

Legal Protection of Travelers in Religious Tourism Areas According to Law Number 10 of 2009 Concerning Tourism



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ABSTRACT: Tourism is a sector that contributes to the country's foreign exchange, so tourism's participation in saving the country's economy is needed. saving the country's economy is needed. The tourism development process is inseparable from the ability of local governments in managing existing potential. Consumers who visit in tourism are called tourists. The increasing number of tourists visiting the religious tourism which resulted in the spread of religious tourism destinations in various regions of Indonesia itself. However, due to the large number of enthusiastic tourists which resulted in various problems occur in the management of tourism itself, especially in religious tourism areas. The number of requests for legal protection of tourism management is due to the presence of tourists who are harmed in visiting. tourists who are harmed in visiting. For this reason, legal protection is needed for tourists so that the losses experienced are not always charged to tourists. Objective research to find out the legal protection of tourists according to Law Number 10 of 2009 concerning tourism. The research method is normative juridical research, legal materials in the form of primary and secondary legal materials, research collected by literature study and qualitative normative analysis techniques. literature and qualitative normative analysis techniques.

KEYWORDS: Legal Protection, Religious Tourism, Travelers

I. INTRODUCTION

Indonesia is one of the world's best tourist destinations, because it has the potential to attract tourists to travel. Tourism potential that is able to attract the attention of tourists to travel. Travel. As for the attraction of traveling in Indonesia, namely because of the beauty of natural beauty, has a record of cultural history, religious historical sites, has traditional villages, and supported by tropical weather and community hospitality. Tourism potential of the nation Indonesia is a tourism development capital that must be maintained, developed, and utilized as an effort to improve the welfare of the community as stated in as an effort to improve the welfare of the community as stated in the Constitution of the Republic of Indonesia (Constitution of the Republic of Indonesia). In the 1945 Constitution of the Republic of Indonesia (UUD NRI). Based on the mandate of the Constitution, since 1978 the government has endeavored to develop tourism through TAP MPR No. IV/MPR/1978, namely that tourism needs to be increased and expanded to increase foreign exchange earnings. Improved and expanded to increase foreign exchange earnings, expand employment and introduce culture.

Employment and introduce culture. In 1990, the Government passed Law No. 9 of 1990 concerning Tourism, but this provision was not able to answer all the demands of tourism. Answer all the demands of tourism so that in 2009 the government revised the regulation with Law No. 10 of 2009 concerning Tourism. One of the social social basis for the birth of the Tourism Law is to guarantee the freedom of every person to travel. Travel because traveling is part of human rights. Therefore, the State has an important role in realizing people's desire to travel, as well as guaranteeing and protecting the rights of the people. In traveling, as well as guaranteeing and protecting

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the rights of tourists, especially Muslim tourists. Muslim tourists are entitled to comfort and safety in traveling. Tourism is one of the strategic sectors that must be developed and maintained so that it can create jobs and can increase employment. So that it can create jobs and can improve the economy economy of the surrounding community. In addition, it can also increase regional income to build quality of life of the community. Tourism can trigger demand for the production of goods and services from visitor activity. Local governments have a role in the establishment and development because it can be a major source of income and lift the underdevelopment of the community.

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Underdevelopment of the community. The existence of insurance / legal protection guarantees for tourists is able to provide a guarantee of safety. So that if there are visitors who will get legal protection as stated in the Tourism Law. In the Tourism Law. In Article 1 number 1 of Law Number 10 of 2009 concerning Tourism (hereinafter referred to as the Tourism Law) tourism is defined as a travel activity that is travel activities carried out by a person or group of people by visiting certain places for the purpose of recreation, personal development or studying the uniqueness of tourist attractions visited in a temporary period. Visited in a temporary period of time. Tourism development in Indonesia is actually very potential which is related to culture-based tourist attractions. Related to that one of the systems desired by the National Development Program (Propenas) in the field of tourism is the development of cultural community-based tourism. Tourism is the development of tourism based on cultural communities because it is realized that the cultural diversity of the that indeed the cultural diversity of the Indonesian nation is a wealth that is priceless and very abundant. priceless wealth and the number is very abundant from Sabang to Merauke.

Culture-based tourism is one type of tourism activity that uses culture as its object. culture as its object. Opportunities and Challenges for Tourism Development in Indonesia. Indonesia. such as nature tourism, and adventure tourism. These objects are often These objects are often packaged specifically for presentation to tourists, with the intention of being more attractive. In In this case, there is often a gap in taste between the arts and the tourism industry. industry. Compromises often have to be made. Artists say that special packaging of these objects for tourists would take away from the authenticity of the culture, while the tourism industry says that this is not wrong as long as it is done in a way that is culturally appropriate. culture, while the tourism industry says that there is nothing wrong with this as long as the does not eliminate the substance or core of a work of art. Cultural tourism as one of the tourism products is a type of tourism that is caused by the attraction of the cultural arts of country. due to the attractiveness of the cultural arts of a region. Cultural tourism in essence is a type of tourism that offers culture in the form of cultural attractions, both tangible and concrete. which are tangible or concrete or intangible or abstract, as well as those that are living culture (culture that still continues) and cultural attractions. Culture (culture that still continues) and cultural heritage (past cultural heritage), as the main attraction to attract tourist visits. Indonesia is known as country with the largest Muslim majority population in the world.

The total Muslim population population is around 207,176,162 (BPS, 2010). The large number of Muslim population does not guarantee that Muslim tourists can feel safe and comfortable in traveling both physically and spiritually, because there are still many tourist destinations that have great potential and spiritual, because there are still many tourist destinations that have great potential to attract Muslim tourists.

II. DISCUSSION

Protection of tourists in religious tourism areas in the tourism business system must also be enforced, given the increasing innovation and development in religious tourism in the area. The development of religious tourism still has many weaknesses. One of them is the absence of a juridical foundation that becomes a reference or standard of halal tourists for business actors and tourists. The state does not yet have a juridical foothold in the development of the halal tourism industry that can guarantee protection and legal certainty for Muslim tourists. While halal tourism has become a new trend and alternative tourism among the public, especially the middle class Muslim community (middle class moslem), this is evidenced by the proliferation of business components labeled as sharia tourism. Therefore, the government needs to formulate, compile, adjust and oversee the implementation of applicable regulations.

The Tourism Law is the juridical basis for tourism development. In principle, the regulation upholds religious norms and the concept of life in maintaining the balance of human relations with God, fellow humans and the environment. However, the content material of the Tourism Law does not regulate how the processing and development of tourist destinations based on sharia principles so that these rules do not guarantee legal protection for Muslim tourists as mandated in the constitution and GCPL. At In developed countries such as Japan, the main cause of the birth of the GCPL is to accommodate the negative effects of industrialization that is developing rapidly and shows high complexity, which causes many victims due to using or consuming products¹.

Various government efforts to protect tourists, including from haram products, namely by passing Law Number 33 of 2014 concerning Halal Product Guarantee, which is one of the government's policies in supporting the implementation of Law Number 8 of 1999 concerning Consumer Protection. Law Number 8 of 1999 concerning Consumer Protection. However, the regulation.

¹ Abdulsyani. Sosiologi: Sistemika, Teori dan Terapan Pariwisata. Jakarta: PT. Bumi Aksara, 2012. Gelgel, I. P. (2009).

²Violetta Simatupang, 2009, Pengaturan Hukum Kepariwisata Indonesia, PT. Alumni, Band Wardiyanta. Metodologi Penelitian Pariwisata. Yogyakarta: ANDI, 2006

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However, this regulation does not guarantee protection and legal certainty for consumers, because The government has extended mandatory halal which means that nonhalal products can still be found on the market. Malaysia, which has a majority Muslim population, is able to become a global leading halal center. This is one of the government policies Malaysia in developing Muslim tourist attractions. The magnitude of the benefits of religious tourism, then the state acts as an accelerator by striving to develop the potential of halal tourism by accelerating the development of infrastructure, tourism access and halal tourism by accelerating the development of infrastructure, tourism access and human resources development as a form of state responsibility in development of human resources as a form of state responsibility in the welfare of the people. welfare of the people. Advancing Indonesian tourism requires efforts to build a sustainable, comprehensive and integrated tourism ecosystem. The strength of Indonesia's current strength is that it has a Muslim majority population.

However, the challenge is the extent to which the infrastructure of tourist destinations and accommodation facilities are capable of follow the development of Muslim tourism demand trends. Therefore, the government needs to accelerate both in terms of regulation, as well as infrastructure development as an effort to make Indonesia as a Muslim tourism destination. infrastructure development as an effort to make Indonesia a country of visit for foreign tourists. One of the country's obstacles in accelerating infrastructure development or improving damaged infrastructure facilities is the limited financing capacity of both central and local governments. Therefore, the government must allocate a larger budget for the acceleration of infrastructure development than the allocation of other fields, because infrastructure development is the driving force of the economy. Is the driving force of the economy. The word "management" comes from the word manage.

In the Big Indonesian Dictionary, it means to lead, control, organize, and strive to make it better, more advanced and responsible for certain work. The word "management" can be equated with management, which also means arrangement or management. Tourism management should refer to management principles that emphasize the values of preserving the natural environment, community, and social values that allow tourists to enjoy the Indonesian Tourism Industry in the Globalization of Trade in Services (GATS-WTO)². Tourism management is not limited to the area, objects, and tourist attractions, but also the tourists and various supporting elements. Because the smooth running of tourism depends on the accuracy of the management of various supporting elements. Therefore, for the accuracy of management, the utilization of various resources as a supporting element of tourism needs to be done carefully and in detail. Tourism management should refer to the principles of management that emphasize the values of preserving the natural environment, community, and social values that allow tourists to enjoy their tourism activities and benefit the welfare of the community. as well as beneficial for the welfare of.

III. INSERT

Indonesia is a state of law, as stated in the 1945 Constitution of the Republic of Indonesia article 1 paragraph (3). So that all aspects of life in society, nation and state must be based on legal norms. This means that the law must be used as a basis for solving problems relating to individuals and groups, both communities and countries as well as in various activities such as tourism issues. Tourism has always been a sector developed by the government. The House of Representatives has enacted the Tourism Law which replaces Law No.9 of 199025. Regulatively, the law aims to encourage small and medium enterprises to help create a Sustainable Tourism Industry. The previous law was deemed incapable of answering the challenges and expectations ahead for Indonesian tourism. The tourism sector is said to be in direct contact with people with the lowest economic level, because that is who will have direct contact with foreign tourists. For this reason, the Tourism Law is established, so that managers, tour guides and small tourism actors can be fostered and developed management in accordance with applicable regulations. The context of religious tourism development has demanded sustainable development. Sustainable development has been so often in recent decades. The world conference on the existence of sustainable tourism in 1995 formulated elaborately Charter of Sustainable Tourism. Sustainable Tourism Charter which is about the development of religious tourism that must be based on sustainable criteria which, among others, can be supported ecologically in a long time, economically feasible.

in a long time, economically viable, ethically and socially just for the local community. Religious tourism is not a new thing in Indonesia. This activity has been placed as one of the habits of religious people in Indonesia. The Indonesian government has long recognized the unique character and multidimensional nature of tourism activities. tourism activities. And therefore tourism policy is placed as a separate sub-policy, namely tourism policy, but under different fields, the most important task that must be carried out by policy makers in a tourism destination is to carry out tourism awareness activities. destination is to conduct tourism awareness activities that involve all stakeholders².

² I Putu Gelgel, 2009, Industri Pariwisata Indonesia Dalam Globalisasi Perdagangan Jasa (GATSWTO) Implikasi Hukum dan Implementasi Hukumnya, Refika Aditama, Bandung.

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Stakeholders. Tourists generally do not have a long-term interest in the stability of social life, cultural preservation of the environment in tourism destinations because they do not own the area. Unlike the local population, they are very dependent on the psychological and historical qualities that are very closely related to tourism destinations. Religious tourism should contribute to sustainable development and be integrated with the natural, cultural and human environment. Governments, non-governmental organizations, and communities are reactive to integrating tourism planning into sustainable development. Governments and multilateral organizations should prioritize and strengthen assistance to tourism projects that contribute to improving environmental quality. Governments should provide support and participation in creating networks for research, dissemination, information and knowledge transfer on religious tourism and the technology of development of religious tourism.

IV. ANALYSIS

Normative protection of tourists can be said to be still relatively low and the applicable law does not have legal force that protects tourists. Until now, tourists tend to only be objects by irresponsible tourism business actors. Who are not responsible. This is an important concern, that a regulation is needed that is not only limited to tourism, but also the protection of tourists from all aspects of travel, lodging, objects of tourist destinations and regulation of the rights and obligations of tourists. In addition, to avoid legal uncertainty, sectoral ego at the government level and the realization of synchronization of laws and regulations. Indonesia is a state of law, as stated in the 1945 Constitution of the Republic of Indonesia article 1 paragraph (3). So that all aspects of life in society, nation and state must be based on legal norms. This means that the law must be used as a basis in solving problems related to individuals and groups, both society and the state as well as in various activities such as tourism issues. Tourism has always been a sector developed by the government. The House of Representatives has passed the Tourism Law which replaces Law No.9 of 199025. Regulatorily, this law aims to encourage small and medium enterprises to help create a Sustainable Tourism Industry. The previous law was deemed incapable of addressing future challenges and expectations for Indonesian tourism. The tourism sector is said to be in direct contact with people with the lowest economic level, because they are the ones who will be in direct contact with foreign tourists. For this reason, the Tourism Law was formed, so that managers, tour guides and small tourism actors can be fostered and developed in accordance with applicable regulations.

The context of religious tourism development has demanded sustainable development. Sustainable development has been so often echoed in recent decades. The world conference on the existence of sustainable tourism in 1995 formulated in detail the Sustainable Tourism Charter. Sustainable Tourism Charter which contains the development of religious tourism that must be based on sustainable criteria which, among others, can be supported ecologically in the long term, economically viable in a long time, economically viable, ethically and socially just for the local community. Religious tourism is not a new thing in Indonesia. This activity has been placed as one of the habits of religious people in Indonesia. The Indonesian government has long recognized the unique character and multidimensional nature of tourism activities. tourism activities. And therefore tourism policy is placed as a separate sub-policy, namely tourism policy, but under a different field, then the most important task that must be carried out by policy makers in a tourism destination is to conduct tourism awareness activities. destination is to conduct tourism awareness activities involving all stakeholders.

Stakeholders. Tourists generally do not have a long-term interest in the stability of social life, environmental cultural sustainability in tourist destinations because they do not own the area. Unlike the local population, they are highly dependent on the psychological and historical qualities that are closely related to tourism destinations. Religious tourism should contribute to sustainable development and be integrated with the natural, cultural and human environment. Governments, non-governmental organizations and communities should be reactive in integrating tourism planning into sustainable development. Governments and multilateral organizations should prioritize and strengthen assistance for tourism projects that contribute to improving environmental quality. Governments should provide support and participation in creating networks for research, dissemination, information and knowledge transfer on religious tourism and religious tourism development technologies.

The realization of synchronization of laws and regulations. Explicitly, the right of tourists to obtain legal protection is regulated in the provisions of Article 20 letter c of the Tourism Law. Apart from the Tourism Law, the legal protection of the rights of tourists as consumers is regulated in The legal protection of the rights of tourists as consumers is regulated in Article 4 of Law No.8 of 1999 concerning Consumer Protection, hereinafter referred to as the Consumer Protection Law. Among the consumer rights referred to are the rights to security, safety, and security in consuming goods and / or services in article 4 letter a. besides that, it is the right to obtain advocacy, protection and efforts to resolve consumer protection disputes properly in article 4 letter e. The crucial problem found in the Indonesian nation today is the emergence of legal culture degradation in the community. society. Many behaviors in the life of the Indonesian people can illustrate this. Examples of legal degradation that are very easy to see are many

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actions that harm the community that are not resolved, such as the legal protection and security of the Tourism Office. as in the legal and security protection of the Tourism Office relating to the rights of consumers of tourism service users. For example, tourism problems that lack attention to legal protection and security. This does not mean that there is no rules of law, and the weakness of the legal structure. But more due to still weak legal culture. which in this case is public legal awareness. Awareness⁴.

Indonesian people's legal awareness is increasingly not getting better but is decreasing. In addition to the legal culture of the Indonesian people that needs to be improved, it is also very important to increase the exemplary behavior of the Indonesian people. It is also very important to increase the exemplary behavior of law enforcement officials (judges, prosecutors, police and lawyers) in enforcing the law, and also increase the obedience of law enforcement officials to the law. In addition, it is necessary to support legal facilities and infrastructure, education, and effective and efficient supervision. Law enforcement in terms of tourism management as well as legal protection and security at tourism sites that aim to reduce the impact of degradation of tourism quality. aims to reduce the impact of tourism quality degradation. Law enforcement administration has a function as an instrument of control, prevention, and prevention of crime or that can harm tourism service users. Can harm users of tourism services. Law enforcement through civil mechanisms can allow for the filing of compensation claims for the occurrence of acts that interfere with the security of tourism service users which are usually carried out through tort claims. lawsuit. Based on the rights and obligations of tourists, associated with the provisions of the Consumer Protection Law, a tourist can be said to be a tourist. Consumer Protection Law, a tourist can be said to be a consumer in the field of tourism. As consumers, tourists have rights that are regulated in article 4 of the Consumer Protection Law. Law

Tourism and Consumer Protection Law can be used as a reference to protect and regulate the rights and obligations of tourists as consumers of tourism services. to protect and regulate the rights and obligations of tourists as consumers of tourism services. tourism services. Protection of tourists must be maintained, because without it, tourists tend not to choose Indonesia as a tourist destination. tourists tend not to choose Indonesia as a tourist destination country. If this happens, it will have a negative impact on the development of tourism in the country. country. Therefore, the existence of legal protection in the area of religious tourism here is not only for the benefit of the tourists themselves but also for the benefit of the the manager in managing the tourism so that there are no people who feel harmed . Its responsibility as well as on the authority of regional level laws and regulations or establish regional policies formulated in regional regulations, regional head regulations and other regional provisions. Regional level legislation is defined as legislation formed by the regional government or an element of the regional government or an element of the regional government that is authorized to make regional legislation. Local regulation content material is all material content in the context of implementing regional autonomy and assistance tasks, accommodating and considering the characteristics or special conditions of the region and is a further elaboration of higher laws and regulations. Based on this explanation, with regard to tourism, basically the regions are given the authority to manage themselves. Referring to the spirit of regional autonomy outlined by Law No. 32 of 2004 concerning regional government, basically in an effort to provide legal protection for tourists, local governments are given the authority to manage their own tourism. To provide legal protection for tourists, the local government can form a regulation in the form of a regional regulation that generally regulates the protection of consumers, especially tourists. Consumers, especially tourists.

This local regulation can be formed, as long as it does not conflict with the principles of legislation. Shaping the tourism sector, the tourism law mandates that tourism is an integral part of national development that is carried out in a systematic, planned, and organized manner. Development that is carried out systematically, planned, integrated, sustainable, and responsible while still providing protection for religious values, culture that lives in the community, preservation and quality of the environment, and national interests. National interests. Based on the postulation framework, the next strategic step is to elaborate in a series of policies that certainly endeavor to encourage, strengthen, and enforce the concept of sustainable tourism development. In the governance of tourism organization, it should refer to the concept of sustainable tourism development as affirmed in Article 2 of the Tourism Law. Tourism development and development must be based on local wisdom and special local sense that reflects the uniqueness of cultural heritage and the uniqueness of the environment. Preservation, protection, and improvement of the quality of resources that are the basis for the development of tourism areas. Development of additional tourist attractions rooted in local cultural treasures. Provide support and legitimacy to the development and development of tourism if proven to provide positive benefits but otherwise control and or stop the tourism activity if it exceeds the threshold of the natural environment or social acceptability even though on the other hand it is able to increase community income. Every community has priority rights to become a worker/laborer, consignment, and management in the tourism business sector³.

³ Manan. Bagir et al, Hukum Kepariwisata & Negara Kesejahteraan (Antara Kebijakan dan Pluralisme Lokal), Cet ke I, Surakarta: Halaman

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In the context of this manager, each community is given the right to cultivate its resources in the tourism business sector. This construction makes the surrounding community no longer a marginalized community, but has a more bargaining position in determining their own and other tourism business activities. Position in determining and enjoying the benefits of tourism in the region. Thus, after looking at the naked eye carried out by researchers, this tourism law is a basic benchmark or general benchmark which is certainly strengthened by the regulations under this regulation, meaning that this tourism law cannot stand alone or cannot be solely applied just like that because it is general in nature which certainly talks about the principles or basic thoughts related to tourism. Therefore, Government Regulations, Regional Regulations, Ministerial Regulations must be issued as special regulations. If this Law is a general Law, it will be the benchmark in formulating Government Regulations. If this Law is a general Law, it will become a benchmark in formulating Regional Regulations, Government Regulations, and Ministerial Regulations where each consideration will definitely become a benchmark or reminder in formulating the Law under it, namely the Tourism Law.

Furthermore, that the implementation of the Tourism Law is not merely directly applied absolutely just like that but of course there are other supporting legal regulations or special laws that complement it in order to increase the security of tourism service users. Has a very good essence that tourism management is inseparable from the principles of good governance. Law enforcement officials do not convey that the Tourism Law is rarely socialized to the public and the disposition is that there is a transfer of authority so that it becomes uncertain in dealing with all matters related to tourism. The role of the community in efforts to implement Article 20 Letter C of the Tourism Law states that "Every tourist has the right to legal protection and security" greatly influences the application of the Law, because the higher the role and awareness of the tourism management community. Of the implementation of the Tourism Act will make it easier for the Government to implement and enforce the Act in order to fulfill the human rights of tourism service users. Of users of tourism services. In addition, strict sanctions for tourism managers who are negligent to the security of users of tourism services, along with the Government, must bear the cost of compensation.

In addition, strict sanctions for tourism managers who are negligent towards the security of users of tourism services together with the Government must bear the cost of compensation for those arising later if there are victims of a lack of security for users of tourism services. The problem of law enforcement is not only about the disobedience of the community to the Law that has been set by the Government. However, it can start from the values possessed by the community that are not appropriate, then the regulations set by the Government that do not include ideal values in the right formula, and every entrepreneur just follows their own desires. The contribution of thinking ideas from the author here is due to the fact that there are still many religious tours that have not been managed based on the Law.

Many religious tours have not been managed based on the Tourism Law. And in its management there is no maximum legal protection. and instead of that the management of the Regional Government is also very lacking, so that religious tourism is almost neglected and not protected. Religious tourism is almost neglected not well taken care of. Problems also come if there are tourists who experience losses, then the accountability is confused because there is no manager for the tour and from the local government it seems that they do not want to participate in the camp. Local government also does not seem to want to interfere in the accountability. Therefore, the urgency of regulations made by the local government or local tourism office is needed so that the management and legal protection of religious tourism areas can be supervised and run as well as possible. Can be supervised and run as well as possible and in accordance with the Tourism Law⁴.

Tourists are subjects that play a very important role in the world of tourism. It is the traveler who determines the back and forth or success of the world of tourism. To succeed in the field of tourism, efforts or steps are needed that lead to the protection of tourist rights. That leads to the protection of the rights of tourists. In the contract of protection against tourists, then avoid and strive for prevention of possible disturbances to tourists. The existence of disturbances to tourists can cause tourists to feel unsafe and even threatened both their lives and their property. Tourists in this case need to be protected from various kinds of disturbances that exist. Disturbances to tourists can be caused by losses. The disturbance can occur at the place of arrival, travel, lodging, tourist attractions, restaurants, or entertainment venues.

In addition, disturbances can also be caused by activities from the surrounding community that make tourists experience losses. The tourism development process is inseparable from the region's ability to manage existing potential and this is also supported by the knowledge and skills of existing human resources. Knowledge and skills of existing human resources as well as community participation in a climate of openness and democratization and also realizing how important tourism is in influencing the development of an area, an area from a poor area to a developed and developing area. Developed and developing regions. The granting of authority to the head of an advanced and developing regional government. The region is a form of implementation of regional autonomy. Law Number 32 of 2004 concerning Regional Government adheres to the principle of autonomy, broad,

⁴ Industri Pariwisata Indonesia Dalam Globali Perdagangan Jasa (GATSWTO) Implikasi Hukum dan Aplikasinya. Bandung: Refika Aditama.

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real and responsible. Broad, real and responsible. This means that the regions are given the authority to regulate and manage government affairs outside the central government affairs that have been determined by law. The Regional Government Organizer in carrying out its duties, authorities, obligations and

Regional Government Organizers in carrying out their duties, authorities, obligations and responsibilities as well as on the authority of regional level laws and regulations or establish regional policies formulated in regional regulations, regional head regulations and other regional provisions. Local level laws and regulations are defined as laws and regulations formed by the local government or one of the elements of the local government or one of the elements of the local government authorized to make local laws and regulations. Local regulation content material is all material Content in the context of implementing regional autonomy and assistance tasks, accommodating and considering the characteristics or special conditions of the region and is a further elaboration of higher laws and regulations. Based on this explanation, with regard to tourism, basically the regions are given the authority to manage themselves. Referring to the spirit of regional autonomy outlined by Law No. 32 of 2004 concerning regional government, basically in an effort to provide legal protection for tourists, local governments are given the authority to manage their own tourism. To provide legal protection for tourists, the local government can form a regulation in the form of a regional regulation that generally regulates the protection of consumers, especially tourists. Consumers, especially tourists⁵.

This local regulation can be formed, as long as it does not conflict with the principles of legislation. Shaping the tourism sector, the tourism law mandates that tourism is an integral part of national development that is carried out in a systematic, planned, and organized manner. Development that is carried out systematically, planned, integrated, sustainable, and responsible while still providing protection for religious values, culture that lives in the community, preservation and quality of the environment, and national interests. National interests. Based on the postulation framework, the next strategic step is to elaborate in a series of policies that certainly endeavor to encourage, strengthen, and enforce the concept of sustainable tourism development. In the governance of tourism organization, it should refer to the concept of sustainable tourism development as affirmed in Article 2 of the Tourism Law. Tourism development and development must be based on local wisdom and special local sense that reflects the uniqueness of cultural heritage and the uniqueness of the environment. Preservation, protection, and improvement of the quality of resources that are the basis for the development of tourism areas. Development of additional tourist attractions rooted in local cultural treasures. Provide support and legitimacy to the development and development of tourism if proven to provide positive benefits but otherwise control and or stop the tourism activity if it exceeds the threshold of the natural environment or social acceptability even though on the other hand it is able to increase community income. Every community has priority rights to become a worker/laborer, consignment, and management in the tourism business sector.

In the context of this manager, each community is given the right to cultivate its resources in the tourism business sector. This construction makes the surrounding community no longer a marginalized community, but has a more bargaining position in determining their own and other tourism business activities. Position in determining and enjoying the benefits of tourism in the region. Thus, after looking at the naked eye carried out by researchers, this tourism law is a basic benchmark or general benchmark which is certainly strengthened by the regulations under this regulation, meaning that this tourism law cannot stand alone or cannot be solely applied just like that because it is general in nature which certainly talks about the principles or basic thoughts related to tourism. Therefore, Government Regulations, Regional Regulations, Ministerial Regulations must be issued as special regulations. if this Law is a general Law, it will be the benchmark in formulating Government Regulations⁶.

If this Law is a general Law, it will become a benchmark in formulating Regional Regulations, Government Regulations, and Ministerial Regulations where each consideration will definitely become a benchmark or reminder in formulating the Law under it, namely the Tourism Law. Furthermore, that the implementation of the Tourism Law is not solely applied absolutely just like that but of course there are other supporting legal regulations or special laws that complement it in order to increase the security of tourism service users The tourism law in its implementation has a very good essence that tourism management is inseparable from the principles of good governance.

has a very good essence that tourism management is inseparable from the principles of good governance. Law enforcement officials do not convey the Tourism Law is rarely socialized to the community and its disposition is that there is a transfer of authority so that it becomes uncertain in tackling all matters related to tourism. The role of the community in efforts to implement Article 20 Letter C of the Tourism Law states that "Every tourist has the right to legal protection and security" greatly influences the application of the Law, because the higher the role and awareness of the tourism management community. Of the implementation of the Tourism Act will make it easier for the Government to implement and enforce the Act in order to fulfill the human rights of tourism service users. of users of tourism services. In addition, strict sanctions for tourism managers who are negligent to the security of users of tourism services, along with the Government, must bear the cost of compensation.

⁵ *Ibid*

⁶ Moeka Publising Suwanto, Gamal. Dasar-dasar Pariwisata. Yogyakarta: ANDI OFFSET, 2002

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In addition, strict sanctions for tourism managers who are negligent towards the security of users of tourism services together with the Government must bear the cost of compensation for those arising later if there are victims of a lack of security for users of tourism services. The problem of law enforcement is not only about the disobedience of the community to the Law that has been set by the Government. However, it can start from the values possessed by the community that are not appropriate, then the regulations set by the Government that do not include ideal values in the right formula, and every entrepreneur just follows their own desires. The contribution of thinking ideas from the author here is due to the fact that there are still many religious tours that have not been managed based on the Law. Many religious tours have not been managed based on the Tourism Law. And in its management there is no maximum legal protection. and instead of that the management of the Regional Government is also very lacking, so that religious tourism is almost neglected and not protected. Religious tourism is almost neglected not well taken care of.

Problems also come if there are tourists who experience losses, then the accountability is confused because there is no manager for the tour and from the local government it seems that they do not want to participate in the camp. Local government also does not seem to want to interfere in the accountability. Therefore, the urgency of regulations made by the local government or local tourism office is needed so that the management and legal protection of religious tourism areas can be supervised and run as well as possible. Can be supervised and run as well as possible and in accordance with the Tourism Law.

V. CONCLUSIONS

Local governments are still pragmatic in their efforts to explore local revenue in the tourism sector. in the tourism sector, i.e. by trying to get as much profit as possible through the establishment of regional companies and the collection of retribution. Based on previous discussion, it can be concluded that the country has developed tourism with the concept of halal tourism but it is not yet optimal and comprehensive because there is no regulation, limited facilities and accessibility. regulations, limited tourist facilities and accessibility. Therefore, the state holding power must be able to act as a regulator, facilitator, accelerator in the development of halal tourism. development of halal tourism. First, the role of the state as a regulator is to develop tourism system by compiling sharia tourism legal arrangements as a juridical basis for the government, sharia tourism actors, and other stakeholders. juridical basis for the government, business actors and the community, in protecting Muslim travelers based on the principles of expediency, legal certainty, and safety. based on the principles of expediency, legal certainty and balance.

Through responsive and progressive legal instruments, it is expected that every legal product related to the development of halal tourism will be a foothold in the development of tourism with the concept of religious tourism. development of tourism with the concept of religious tourism. Second, the role of the state as accelerator, namely accelerating the development of infrastructure / infrastructure facilities, tourist transportation based on sharia principles. Third, the role of the state as a facilitator, namely providing facilities, products and services with the concept of religious tourism to ensure the safety and comfort of Muslim tourists. and comfort of Muslim tourists. The potential and opportunities of the religious tourism sector must be accompanied by the development of adequate legal instruments and regulate clearly and comprehensively, especially in the aspect of protection of Muslim tourists. clear and comprehensive, especially in the aspect of legal protection of tourists concerning the fulfillment of the rights and interests of tourists, such as concerning the fulfillment of the rights and interests of tourists, such as the guarantee of provisions standardization of facilities and legal protection in the development of religious tourism. the.

The local government or the local reGENCY tourism office should already have laws and regulations regarding the management of tourism. So that losses from tourists who visit can be resolved in accordance with existing regulations. existing regulations. But if the management has not been balanced with clear regulations, then the management of tourism will experience clear regulations, then the tourism management will experience imbalances in accountability to tourists. inequality in accountability to tourists. Although there are no clear and comprehensive regulations in carrying out the religious tourism activities, in an effort to provide legal protection and legal certainty guarantees to tourists, there are several laws and regulations that can be used as alternative footing in the context of utilization of religious tourism products and services by tourists, including the Consumer Protection Act and the Tourism Act. So the legal protection of tourists becomes so important to pay attention to A tourist who visits and is in a tourist destination country is very likely to experience events or events that jeopardize the safety and security of his property and life. property and life. Acts of theft, robbery, fraud, and other unfair treatment can be experienced by tourists who are visiting and are in a tourist destination country. can be experienced by tourists who are enjoying their tour. If a tourist experiences these events, then a tourist will feel that his rights are not protected. feel that his rights are not protected. This certainly disrupts the comfort of travel. For the events experienced, every tourist has the right to request and receive protection from a country they visit. This protection protection means protection of the comfort and safety of both life, property, and dignity.

Dignity. Regarding the rights and legal protection and security of tourists in Article of the Law on Tourism is regulated as follows: Every tourist has the right obtain: accurate information about tourist attractions, tourism services in accordance with standards, legal protection and security. in accordance with standards, legal protection and security, health services, protection

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of personal rights, and insurance protection for high-risk tourism activities. High-risk tourism activities. In the provisions of article 20 of the Tourism Law mentioned above, that tourists have the right to obtain legal protection and security, protection of personal rights and insurance protection for high-risk tourism activities. High-risk tourism activities. The Government and Regional Governments are obliged to provide tourism information, legal protection, and security and safety to tourists. Efforts to provide legal protection and safety of tourists involve not only the government, but also tourism entrepreneurs. The involvement of tourism entrepreneurs to⁷.

The involvement of tourism entrepreneurs to take responsibility for protecting tourists is logical considering that they also enjoy the benefits of the presence of tourists. The progress of tourism business activities that are carried out is highly dependent on the level of tourist visits. With the implementation can minimize tourism managers who do not comply with the Law, so that the capacity and carrying capacity of tourism becomes more optimal than before. Not only that, the Regional Government and all tourism components in Malang Regency should be able to elaborate these provisions in Regional Regulations and implement these provisions consequently in the context of law enforcement in the tourism sector. In addition, consumers / tourists must. In addition, consumers/tourists must be more careful in conducting tours by obeying the instructions/rules of the guide in order to avoid things that can harm themselves and others⁸.

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⁷ Marsono Fahmi Prihantoro, Dkk, Dampak Pariwisata Religi Kawasan Masjid Sunan Kudus, Terhadap Ekonomi, Lingkungan, dan sosial Budaya, Yogyakarta, UGM Gadjah Mada University Press, 2016 Hlm 7

⁸ Manan. Bagir et al, Hukum Kepariwisata & Negara Kesejahteraan (Antara Kebijakan dan Pluralisme Lokal), Cet ke I, Surakarta: Halaman