contemporary Islamic Legal Reform on Drug Policy." *MILRev: Metro Islamic Law Review* 4, no. 1 (2025): 416-439.

36 Silvia Lucyanti and Boedi Hendrarto Penilaian Daya Dukung Wisata Di Obyek Wisata Bumi Perkemahan Palutungan Taman Nasional Gunung Ciremai Propinsi Jawa Barat, 2014, page.232-40.

37 Hadi Sri Utami., Pengelolaan Kawasan Pariwisata (Studi Di Balai Besar Taman Nasional Bromo Tengger Semeru), *Jurnal Ilmiah Administrasi Publik*, Vol.3 No.1, 2017, page. 13-20.

38 Levyda Levyda., Economic, Socio-Cultural, and Environmental Impacts on Community Support for Tourism: A Case in Harapan Island, Kepulauan Seribu, *Binus Business Review*, Vol.11 No.3, 2020

39 Rusyidi and Fedryansah., Pengembangan Pariwisata Berbasis Masyarakat. Pengembangan Pariwisata Berbasis Masyarakat, *Focus:Jurnal Pekerjaan Sosial*, Vol.1 No.3, 2018.

40 Sanjaya, Dewi, and Suryani., Perlindungan Hukum Wisatawan Yang Berkunjung Ke Tempat Wisata Berisiko Tinggi Di Bali. *Jurnal Konstruksi Hukum*, Vol.3 No.2, 2022.

3.1.1 QS. Al-Tawbah

A tourist is defined as a person who travels for leisure, a traveler, or a sightseer⁴¹. In Arabic, this is translated as *al-sā'ih*// which is the *isim fā'il* of the word *sāḥa yasīḥu sayḥan wa sayḥānan wa siyāḥatan wa suyūḥan* and refers to an individual who traverses the Earth⁴². As explained in classical Islamic texts, traveling often implies a journey that leads to worship, and a tourist is understood as an individual temporarily outside the usual place of residence.

According to Fatimah, a Muslim tourist in a Muslim-controlled area is referred to as *al-sā'ih aldākhilī* (local tourist). In contrast, a non-Muslim tourist in a Muslim-controlled area is termed *al-musta'min*. In classical Islamic jurisprudence, tourists fall under the category of *al-musta'min*, which denotes individuals entering a Muslim area for peaceful purposes such as trade, knowledge-seeking, or recreation. These tourists are granted protection, often described in Islamic legal traditions as *al-dhimmī* (when traveling in an area controlled by Muslims).⁴³

QS. Al-Tawbah verse 6 states that "And if anyone from the polytheists asks for your protection 'O Prophet', grant it to them so they may hear the Word of Allah, then escort them to a place of safety, for they are a people who have no knowledge". The verse underscores the obligation of Muslims to protect non-Muslims seeking safety, allowing the individuals access to Muslim territories. It also emphasizes ensuring the safety of tourists' lives, belongings, and access to places of worship. This principle is further reinforced by the *dhimmah* contract which obliges Muslims to uphold the agreements as stated in the Hadith of the Prophet Muhammad SAW⁴⁴.

The *dhimmah* contract as stated in the Hadith of the Prophet Muhammad SAW should be carried out by all Muslims in the area as stated "(The agreement) for the protection of the Muslims is one unit, (can be) pursued by the lowest class. Whoever breaks the promise of a Muslim, then the curse of Allah, the Angels, and all mankind will fall on him, he will not be accepted on the Day of Resurrection due to the ransom for his obligatory or sunnah deeds." Scholars such as Ibn Hajar when explaining the word *dhimmah al-muslimīn wāḥid* in the Hadith stated "that the protection the Muslim provide is true. When one of the Muslims protects a non-Muslim, then other people (meaning all other Muslims) are forbidden to disturb the non-Muslim." A grant of protection has several well-known conditions. Furthermore, Imam Baidhawi also stated that the meaning of *al-dhimmah* (protection) is *al-'ahd* (agreement) because when an individual gives protection, he will be criticized when wasted. Therefore, the provision of protection can be performed by a respected person or not whether female or male among Muslims. When a Muslim has given protection to a non-

41 Miracle Auryel Trifosa Tangka., Tanggung Awab Pengelola Terhadap Wisatawan Yang Mengalami Kecelakaan Di Lokasi Wisata, *Lex Administratum*, Vol.9 No.04, 2023, page. 1–8.

42 Bakhrul Huda., The Concept of Halal Tourism and the Tourist Rights in an Islamic Jurisprudence Perspective, *el-Qist: Juournal of Islamic Economics and Business (JIEB)*, Vol.12 No.1, 2022, page. 57–76

43 *Ibid.*

44 *Ibid.*

Muslim, all other Muslims cannot cancel it⁴⁵.

Based on the current conditions where there is no longer any labeling of *dār al-Islam* and *dār alḥarb*, discussing the rights of tourists is more relevant when compared to *ahl amān* or *al-musta'min*. Therefore, the rights that tourists can obtain from tourism providers are as follows (1) Protection of life, (2) Access to worship, including easy access to places or information regarding *maḥdah* and *ghayr maḥdah* worship, (3) Guaranteed security of belongings, (4) Access to the promised tourist facilities, and (5) Protected from injustice. These rights were originally intended for non-Muslims, and Muslims who control the territory should provide the individuals with the concept of *ahl amān* (*al-musta'min* or *al-mustajir*). However, the rights can also apply to non-Muslim tourists when traveling in areas managed by Muslims, and the rights can be extended to Muslim tourists using *qiyās al-awlā* because of the bond between fellow religious brothers. The rights of Muslim tourists entering tourist areas managed by Muslims should also receive more attention without diminishing the rights of non-Muslim tourists. Furthermore, the rights of tourists visiting halal tourism areas include life protection, access to worship, guaranteed security of belongings, access to offered facilities, and protection from injustice.⁴⁶

3.1.2 Law No. 8 of 1999 on Consumer Protection

Article 4 of Law No. 8 of 1999 on Consumer Protection states that consumer rights include the right to comfort, security, and safety in consuming goods and services⁴⁷. Obligations are driven by the individual's awareness based on the behavior or activities whether intentional or unintentional⁴⁸. Obligations also include activities carried out by individuals as a reflection of the commitment to bear the results of these activities. In this case, everyone is obliged to take responsibility for mistakes or negligence made. Similarly, individuals are obligated to take responsibility for losses experienced by others. Hans Kelsen asserted that responsibility was divided into two types namely⁴⁹: Responsibility based on error is imposed on the legal subject and the entrepreneur who violates the law due to negligence and errors. Negligence can occur due to the failure to prevent prohibited events that are undesirable from a legal perspective⁵⁰. This is usually unintentional by the individual but can be prevented and Absolute responsibility is imposed on an individual when the actions cause detrimental consequences according to the legislator, and there is a clear relationship between the action and the resulting consequences. As a result, business owners may be held liable for damages brought on by the

45 *Ibid.*

46 *Ibid.*

47 Jaelani., *Perlindungan Hukum Terhadap Wisatawan Dalam Rangka Pemanfaatan Produk Dan Jasa Pariwisata Syariah (Halal Tourism)*. *JES (Jurnal Ekonomi Syariah)*, Vol.3 No.1, 2018.

48 Mawaddah Safira and Inosentius Samsul., *Consumer Protection for Scarcity of Hospital Beds the Impact of Covid in the Perspective of the Law on Hospitals*, *Unifikasi: Jurnal Ilmu Hukum*, Vol.8 No.2, 2021, page. 230–243.

49 Sanjaya, Dewi, and Suryani., *Perlindungan Hukum Wisatawan Yang Berkunjung Ke Tempat Wisata Berisiko Tinggi Di Bali*. *Jurnal Konstruksi Hukum*, Vol.3 No.2, 2022.

50 Riky Pribadi, Chaidar Awaludin Anwar, and Ferdy Ferdiansyah., *Government Policy: The Conversion of Protected Forest into Production Forest*, *Unifikasi: Jurnal Ilmu Hukum*, Vol.11 No.02, 2024, page. 136–143.

errors and carelessness of tourism industry owners.

Article 1366 of the Civil Code also regulates responsibility for the element of fault, specifically negligence stating "Every person is responsible not only for losses caused by the actions but also for losses caused by negligence or lack of caution"⁵¹. Furthermore, absolute responsibility without fault in a limited sense is found in Article 1367, paragraph (1) of the Civil Code stating that "A person is not only responsible for losses caused by the actions but also for losses caused by the actions of individuals who are the dependents or goods under the control"⁵². Article 7, letters (f) and (g) of Law No. 8 of 1999 on Consumer Protection also emphasize the obligations of business actors concerning compensation for consumers, namely "The obligations of business actors are to provide compensation, restitution, and replacement when the goods and services received or used do not comply with the agreement"⁵³.

Tourist attraction managers have responsibilities regulated in the regulations on the obligations of business actors and actions prohibited from being carried out by business actors⁵⁴. The responsibilities of business actors are regulated in Articles 19 to 28 of Law No. 8 of 1999 on Consumer Protection⁵⁵. Article 19 of the law states "Business actors are responsible for providing compensation for damage, pollution, and losses to consumers due to consuming goods and services produced or traded"⁵⁶.

3.1.3 Law No. 10 of 2009 on Tourism

Article 1, point 1 of Law No. 10 of 2009 on Tourism defines tourism as a travel activity carried out by an individual or group by visiting a certain place for recreation, personal development, or studying the uniqueness of tourist attractions visited in a temporary period⁵⁷. Article 20 states that "Every tourist has the right to obtain (a) accurate information about tourist attractions, (b) tourism services in accordance with standards, (c) legal protection and security, (d) health services, (e) protection of personal rights, and (f) insurance

51 Riko Pasca Pratama, Bambang Eko Turisno, and Herni Widanarti., Tanggung Jawab Pemerintah Kepala Daerah Kota Pematang Siantar Atas Kelalaian Tidak Memperbaiki Jalan Rusak Yang Mengakibatkan Korban Kecelakaan Meninggal Dunia, *Diponegoro Law Journal*, Vol.6 No.1, 2017, page. 1–15

52 Syahri Ramadhan and Muhammad Irfan., Responsibility of Managers of Lawata Beach Tourism Objects for an Accident Towards Tourists, *Privat Law*, Vol.4 No.2, 2024, page. 602–610.

53 Aldila Ramrada et al., Analisis Implementasi Perjanjian Kerja Antara Pemilik Dan Sopir Bus Pariwisata Di Indonesia, *Jurnal Legalitas*, Vol.3 No.1, 2025, page. 28–36.

54 Yogi made I Darmawan, Si Ngurah Ardhya, and Komang Febrinayanti Dantes, Perlindungan Hukum Terhadap Konsumen Atas Pemanfaatan Jasa Pariwisata Swing Di Kecamatan, *Jurnal Ilmu Hukum Sui Generis*, Vol.3 No.3, 2023, page. 102–111.

55 Jihan Nur Rahmah., The Right to Information in Regards to Cosmetic Usage Practiced by Beauty Clinics Based on Law Number 8 of 1999 with Consumer Protection, *Reformasi Hukum*, Vol.23 No.1 (2019): 19–37.

56 Muhammad Fabio Ustuchori and Liya Sukmah Muliya., Perlindungan Hukum Pengguna Obat Nyamuk Berdasarkan Hukum Islam Dan Perlindungan Konsumen, *Jurnal Riset Ilmu Hukum*, Vol.2 No.1, 2022, page. 1–6.

57 Sumriyah Sumriyah, Rhido Jusmadi, and Firda Puspita Sari., Perlindungan Hukum Terhadap Wisatawan Di Kawasan Wisata Religi Menurut Undang-Undang Nomor 10 Tahun 2009 Tentang Kepariwisataaan, *Interdisciplinary Journal on Law, Social Sciences and Humanities*, Vol.4 No.1, 2023, page. 76–94.

protection for high-risk tourism activities"⁵⁸. On the other hand, Article 22 states that "The Central and Regional Governments are obliged to provide tourism information, legal protection, as well as security and safety to tourists".

Article 24 of Law No. 10 of 2009 on Tourism reads that "Everyone is obliged to maintain and preserve tourist attractions as well as help create a safe, orderly, clean atmosphere, behave politely, and maintain the sustainability of tourist destination environment"⁵⁹. Furthermore, Article 25 emphasizes that "Every tourist is obliged to (a) maintain and respect religious norms, customs, culture, and values in the local community, (b) maintain and preserve the environment, (c) participate in maintaining order and security of the environment, as well as (d) participate in preventing all forms of acts violating morality and the law"⁶⁰.

Article 26 of the same provision states that⁶¹ "Every tourism entrepreneur is obliged to (a) maintain and respect religious norms, customs, culture, and values in the local community, (b) provide accurate and responsible information, (c) provide non-discriminatory services, (d) ensure comfort, friendliness, security protection, and safety for tourists, (e) provide insurance protection for tourism businesses with high-risk activities, and (f) develop partnerships with local micro, small, and cooperative businesses that need strengthen and benefit each other. The entrepreneurs are further obliged to (g) prioritize the use of local community products and provide opportunities for local workers, (h) improve workforce competency through training and education, (i) play an active role in efforts to develop infrastructure and community empowerment programs, (j) participate in preventing all forms of acts violating morality and the law in the environment where the business is located, (k) maintain a healthy, clean, and beautiful environment, (l) maintain the sustainability of the natural and cultural environment, (m) maintain the image of the Indonesian state and nation through responsible tourism business activities, as well as (n) implement business and competency standards in accordance with the provisions of laws and regulations"⁶².

Furthermore, Article 30 stipulates that "The regency government has the authority to (a) prepare and determine the master plan for regency tourism development, destinations, and attractions, (b) carry out registration, recording, and data collection of tourism business registration, (c) regulate the implementation and management of tourism in the territory, (d) facilitate and promote tourist destinations and products in the territory, (e) facilitate the development of new tourist attractions, (f) organize tourism training and

58 Ahmad Fahrur Rozi and Ahmad Khoirul Anam., Analisis Potensi Pengembangan Wisata Halal: Studi Kasus Pada Wisata Alam Sumbermaron, *JIHBIJ: Jurnal Ekonomi, Keuangan dan Perbankan Syariah*, Vol.8 No.1, 2024, page. 60–70.

59 Wahjoe Pangestoeti., Implementasi Kebijakan Destinasi Pariwisata Di Kelurahan Penyengat Kecamatan Tanjungpinang, *Jurnal Ilmu Administrasi Negara*, Vol.4 No.2, 2016, page. 1–16.

60 Maulana Rouf Ababil, Yayuk Sugiarti, and Absoril Fithry., Pertanggungjawaban Pelaku Usaha Atas Kerugian Wisatawan Menurut Undang-Undang Nomor 10 Tahun 2009 Tentang Kepariwisataaan, *Jurnal Jendela Hukum*, Vol.10 No.2, 2023, page. 176–196.

61 Sheilla Kristiana Putri., Perlindungan Hukum Terhadap Wisatawan Menurut Undang-Undang Nomor 10 Tahun 2009 Tentang Kepariwisataaan, *Jurnal HAK*, Vol.1 No.1, 2023, page. 21–26.

62 Oktaviarni, Firya., Perlindungan Hukum Terhadap Wisatawan Menurut Undang-Undang Nomor 10 Tahun 2009 Tentang Kepariwisataaan. *Wajah Hukum*, Vol.2 No.2, 2018

research in the regency scope, (g) maintain and preserve tourist attractions in the territory, (h) organize guidance for tourism-aware communities, and finally (i) allocate tourism budgets⁶³.

3.2 Reconstruction of Legal Protection Regulations for Tourists Based on Values of Justice

Regional Government is the head of region responsible for leading the implementation of government affairs in the autonomous region.⁶⁴ This includes managing government functions as defined by both Regional Government⁶⁵ and Regional Parliament, based on the principles of autonomy and assistance, with the broadest possible autonomy as outlined in the Indonesian system and the 1945 Constitution⁶⁶.

Legal protection refers to the safeguarding of human rights when they are harmed by others.⁶⁷ This protection ensures that individuals can enjoy all the rights granted by law. In simple terms, legal protection involves various legal measures provided by law enforcement to ensure both physical and mental security, protecting individuals from any form of harm or threat⁶⁸. Phillipus M. Hadjon explains that legal protection for the community consists of two main forms namely preventive and repressive actions. Preventive protection seeks to avoid disputes by motivating careful decision-making based on discretion while repressive protection aims to resolve disputes, often through judicial processes⁶⁹. Hadjon also outlines the key characteristics of a state governed by law in the following⁷⁰: The existence of a constitution or basic law that outlines the relationship between government and people, The separation of state power, and The recognition and protection of the individual's rights and freedoms. To achieve the goals of a rule of law state, legal protection for tourists is necessary, making sure that the defense of community rights complies with Indonesian laws and the constitution⁷¹.

The law outlines responsibility which can be divided into two types, namely

63 Sarsiti Sarsiti and Muhammad Taufiq., Penerapan Perlindungan Hukum Terhadap Wisatawan Yang Mengalami Kerugian Di Obyek Wisata (Studi Di Kabupaten Purbalingga), *Jurnal Dinamika Hukum*, Vol.12 No.1, 2012, page. 27–44.

64 Elshi Elvira Rosianti, Jefik Zulfikar Hafizd, and Mohamad Rana., Kewenangan DPRD Dan Kepala Daerah Dalam Menetapkan Peraturan Daerah, *Hutanasyah: Jurnal Hukum Tata Negara (SiyasahSyar'iah)*, Vol.2 No.2, 2024, page. 63–82.

65 William, John Evan, Genhart Panjaitan, and Andri Winjaya Laksana. "Effectiveness of the Law in Supervision of Goods and Services in the Body of the Police." *KnE Social Sciences* 10, no. 28 (2025). Page. 1

66 Reynold Simandjuntak., Negara Kesatuan Republik Indonesia Perspektif Yuridis Konstitusional, *De Jure, Syariah Dan Hukum*, Vol.07 No.01, 2015, page. 57–67.

67 Laksana, Andri Winjaya. "Harmonization of Law Enforcement Regulations of Narcotic Addictives." *Pena Justisia* 22, no. 1 (2023). Page. 383-392

68 Dyah Permata Budi Asri., Perlindungan Hukum Preventif Terhadap Ekspresi Budaya Tradisional Di Daerah Istimewa Yogyakarta Berdasarkan Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta, *JIPRO: Journal of Intellectual Property*, Vol.1 No.1, 2018, page. 13–23.

69 *Ibid*.

70 Kuswan Hadji et al., Perlindungan Hukum Terhadap Hak Asasi Manusia Dalam Hukum Tata Negara, *ALADALAH: Jurnal Politik, Sosial, Hukum dan Humaniora*, Vol.2 No.3, 2024, page. 25–33.

71 Tumisah Tumisah, Gunarto Gunarto, and Anis Mashdurohatun., Legal Reconstruction of Land Rights Allocation for Coastal Land Based on Justice Values, *Scholars International Journal of Law, Crime and Justice*, Vol.7 No.01, 2024, page. 39–44.

fault-based and risk-based liability⁷². Fault-based liability holds a person accountable for the mistakes when those actions cause harm to others while risk-based liability requires individuals or businesses to take responsibility for risks, regardless of whether those risks were intentional or not. This principle holds producers accountable for losses resulting from the actions, even when the individuals are not at fault⁷³.

The principles of responsibility are essential for consumer protection laws, particularly in cases including violations of consumer rights. It is crucial to carefully analyze who should be held responsible and the extent of that responsibility⁷⁴. In general, the principles of legal responsibility can be distinguished in the following: liability based on fault; presumption of liability principle; presumption of non-liability principle; absolute liability principle; limitation of liability⁷⁵. Legal accountability concepts, such as the strict liability principle based on the degree of the tourism industry operator's error and the fault-based liability principle, must undoubtedly be considered in any legal protection for tourists.

3.2.1 Mitigation, Preventive and Repressive Legal for Tourists in Mount Ciremai National Park

Legal protection for tourists in this context is focused on the mitigation aspect, as it is not just protection after an event. Legal protection is defined as a series of preventive policies aimed at reducing legal risks, conflicts, or losses that tourists may experience while traveling or engaging in activities at a tourist destination. Mitigation in legal protection encompasses systematic efforts to prevent violations of tourists' rights, thru clear and transparent regulations, ensuring tourists understand their rights and obligations thru accessible legal education and information, and establishing an efficient monitoring and complaint system to avoid escalating legal issues. Thus, legal protection not only serves against a violation, but is a mitigation strategy aimed at creating a sense of security, legal certainty, and justice even before a problem occurs.

Preventive Legal Protection Namely Article 20 of Law No. 10 of 2009 on Tourism states that every tourist has the right to obtain (a) accurate information about tourist attractions, (b) tourism services that meet standards, (c) legal and security protection, (d) health services, (e) protection of personal rights, and (f) insurance protection for high-risk tourism activities. Government both central and regional is obligated to provide tourism information, legal protection, and security for tourists. Article 24 of the same law requires all individuals to maintain and preserve tourist attractions as well as contribute to creating a safe, orderly, and clean environment while respecting local customs.

72 Tami Rusli., Tanggung Jawab Produk Dalam Hukum Perlindungan Konsumen, *Pranata Hukum: Jurnal Ilmu Hukum*, Vol.7 No.1, 2012, page. 79–88.

73 Hendrikus Mariano Suku Depa., Perlindungan Hukum Kepada Wisatawan Jika Terjadi Kecelakaan Di Tempat Pariwisata, *Al Qodiri: Jurnal Pendidikan, Sosial dan Keagamaan*, Vol.18 No.3, 2021, page. 744–766.

74 Helena Primadianti., Implementasi Prinsip Strict Liability (Prinsip Tanggung Jawab Mutlak) Dalam Penyelesaian Sengketa Konsumen, *Simbur Cahaya*, Vol.24 No.3, 2020, page. 4956–4959

75 Muhammad Andri et al., The Role of Village Government In Overcoming Environmental Pollution Caused by Tofu Factory Waste, *Unifikasi: Jurnal Ilmu Hukum*, Vol.10 No.1, 2023, page. 38–48.

Additionally, Article 25 adds that tourists should respect local religious norms, customs, and values, participate in maintaining the environment, and prevent acts that violate morality or the law.

Repressive Legal Protection Namely Article 62 of Law No. 10 of 2009 on Tourism stipulates that every tourist who fails to comply with the provisions as referred to in Article 25 shall be subject to sanctions in the form of a verbal warning accompanied by a notification regarding matters to be fulfilled. When tourist has been given a warning as referred to in paragraph (1) and is not heeded, the concerned individual may be expelled from the location where the act was committed. Additionally, Article 63 of the same provision imposes sanctions on every tourism entrepreneur who fails to comply with the regulations in Articles 15 and 26 shall be subject to administrative sanctions as referred to in paragraph (1) including written warnings as well as restrictions and temporary suspension of business activities.

Article 64 of the law states that "Any person who intentionally and unlawfully damages the physical tourist attraction as referred to in Article 27 shall be subject to a maximum imprisonment of 7 years and a maximum fine of IDR 10,000,000,000.00 (ten billion rupiah). Additionally, any person who due to negligence and unlawfully damages the physical or reduces the value of tourist attraction as referred to in Article 27 shall be subject to a maximum imprisonment of one year and a maximum fine of IDR 5,000,000,000.00 (five billion rupiah)."

Regional Government of Kuningan implements its tourism policy through Regional Regulation No. 2 of 2013 on Tourism Implementation, which provides legal protection for tourists. According to Article 26 of this regulation, tourists have the right to (a) accurate information about the attractions and facilities, (b) services that meet established standards, legal protection, security, and comfort, (c) health services, (d) protection of personal rights provided there is no conflict with local religious and cultural norms, as well as (e) insurance protection for high-risk tourism activities⁷⁶.

In Article 31, the regulation outlines the responsibilities of tourism entrepreneurs. These include holding complete business permits as required by law, respecting and upholding local religious, cultural, and community values, ensuring security, order, cleanliness, and environmental sustainability, as well as providing facilities for worship. Entrepreneurs should also offer accurate information, high-quality and non-discriminatory services, maintain the image as well as prevent violations of morality, public order, gambling, human trafficking, drug abuse, and the sale of goods and services conflicting with laws and regulations, as well as maintain and preserve a conducive situation in the business environment. Additionally, the entrepreneurs are required to provide tourists with safety, security, and comfort, offer accessible facilities for the elderly, children, and disabled persons, as well as prioritize the use of local products and support regional traditional arts and culture. Entrepreneurs should

76 Suwari Akhmaddhian, Erga Yuhandra, and Ressa Siti Nurhasanah., The Government Policy in Realizing the Sustainability of Labeobarbus Douronensis 'Dewa Fish', *Unifikasi: Jurnal Ilmu Hukum*, Vol.8 No.2, 2021, page. 194–199.

also provide opportunities for local workers, enhance workforce competency through training, contribute to infrastructure development, and support community empowerment programs⁷⁷.

The regulation also includes provisions in Article 47 which states what every person and business entity is prohibited from. These include (a) allowing and carrying out acts of violation of morality and public order such as gambling, human trafficking, drug abuse, violations of laws and regulations, (b) damaging part or all of the physical and non-physical objects of tourist attractions, (c) the types of karaoke businesses that should be prohibited from opening businesses other than in tourism areas according to applicable laws, (d) prohibition to hire underage employees, (e) tourism businesses, ball courts/skill machines, billiard arenas, karaoke, massage parlors, and steam baths are prohibited from operating the business activities during the holy month of Ramadan and other religious holidays, and (f) prohibition to misuse permits that have been determined by authorized Service Officials⁷⁸. Furthermore, Article 48 of Kuningan Regency Regional Regulation Number 2 of 2013 on Tourism Implementation states that Every person and business entity that violates the provisions in Article 47 shall be subject to a maximum imprisonment of three months or a maximum fine of IDR 50,000,000.00 (fifty million rupiah). The criminal acts as referred to in paragraph (1) are violations. When the criminal act committed is subject to a higher penalty than the criminal penalty in this Regional Regulation, a higher criminal penalty shall apply. The fine as referred to in paragraph (1) is state revenue.

Regional Government Policy of Majalengka Regency is implemented through the issuance of Majalengka Regency Regional Regulation Number 10 of 2021 on Tourism Implementation⁷⁹. The legal protections outlined in this regulation are provided in various articles. Article 62 states that "Every tourist has the right to obtain (a) accurate information about tourist attractions and the facilities, (b) tourism services that meet established standards, (c) legal protection and security, as well as comfort, (d) health services, (e) protection of personal rights, provided there is no conflict with local religious and cultural norms, as well as (f) insurance protection for high-risk tourism activities"⁸⁰. Article 65 (1) further outlines the obligations of Regional Government, which include (a) providing optimal services and facilities to tourism entrepreneurs, (b) ensuring the provision of tourism information, legal protection, security, and safety for both entrepreneurs and tourists, (c) creating a conducive environment for the development of tourism businesses, which includes ensuring equal

77 Jona Bungaran Basuki Sinaga., Evaluasi Kelembagaan Perangkat Daerah Kabupaten Kuningan, *Jurnal Pemerintahan Dan Keamanan Publik (JP dan KP)*, Vol.2 No.2, 2020, page. 83–105.

78 Dikdik Harjadi et al., Pemberdayaan Dalam Pengelolaan Digital Marketing Untuk Mewujudkan Desa Wisata Budaya Di Kecamatan Cigugur Kabupaten Kuningan, *Empowerment: Jurnal Pengabdian Masyarakat*, Vol.4 No.01, 2021, page. 42–53.

79 Wieng Pranoto, Agus Subagyo, and Danny Permana., Analisis Peran Camat Dalam Pengembangan Wisata Alam Di Kecamatan Sindangwangi Kabupaten Majalengka, *Jurnal Prinsip*, Vol.1 No.1, 2024, page. 19–33.

80 I Wayan Adrian Rainartha Nugraha., Pengaturan Perlindungan Hukum Terhadap Wisatawan Dan Pemberlakuan Sanksi Pidana Terhadap Perbuatan Melawan Hukum Menurut Undang-Undang Nomor 10 Tahun 2009 Tentang Kepariwisata, *Al Qalam: Jurnal Ilmiah Keagamaan dan Kemasyarakatan*, Vol.17 No.2, 2023, page. 489.

opportunities in business, facilitation, and legal certainty, (d) maintaining, developing, and preserving regional assets that serve as tourist attractions, as well as exploring potential assets that have not been developed, (e) supervising and controlling tourism activities to prevent and mitigate negative impacts on the wider community, (f) awarding individuals and businesses who excel in the fields (g) protecting Intellectual Property Rights (IPR) associated with tourist attractions, (h) organizing investment promotion for tourism development, and (i) disseminating information to increase tourism awareness⁸¹.

Article 66 states "Everyone is obliged to maintain a conducive, safe, orderly, clean situation, behave politely, and ensure the sustainability of the destination environment including both the natural environment and the local culture following the provisions of laws and regulations⁸². On the other hand, Article 67 emphasizes that "Every tourist is obliged to (a) maintain and respect religious norms, customs, culture, and values in the local community, (b) participate in maintaining security, order, cleanliness, and environmental sustainability, as well as (c) participate in preventing all acts violating morality and activities that contravene the law⁸³.

Article 68 outlines the obligations of tourism entrepreneurs. These include "Every tourism entrepreneur is obliged to (a) maintain and respect religious norms, customs, culture, and values in the local community, (b) maintain security, order, cleanliness, and environmental sustainability, (c) provide worship facilities, (d) provide accurate and responsible information, (e) provide optimal and non-discriminatory services, (f) uphold the image and prevent violations of morality, public order, gambling, human trafficking, drug abuse, and the sale of goods and services that conflict with laws and regulations, as well as (g) maintain and preserve a conducive situation in the business environment. The entrepreneur is also expected to (h) provide facilities and infrastructure for the safety, security, and comfort of tourists, (i) provide insurance protection for tourism businesses with high-risk activities, (j) provide facilities and infrastructure for the disabled, elderly, and children according to the type of tourism business in compliance with laws and regulations, (k) develop partnerships with local micro, small, and cooperative businesses that support, strengthen, and benefit each other, (l) prioritize the use of local community products, domestic products, and regional traditional arts and culture, and provide opportunities for local workers, (m) improve workforce competency through training and education, (n) play an active role in efforts to develop infrastructure and community empowerment programs, and (o) assist Regional Government in increasing Tourism Awareness and Sapta Pesona for

81 Asih Made Sumerti, Nyoman Sri Ratnawati, and I Wayan Wirawan., Kebijakan Investasi Asing Dalam Pengembangan Pariwisata Yang Berbasis Desa Adat Di Provinsi Bali, *Jurnal Kajian dan Terapan Pariwisata*, Vol.1 No.2, 2021, page. 81–90.

82 Yesaya Sandang., Mainstreaming the Business and Human Rights Principles to Indonesian Tourism, *Jurnal HAM*, Vol.10 No.1, 2019, page. 1–17.

83 Putu Eva Ditayani Antari and I Kadek Budiadinata Satriatama Adnyana., Kewenangan Dan Kekuatan Hukum Putusan Yang Dikeluarkan Oleh Kerta Desa Adat Di Bali, *Refleksi Hukum: Jurnal Ilmu Hukum*, Vol.7 No.2, 2023, page. 187–210.

the surrounding community"⁸⁴.

Article 70 (1) emphasizes "Every tourist is prohibited from (a) insulting or degrading religious norms, customs, culture, and values in the local community, (b) damaging the environment, (c) disturbing the order and security of the environment, and (d) committing acts that violate morality and the law." Paragraph (2) states that tourists who violate these provisions will face sanctions in the form of (a) a verbal warning, accompanied by a notification regarding what should be fulfilled, and (b) expulsion from the location where the act occurred"⁸⁵.

Article 71 (1) outlines prohibitions for tourism entrepreneurs "Every tourism entrepreneur is prohibited from (a) insulting or degrading religious norms, customs, culture, and values in the local community, (b) providing inaccurate information regarding their identity and business activities, (c) failing to update data in the event of changes in identity or business activities, (d) providing discriminatory services, (e) neglecting the comfort, friendliness, security, protection, and safety of tourists, (f) supporting activities that violate morality and the law in the business environment, (g) damaging the sustainability of the natural and cultural environment, (h) harming the image of the Indonesian state and nation through irresponsible tourism activities, and (i) ignoring business and competency standards set by laws and regulations." Paragraph (2) states that tourism entrepreneurs who violate these provisions will be subject to administrative sanctions including a written warning, restrictions on business activities, temporary suspension of business activities, and cancellation of Tourism Business Registration Certificate⁸⁶.

Gustav Radbruch, a German legal expert stated that "law was the will to be fair" (*Recht ist Wille zur Gerechtigkeit*). Law as the bearer of justice values is a measure of the fairness of the legal system which is also the foundation of law. Therefore, justice has both normative and constitutive properties for law. A rule is not worthy of being a law without justice⁸⁷. The implementation of restorative justice will be effective depending on two factors.⁸⁸ First, the community mindset needs to change, focusing not only on the deterrent effect on the perpetrator but also on the recovery of the victim losses. Second, law enforcement officers should apply restorative justice in an integrated manner, from the investigation to the prosecution and trial stages, with each institution

84 Ilham Junaid, Mansyur Mansyur, and Andi Uleng., Implementasi Pariwisata Berkelanjutan Di Pulau Maratua, Kabupaten Berau, Kalimantan Timur, *Jurnal Pariwisata Terapan*, Vol.3 No.2, 2020, page. 11123.

85 Erna Yuliani, Nina Herlina, and Hendra Sukarman., Pelaksanaan Pasal 67 Undang-Undang Nomor 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup Terhadap Pembuangan Sampah Oleh Wisatawan Di Pantai Pangandaran, *Pustaka Galuh Justisi*, Vol.2 No.2, 2024, page. 199–217.

86 Jeremi Korayan and Gunawan Djayaputra., Tanggung Jawab Hukum Biro Perjalanan Umrah Terhadap Calon Jamaahnya, *Jurnal Hukum Adigama*, Vol.1 No.1, 2018, page. 1–32.

87 Widayati., Implementasi Asas Hukum Dalam Pembentukan Peraturan Perundang-Undangan Yang Partisipatif Dan Berkeadilan, *Jurnal Hukum Unissula*, Vol.36 No.2, 2020, page. 59–72.

88 Laksana, Andri Winjaya, Anis Mashdurohatun, Sri Endah Wahyuningsih, and Yudha Purnawan Sudijanto. "Reconstruction Of Law Enforcement Regulation Against Criminal Actions Performed By Children Based On The Value Of Justice Of Pancasila." *Russian Law Journal* 11, no. 5 (2023): 2489-2497.

adopting the concept of restorative justice. Cooperation between institutions is crucial for resolving criminal cases through this method⁸⁹.

This research presents novelty in the legal protection of tourists by integrating values of justice into the implementation of policies in the tourism sector. This approach becomes relevant in addressing issues frequently faced by both domestic and international tourists, which have not been fully and fairly accommodated by the existing legal system. This novelty is reflected in the application of the principles of non-discrimination and equal rights for all tourists regardless of nationality, economic status, or cultural background, as well as the standardization of tourism services that prioritize the protection of tourists' basic rights, not just commercial aspects. Thus, this novelty not only contributes theoretically to the development of tourism law but also offers practical solutions that address tourists' real needs for safety, legal certainty, and fair treatment at every destination.

4. CONCLUSION

In conclusion, Reconstruction of Legal Protection Regulations for Tourists Based on Values of Justice. Tourists are provided with optimal legal protection in the form of legal protection from anything detrimental to them, as they have fulfilled their obligations as consumers by paying the fees. Indonesian laws and the Qur'an both provide legal protection for visitors to the Mount Ciremai National Park region based on Islamic law. The laws comprised the Law on Consumer Protection, the Law on Tourism, the Kuningan Regency Regional Regulation on Tourism Implementation, and the Majalengka Regency Regional Regulation on Tourism Implementation. In addition, a new article saying that "tourism entrepreneurs were legally responsible for all losses caused by negligence through service personnel and infrastructure at tourist attractions" was added to the Law on Tourism in order to rebuild government regulations for legal protection for visitors in Mount Ciremai National Park based on justice values.

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89 Rian Dawansa and Echwan Iriyanto., Penghentian Penuntutan Berdasarkan Keadilan Restoratif, *Jurnal Hukum Unissula*, Vol.39 No.1, 2023, page. 12–30.

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