

ABSTRACT

The background of this research is the fact that tourism would have been one of the most important industrial sectors in a country which improving its economy. The development of this industry can provide positive impact and value, such as increasing the income of the community, opening job opportunity and business, increasing regional income from taxes and profits from government-owned businesses ect. However, as the industry developing, it also raises problems such as legal protection for both travel agents and tourists.

Research questions for this research are why the legal protection for Tourism Service Biro and Tourists with regard to the handling of the Tourism Industry in Indonesia is remaining off the philosophy of the Dignified Justice? How are the existing weaknesses of the legal protection for the Tourism Service Biro and Tourists recently? How the reconstruction of legal protection for the Tourism Service Biro and Tourists is based on the Dignified Justice?

Research method employed in this research is juridical empiric. It focused on examining the rules or legal norms in the applicable positive law. Materials were collected from authorities, mainly from the primary legal sources such as the existing rules and regulations in the Pancasila Legal System and also from the secondary sources such as relevant legal literatures.

Conclusion was drawn as follows. There are two aspects of the legal protection for travel agents and tourists as consumers. Firstly legal protection in the tour package agreement and secondly legal protection that is outside the agreement; in the Law Number 10 of 2009 on Tourism and Law Number 8 of 1999 concerning Consumer Protection. It is an obligation for travel agents as business actors in the services obtaining certification for the Travel Agency. In the reconstruction, the Government both at the central and regional levels are required to balance legal protection for tourists carried and the tourists. The services must handling the sector with the sense of dignified justice by fully implementing regulations regarding minimum standards of agreements between tour and travel agencies and tourists, so that all parties are made humane and therefore the Tourist Industry in Indonesia will be based on the Dignified Justice.

Keywords: Reconstruction, Legal Protection, Travel Bureau, Tourists, Dignified Justice.

ABSTRAK

Penelitian ini dilatarbelakangi pemikiran bahwa pariwisata merupakan suatu sektor industri terpenting pada suatu negara yang berkembang, dapat meningkatkan perekonomian negara, berdampak dan bernilai yang positif. Industri ini meningkatkan pendapatan masyarakat, membuka lahan kerja dan usaha, pendapatan daerah dari pajak dan keuntungan usaha milik pemerintah dan sebagainya. Bersamaan dengan itu perkembangan pariwisata di Indonesia, juga memunculkan permasalahan, seperti perlindungan hukum baik bagi Biro Perjalanan Wisata maupun Wisatawan.

Permasalahan Penelitian ini, yaitu: Mengapa perlindungan hukum Pengusaha Pariwisata dan Wisatawan (Biro Perjalanan Wisata) **dalam penanganan sektor Pariwisata di Indonesia** belum berbasis nilai keadilan bermartabat? Bagaimana kelemahan-kelemahan perlindungan hukum Pengusaha Pariwisata dan Wisatawan saat ini? Bagaimana rekonstruksi perlindungan hukum Pengusaha Pariwisata dan Wisatawan yang berbasis keadilan bermartabat? Metode Penelitian menggunakan jenis penelitian yuridis empiris. Dengan jenis penelitian ini, fokuskan kajian diarahkan kepada kaidah-kaidah atau norma-norma hukum dalam hukum positif yang berlaku.

Bahan hukum yang diteliti terkumpul dari otoritas berupa bahan hukum primer seperti peraturan perundang-undangan yang berlaku, bahan-bahan sekunder seperti kepustakaan atau literatur. Diperoleh kesimpulan bahwa perlindungan hukum bagi Biro Perjalanan Wisata dan Wisatawan sebagai konsumen meliputi dua aspek. Pertama, ada di dalam perjanjian paket wisata dan di luar perjanjian, dalam peraturan perundang-undangan diantara Undang-Undang Nomor 10 Tahun 2009 tentang Kepariwisata dan Undang-Undang Nomor 8 Tahun 1999 tentang Perlindungan Konsumen.

Perlindungan hukum bagi wisatawan merupakan kewajiban bagi biro perjalanan wisata sebagai pelaku usaha di bidang jasa dan Pemerintah baik ditingkat pusat maupun daerah dengan adanya sertifikasi bagi Biro Perjalanan Wisata. Rekonstruksi perlindungan hukum di sektor pariwisata yang terlihat masih menimbulkan persoalan rasa keadilan dilakukan dengan cara menyeimbangkan perlindungan kepentingan bagi biro perjalanan wisata dan wisatawan sesuai dengan peraturan pelaksanaan mengenai standar minimum perjanjian antara Biro Perjalanan Wisata dengan Wisatawan agar semua pihak mendapatkan perlindungan hukum yang seimbang; manusia dimanusiakan dan industri pariwisata di Indonesia akan berbasis pada Keadilan Bermartabat.

Kata Kunci: *Rekonstruksi, Perlindungan Hukum, Biro Perjalanan Wisata, Wisatawan, Keadilan Bermartabat.*