



## The Effectiveness of Legal Arrangements for Domestic Tourists Victims of Discrimination in Tourist Areas

Ni Putu Pebrina<sup>1</sup>, I Gede Agus Kurniawan<sup>2\*</sup>, Ni Putu Sawitri Nandari<sup>3</sup>, Dewa Krisna Prasada<sup>4</sup>

<sup>1,2,3,4</sup> Faculty of Law, Universitas Pendidikan Nasional, Denpasar, Indonesia.

@ : gedeaguskurniawan@undiknas.ac.id

Corresponding Author\*



### Abstract

*Discrimination against domestic tourists in popular tourism areas, such as Canggu in Badung Regency, raises serious concerns regarding consumer protection and social justice. As a state governed by law, Indonesia has established various legal instruments to safeguard the rights of consumers, including tourists, from discriminatory practices. However, challenges arise when the implementation of these regulations does not align with the spirit of legal protection mandated by statutory law. This situation reflects a gap between the normative framework and the practical reality in the field. This research aims to examine the legal position and responsibility of business actors toward domestic tourists who experience discrimination, as well as to assess the effectiveness of Indonesia's positive law in providing real protection. The study adopts a normative legal research method (doctrinal research) employing both statutory and conceptual approaches. The data are drawn from national legislation, regional regulations, legal doctrines, and relevant scholarly literature. The findings reveal that business actors in the tourism sector bear clear legal responsibilities under the Consumer Protection Act, the Tourism Act, and regional regulations of Bali Province and Badung Regency, which emphasize the principle of non-discrimination. The novelty of this research lies in its in-depth analysis of the effectiveness of local regulations in addressing discrimination against domestic tourists, an issue that has received less attention compared to the protection of international visitors. This study contributes by highlighting the urgency of strengthening implementation, supervision, and accessible complaint mechanisms to ensure that the legal framework operates effectively in protecting domestic tourists.*

**Keywords:** Legal Effectiveness; Discrimination; Domestic Tourists.

## INTRODUCTION

Tourism is one of the strategic sectors in Indonesia's national development because of its significant contribution to the country's foreign exchange, job creation, and improvement of people's welfare.<sup>1</sup> Indonesia as an archipelagic country has a diversity of cultures, customs, and natural resources that are the main attraction for tourists, both domestic and foreign.<sup>2</sup> Among all destinations, Bali occupies a special position as a national and global tourism icon that has long been a top destination for tourists.<sup>3</sup> Bali's role is not only limited to Indonesia's image in the international world, but also as the backbone of the regional economy with a huge contribution to the Gross Regional Domestic Product (GDP).<sup>4</sup>

<sup>1</sup> Masayu Endang Apriyanti and Bondan Dwi Hatmoko, "Peran Pariwisata Terhadap PDRB Dan Dampaknya Terhadap Penyerapan Tenaga Kerja Di Provinsi Bali," *Sosio E-Kons* 16, no. 2 (2024): 135–46, <https://doi.org/10.30998/sosioekons.v16i2.23319>.

<sup>2</sup> Adenisa Aulia Rahma, "Potensi Sumber Daya Alam Dalam Mengembangkan Sektor Pariwisata Di Indonesia," *Jurnal Nasional Pariwisata* 12, no. 1 (2020): 1–8, <https://doi.org/10.22146/JNP.52178>.

<sup>3</sup> Puput Fera Ari Esta and I Dewa Ayu Putri Wirantari, "Implementasi Sustainable Tourism Dalam Pemulihan Citra Pariwisata Bali Pasca Isu 'Bali Tak Layak Dikunjungi Tahun 2025' Pada Dinas Pariwisata Provinsi Bali," *Socio-Political Communication and Policy Review* 2, no. 3 (2025): 2025, <https://doi.org/10.61292/SHKR.239>.

<sup>4</sup> Muhammad Syahiddin, Haryanto Haryanto, and Prasetio Ari Wibowo, "Evaluasi Penduduk Angkatan Kerja, Produk Domestik Bruto, Pertumbuhan Pariwisata, Dan Pengembangan Ekonomi Kreatif Terhadap Kinerja Perekonomian Di Provinsi Bali," *Economics and Digital Business Review* 5, no. 2 (2024): 879–907, <https://doi.org/10.37531/ECOTAL.V5I2.1274>.

Therefore, the sustainability of Bali's tourism sector has direct implications for Indonesia's economic stability and legal image in the eyes of the world.

In the context of tourism development, the law plays a central role as an instrument of regulation as well as protection for all parties involved. The existence of the law is intended to ensure that every tourist receives fair treatment without discrimination, in line with the principles of human rights guaranteed by the 1945 Constitution of the Republic of Indonesia. Article 28D paragraph (1) of the 1945 Constitution affirms that everyone has the right to fair legal recognition, guarantee, protection, and certainty.<sup>5</sup> This constitutional norm is implemented through Law Number 10 of 2009 concerning Tourism which expressly guarantees the right of tourists to obtain the same services without discriminatory treatment. The existence of tourism regulations is a normative foundation that ensures equal treatment between domestic and foreign tourists throughout Indonesia, including Bali.

In practice, there is a gap between legal norms and implementation in the field. A number of phenomena of discrimination against domestic tourists often appear, especially in popular tourism destinations that tend to be oriented towards foreign tourists. These forms of discrimination can be in the form of differences in entrance ticket rates, disparities in food and beverage prices, differences in service quality, and restrictions on access to certain facilities.<sup>6</sup> Such discrimination is not only a social issue, but also concerns compliance with legal norms that are supposed to protect every tourist.<sup>7</sup> If this condition is left unchecked, it will have implications for a decrease in the sense of justice, a decline in the image of national tourism, and a weakening of the legitimacy of the law itself.

The Canggu tourism area in Badung Regency, Bali, is one of the concrete examples of the discrimination experienced by domestic tourists. This area is rapidly developing as a modern tourist destination with international nuances that are in great demand by foreign tourists. However, these developments are not always accompanied by fair treatment for domestic tourists. Data for 2024 shows that there are 126 cases of discrimination experienced by domestic tourists in the Canggu area. Of these, the most dominant form of discrimination was the difference in ticket rates or entrance fees with 35 cases (28%), followed by differences in menu prices in restaurants or cafes in 30 cases (24%), slower or less friendly service in 25 cases (20%), restrictions on access to certain facilities in 18 cases (14%), stricter reservation conditions in 10 cases (8%), and other discrimination as many as 8 cases (6%). This fact shows that discrimination is a structural phenomenon that cannot be viewed as an incidental case.

The phenomenon of discrimination in the Canggu area needs to be analyzed juridically because it concerns the effectiveness of legal instruments in providing protection. Although there are explicit norms in the Tourism Law that prohibit discrimination, field practice shows the weak implementation of these regulations. The indecisiveness of the sanction mechanism, weak supervision, and the dominance of market orientation towards foreign tourists are factors that widen the gap between written law and empirical reality. This raises critical questions about the extent to which the legal arrangement is able to protect the rights

---

<sup>5</sup> Martin P. Siringoringo, "Pengaturan Dan Penerapan Jaminan Kebebasan Beragama Sebagai Hak Asasi Manusia Dalam Perspektif UUD 1945 Sebagai Hukum Dasar Negara," *Nommensen Journal of Legal Opinion (NJLO)* 3, no. 1 (2022): 111–24.

<sup>6</sup> Putri Kusuma Sanjiwani, I Gede Anom Sastrawan, and Dian Pramita Sugiarti, "Visa On Arrival Tourism Policy of the Republic of Indonesia Based on the Perspective of Justice," *National Seminar on Tourism and Entrepreneurship (SNPK)* 4 (April 30, 2025): 10–20, <https://www.usahid.ac.id/conference/index.php/snpk/article/view/306>.

<sup>7</sup> Dede Al Mustaqim, "Strategi Pengembangan Pariwisata Halal Sebagai Pendorong Ekonomi Berkelanjutan Berbasis Maqashid Syariah," *AB-JOIEC: Al-Bahjah Journal of Islamic Economics* 1, no. 1 (August 31, 2023): 26–43, <https://doi.org/10.61553/ABJOIEC.V1I1.20>.

of domestic tourists as legal subjects whose equality is guaranteed. So the problem of discrimination against domestic tourists is not only an issue of tourism services, but also a problem of law enforcement and the effectiveness of regulations.

From the perspective of normative law, the effectiveness of law is measured by the ability of a norm to regulate public behavior and prevent violations. Lawrence M. Friedman mentioned that the effectiveness of law is influenced by the substance of the law, the legal structure, and the legal culture of the society.<sup>8</sup> The legal substance in tourism discrimination, which has guaranteed equality, has not been fully implemented due to the weak legal structure, namely tourism supervisory officials and law enforcement agencies that are less responsive to discrimination reports. On the other hand, the legal culture that develops in tourism areas such as Canggu tends to tolerate discriminatory practices in order to maintain the attractiveness of foreign tourists. This condition poses a normative dilemma because the law does not function optimally as an instrument of protection.

Theoretically, legal protection for domestic tourists is very important because they are a major and sustainable market for Indonesia's tourism industry. Excessive dependence on foreign tourists can actually cause economic vulnerability, as evidenced during the COVID-19 pandemic when the number of foreign visits decreased drastically. In this situation, domestic tourists play a role as the main savior of the national tourism sector.<sup>9</sup> Therefore, discrimination against domestic tourists is not only a problem of injustice, but also threatens the sustainability of the tourism economy itself. This is where the role of law should be an instrument that is able to balance economic interests and the principle of justice.

In addition, effective legal protection is also closely related to Indonesia's image as a country of law. If the practice of discrimination against domestic tourists is allowed, then this can damage the credibility of Indonesian law in upholding the principle of justice. Domestic tourists, as legal citizens, should have stronger guarantees than foreign tourists. The state's failure to provide legal protection will actually strengthen the perception that the law is only a formality without substantive implementation. In other words, the effectiveness of legal regulation against discrimination against domestic tourists is a reflection of the extent to which the state is able to carry out its legal functions in real terms.

The urgency of research on the effectiveness of legal arrangements against discrimination against domestic tourists in Bali, especially in the Canggu region, lies in the need to bridge the gap between legal norms and social practices. The phenomenon of discrimination that has been measured through empirical data requires a juridical analysis of the effectiveness of the applicable law. Without normative evaluation, discrimination will continue and have the potential to erode public trust in the law. This research is important not only to enrich academic studies on tourism law, but also as input for future regulation and policy implementation. Thus, the identification of legal problems in the context of discrimination against domestic tourists is a significant first step towards strengthening the effectiveness of the law in Indonesia's tourism sector.

Research related to the effectiveness of legal regulation on tourists has been conducted before. *First*, research conducted by Taukhid Pramadika et al., in the *International Journal*

---

<sup>8</sup> Askari Razak, "Mewujudkan Pemilu Adil Dan Bermartabat: Suatu Tinjauan Sistem Hukum Lawrence M. Friedman," *Fundamental: Jurnal Ilmiah Hukum* 12, no. 2 (2023): 471–88, <https://doi.org/10.34304/JF.V12I2.185>.

<sup>9</sup> Pasha Keren Hapukh and Amelia Yogi Oktaviana, "Analisis Peran Dinas Pariwisata Dalam Meningkatkan Daya Tarik Wisata Lokal," *Jurnal Ilmiah Wahana Pendidikan* 10, no. 11 (2024): 639–47, <https://doi.org/10.5281/ZENODO.12794555>.

*Mathla'ul Anwar of Halal Issues* highlights the effectiveness of regional regulations in regulating halal-based tourism practices. The results of the study show that although legal norms have been established through local regulations, the effectiveness of their implementation is greatly influenced by the level of understanding and acceptance of the public and business actors to the substance of the applicable regulations. This study provides an overview that the effectiveness of a regulation does not only depend on the formulation of clear norms, but also on the consistency of implementation and adequate social support. The relevance to this research lies in the aspect of legal effectiveness in tourism practices, although the focus of this research is different, namely the protection of domestic tourists from discrimination in tourist areas.<sup>10</sup> Second, another study by Rully Putra Jay and Hidayat Hidayat in *the Journal of Law and Nation* emphasizes the aspect of legal protection provided to Muslim tourists in the context of Indonesian tourism. The study outlines how positive legal tools and Islamic legal principles can be used as a basis for guaranteeing the rights of Muslim tourists, especially in obtaining services that suit their religious needs. This study shows that tourist protection should be seen as an integral part of legal certainty in the tourism sector. The relevance of this study to the research being carried out is the similarity of a major theme regarding tourist protection, although the focus of the study is different, namely on the issue of discrimination against domestic tourists in the Canggu tourist area.<sup>11</sup>

The novelty of this study lies in the focus of analysis on discrimination experienced by domestic tourists in the Canggu tourism area, Bali, with an emphasis on the effectiveness of legal arrangements and the responsibility of business actors. In contrast to previous research that highlighted halal tourism regulations and the protection of Muslim tourists, this study raises the strategic issue of tariff discrimination, services, and access to facilities experienced by domestic tourists, which has not been widely reviewed in the Indonesian tourism legal literature. Therefore, this research contributes to filling the academic gap while expanding the scope of discourse on the legal protection of tourists in the context of national tourism.

The purpose of this study is to analyze the legal arrangements regarding the protection of domestic tourists as consumers who experience discrimination in the Canggu tourist area according to the applicable laws and regulations, as well as to examine the legal responsibility of business actors towards consumers as an effort to realize the effectiveness of the law. This research is expected to provide a comprehensive understanding of the role of regulations and law implementation practices in protecting domestic tourists, as well as becoming a reference in the formulation of tourism policies that are more fair, accommodating, and in accordance with the principles of consumer protection.

## METHODS OF THE RESEARCH

The research method used in this study is normative legal research with an emphasis on the study of positive legal norms that apply in the context of the protection of domestic tourists from discrimination in tourist areas. The research approach used includes a *statute approach* to examine laws and regulations related to consumer protection and tourism, as

<sup>10</sup> Taukhid Pramadika et al., "Efektivitas Peraturan Daerah Kabupaten Bandung Tentang Pariwisata Halal: Studi Pemahaman Masyarakat Dan Pelaku Usaha," *International Journal Mathla'ul Anwar of Halal Issues* 5, no. 1 (2025): 60-79, <https://doi.org/10.30653/IJMA.202551.121>.

<sup>11</sup> Rully Putra Jaya and Hidayat Hidayat, "Perlindungan Hukum Untuk Wisatawan Muslim Di Indonesia Berdasarkan Peraturan Perundang Undangan Dan Hukum Islam," *Journal of Law and Nation* 2, no. 3 (2023): 150-71, <https://jolin.my.id/index.php/jolin/article/view/41>.

well as a *case approach* to examine discriminatory practices in the Canggu tourist area as an empirical case study relevant to existing legal norms. Data processing techniques are carried out through an inventory of primary legal materials in the form of laws, government regulations, and related court decisions, then supplemented with secondary legal materials in the form of doctrine, literature, and academic research results. Furthermore, the data that has been collected is analyzed with prescriptive qualitative analysis techniques through legal interpretation and construction, to assess the effectiveness of the regulation and the responsibility of business actors in the context of legal protection of domestic tourists.

## RESULTS AND DISCUSSION

The role of mediators in divorce cases in the Denpasar District Court greatly determines the effectiveness of mediation, in line with Lawrence M. Friedman's theory of legal effectiveness which emphasizes aspects of legal substance, structure, and culture. A professional mediator is able to make mediation not just a formality, but a real instrument in resolving divorce disputes. The legal implications of mediation in the perspective of civil procedure law also show that mediation has binding power through a peace deed, while its failure still gives legitimacy to subsequent trial proceedings, so that mediation is not only procedural, but also substantial in strengthening the peaceful settlement of disputes. Therefore, it is necessary to improve the quality of mediators through continuous training to be able to carry out the mediation function effectively and fairly, as well as wider socialization to the parties regarding the importance of mediation as a means of fast, cheap, and fair dispute resolution. From an institutional perspective, the court is also expected to strengthen the evaluation mechanism for the implementation of mediation so that it does not stop at mere formalities. With these steps, mediation can function optimally in accordance with the purpose of civil procedure law, which is to achieve justice and legal certainty while reducing the divorce rate through substantive peace efforts.

### A. Legal Regulations Regarding the Protection of Domestic Tourists as Consumers Who Experience Discrimination in the Canggu Tourist Area

Discrimination against domestic tourists in the Canggu tourist area raises legal issues that must be analyzed through national and regional legal frameworks. As consumers, tourists have rights guaranteed by Law Number 8 of 1999 concerning Consumer Protection.<sup>12</sup> Article 4 letter a affirms the consumer's right to comfort, security, and safety in consuming goods and/or services, while letter b guarantees the right to correct and clear information.<sup>13</sup> This provision shows that domestic tourists should not receive different treatment that is detrimental compared to foreign tourists. If the practice of price or service discrimination occurs, it constitutes a violation of consumer rights. The Consumer Protection Law also expressly prohibits discrimination in services. Article 17 paragraph (1) letter d prohibits business actors from treating consumers differently on certain detrimental grounds.<sup>14</sup> This norm applies universally regardless of the business sector, so it is included

---

<sup>12</sup> Ayu Citra Santyaningtya, Edi Wahjuni, and Dwi Aprilia Kusfianti, "Perlindungan Hukum Terhadap Konsumen Yang Dirugikan Atas Penelantaran Pendaki Gunung Rinjani Oleh Tour Guide," *J-CEKI: Jurnal Cendekia Ilmiah* 3, no. 6 (2024): 6890-6902, <https://doi.org/10.56799/JCEKI.V3I6.5188>.

<sup>13</sup> Andini, Muhammad Iqbal Asnawi, and Nur Asyiah, "Perlindungan Konsumen Terhadap Informasi Yang Jelas Tentang Produk Yang Dikonsumsi," *Meukuta Alam : Jurnal Ilmiah Mahasiswa* 6, no. 2 (2024): 249-58, <https://doi.org/10.33059/MAJIM.V6I2.10860>.

<sup>14</sup> Victoria Chrisye Gledies Ruth Rokot, Refly Singal, and Refli Ronny Umbas, "Tanggung Jawab Pelaku Usaha/Penjual Terhadap Barang Yang Tidak Sesuai Dengan Iklan Pada Situs Jual-Beli Online," *LEX ADMINISTRATUM* 12, no. 3 (2024), <https://ejournal.unsrat.ac.id/v3/index.php/administratum/article/view/55677>.

in the tourism sector. Therefore, the discrimination experienced by domestic tourists in Canggu is in direct contradiction to the provisions of the Consumer Protection Law. This reinforces the argument that domestic tourist protection is an integral part of consumer protection in Indonesia.

From the perspective of the tourism sector, Law Number 10 of 2009 concerning Tourism expressly regulates the rights of tourists. Article 20 states that tourists have the right to the same treatment without discrimination,<sup>15</sup> while Article 26 letter a requires tourism business operators to provide services according to standards and guarantee the rights of tourists.<sup>16</sup> This provision is in line with the Consumer Protection Law, thereby strengthening protection for domestic tourists. If there are discriminatory practices in tourism services in the Canggu area, then the business manager has violated the applicable legal obligations. This norm provides the basis that equal treatment is an absolute obligation in tourism.

The civil aspect is no less important. Article 1338 of the Civil Code regulates the principle of freedom of contract, but is limited by the principle of good faith as affirmed in Article 1338 paragraph (3). Good faith demands a fair legal relationship and does not harm one of the parties.<sup>17</sup> Service contracts in the context of tourism, between tourists and business actors must be implemented without discrimination. Thus, the application of different prices for domestic tourists simply because their citizenship status clearly violates the principle of justice in civil law. This shows that discrimination is not only a violation of special laws, but also a fundamental principle of civil law.

From the point of view of criminal law, the Criminal Code provides additional norms. Article 156 of the Criminal Code prohibits acts that contain hatred or discrimination against certain groups of people.<sup>18</sup> Although this article is generally associated with the issue of Religious and Racial Tribes, its essence rejects all forms of discrimination that degrade the dignity of citizens. If domestic tourists are treated less than foreign tourists, it can be interpreted as a form of degradation. This means that discriminatory practices in the tourism sector also have the potential to have criminal consequences.

In addition to national law, Bali Provincial Regulation Number 5 of 2020 concerning Standards for the Implementation of Balinese Cultural Tourism provides strengthening. Article 3 paragraph (2) emphasizes that the implementation of Balinese cultural tourism is based on the principles of equality and justice. This means that all tourists, both domestic and foreign, must receive the same treatment. Discrimination against domestic tourists in Canggu is clearly contrary to the basic principles that are the spirit of Balinese cultural tourism. With this regional regulation, local governments have a legal basis to take action against business actors who are discriminatory.

Badung Regency Regional Regulation Number 7 of 2016 concerning Community-Based Tourism strengthens the principle of equality. Article 4 states that the implementation of tourism must be based on the principles of "justice, equality, and participation." This means

---

<sup>15</sup> Maulana Rouf Ababil, Yayuk Sugiarti, and Abshoril Fithry, "Pertanggungjawaban Pelaku Usaha Atas Kerugian Wisatawan Menurut Undang-Undang Nomor 10 Tahun 2009 Tentang Kepariwisata," *Jurnal Jendela Hukum* 10, no. 2 (2023): 176-96, <https://doi.org/10.24929/JJH.V10I2.2982>.

<sup>16</sup> Ida Bagus Indra Brahmana and I Gusti Ngurah Anom, "Perlindungan Hukum Bagi Wisatawan Pada Objek Wisata Tirta Arung Jeram Sungai Ayung Di Kabupaten Gianyar," *Jurnal Hukum Mahasiswa* 3, no. 1 (2023): 626-40, <https://doi.org/10.36733/jhm.v1i2>.

<sup>17</sup> Leilani Alysia Hapsari and Anang Setiawan, "Penerapan Asas Itikad Baik Dalam Penyelesaian Sengketa Perdata," *Zaiken: Journal of Civil and Business Law* 4, no. 3 (2023): 436-54, <https://doi.org/10.22437/ZAAGEN.V4I3.31365>.

<sup>18</sup> Ridel Filbert Tuelah, Tomy Sondakh, and Debby Telly Antow, "Praktek Penegakan Hukum Yang Terkait Dengan Ujaran Kebencian Di Indonesia," *Lex Privatum* 11, no. 3 (2023), <https://ejournal.unsrat.ac.id/v3/index.php/lexprivatum/article/view/47306>.



that domestic tourists as part of the community who have the right to enjoy tourism should not be treated differently. This provision emphasizes that tourism in Badung, including Canggu, must avoid discriminatory practices. Thus, this Regional Regulation complements national provisions by providing special protection in the local context.

However, there are exceptions that need to be observed from the Badung Regency Regional Regulation Number 2 of 2012 concerning the Levy on Recreation and Sports Venues. The articles in this regional regulation allow for differences in the levy rates between domestic and foreign tourists on tourist attractions managed directly by the local government. However, this exception only applies to official government levies, not to private businesses such as restaurants, clubs, or beach clubs in Canggu. Thus, if private business actors apply tariff or service discrimination, their actions have no legal basis. In fact, this practice is contrary to the principles of consumer protection and the principle of equality affirmed in other regional regulations.

The integration of national and regional regulations shows that there is a harmonization of laws in protecting domestic tourists. The Consumer Protection Law protects consumer rights, the Tourism Law provides special protection for tourists, the Civil Code upholds the principle of good faith, and the Criminal Code anticipates discrimination that degrades dignity. At the regional level, Bali Regional Regulation No. 5/2020 and Badung Regional Regulation No. 7/2016 affirm the principle of equality, while Badung Regional Regulation No. 2/2012 provides limited exceptions. The integration of this norm shows that the protection of domestic tourists is not only guaranteed nationally, but also strengthened locally according to the characteristics of Bali as a tourist destination.

Thus, the protection of domestic tourists who experience discrimination in the Canggu tourist area is comprehensively regulated in national and regional laws and regulations. Both the Consumer Protection Law, the Tourism Law, the Civil Code, and the Bali and Badung Regional Regulations affirm the principles of equality and justice. Discriminatory practices by private business actors are not only contrary to national law, but also violate the applicable Regional Regulation in Bali. Therefore, supervision and law enforcement must be strengthened so that discriminatory practices can be prevented and acted upon effectively. This step is important to ensure that Bali tourism, especially in Canggu, remains based on the principles of fairness, equality, and respect for all tourists without exception.

## **B. Legal Responsibility of Business Actors to Consumers Who Experience Discrimination in the Canggu Tourism Area as an Effort to Enforce Law**

Discrimination against domestic tourists in the Canggu tourist area is a serious problem in consumer protection. Discrimination can be in the form of price differences, restrictions on access to facilities, or services that are not equal to foreign tourists.<sup>19</sup> This practice is contrary to the basic principles of consumer protection as stipulated in Law Number 8 of 1999 concerning Consumer Protection. Business actors in Indonesia's positive legal perspective, are not only obliged to provide goods or services, but are also fully responsible for ensuring fair treatment.<sup>20</sup> Therefore, the legal responsibility of business actors must be seen as an instrument to enforce the effectiveness of the law in protecting consumers.

---

<sup>19</sup> Raniah Nabilah and Rizky Ramadhani Irham, "Perlindungan Hukum Terhadap Konsumen Atas Terjadinya Kerugian Dalam Fasilitas Hiburan," *Jurnal Education and Development* 9, no. 1 (2021): 169–169, <https://doi.org/10.37081/ED.V9I1.2354>.

<sup>20</sup> Nanda Kiki Permana and Muh. Jufri Ahmad, "Perlindungan Hukum Terhadap Konsumen Atas Ketidaksesuaian Spesifikasi Kendaraan Bermotor Menurut Undang-Undang No. 8 Tahun 1999 Tentang Perlindungan Konsumen," *COURT REVIEW: Jurnal Penelitian Hukum* 5, no. 03 (2025): 115–29, <https://doi.org/10.69957/CR.V5I03.1820>.

Business actors' obligations arise when there is a violation of legal norms that cause losses to other parties.<sup>21</sup> Satjipto Rahardjo emphasized that legal responsibility is a mechanism to ensure that there are consequences for every adverse action.<sup>22</sup> In the context of Canggu, discrimination against domestic tourists violates Article 4 letters a and c of the Consumer Protection Law, which guarantees consumers' right to comfort and fair and non-discriminatory treatment. This shows that business actors cannot avoid legal responsibility if proven to be discriminatory.

The form of responsibility of business actors in positive Indonesian law can be in the form of civil, administrative, or criminal liability.<sup>23</sup> Civil liability is manifested in the form of compensation in accordance with Article 19 of the Consumer Protection Law, if discrimination is proven to be detrimental to consumers. Administrative responsibility can be in the form of revocation of business licenses based on Article 60 of the Tourism Law or Bali Provincial Regulation Number 5 of 2020 concerning Cultural Tourism. Meanwhile, criminal responsibility can be applied if discrimination meets the elements of the criminal code, such as insult or unpleasant acts. These three forms of responsibility complement each other in ensuring comprehensive legal protection.

If analyzed based on Lawrence M. Friedman's theory of legal effectiveness, the legal responsibility of business actors cannot be separated from the substance of the law, legal structure, and legal culture.<sup>24</sup> In terms of legal substance, the regulations regarding the prohibition of discrimination are quite clear. However, regulations will only be effective if they are enforced through a legal structure that functions optimally and is supported by a legal culture that encourages compliance. Thus, the responsibility of business actors is not only a matter of rules, but also how the rules are implemented in practice.

In terms of legal substance, rules prohibiting discrimination are strictly regulated. Article 7 letter c of the Consumer Protection Law states that business actors are obliged to treat consumers correctly, honestly, and non-discriminatoryly. Article 26 of the Tourism Law also affirms the obligation of tourism business actors to provide the same services to all tourists. With clear norms, there is no legal space for discriminatory practices. However, the gap between norms and realities in Canggu presents challenges in the implementation of the substance of the law. The aspect of the legal structure emphasizes the role of supervisory institutions such as the National Consumer Protection Agency, the Non-Governmental Consumer Protection Agency, and local governments. These institutions are authorized to receive complaints, conduct investigations, and impose sanctions on violating business actors. Unfortunately, limited resources and weak supervision have led to many discrimination cases not being followed up adequately. If the legal structure is not strengthened, it will be difficult for business actors to realize it effectively.

In terms of legal culture, the effectiveness of legal responsibility depends on the legal awareness of business actors and consumers. Many business actors in Canggu are more

---

<sup>21</sup> Rayvind Onggianto and R.M. Gatot P. Soemartono, "Pertanggung Jawaban Hukum Terhadap Ketidaksesuaian Informasi Dalam Perjanjian Kredit Oleh Pelaku Usaha Jasa Keuangan," *Ranah Research : Journal of Multidisciplinary Research and Development* 6, no. 4 (2024): 1118–32, <https://doi.org/10.38035/RRJ.V6I4.928>.

<sup>22</sup> Ratna Damayanti, Cicilia Julyani Tondy, and Yuliana Setiadi, "Perlindungan Hukum Akibat Wanprestasi Perjanjian Perseroan Komanditer Dengan Pihak Ketiga," *Case Law : Journal of Law* 6, no. 1 (2025), <https://doi.org/10.25157/CASELAW.V6I1.4772>.

<sup>23</sup> Sonia Mahayani, Ahmad Zuhairi, and Moh. Saleh, "Tanggung Jawab Pelaku Usaha Terhadap Barang Yang Cacat Setelah Melakukan Transaksi Ditinjau Dari Perspektif Hukum Perlindungan Konsumen," *Jurnal Commerce Law* 2, no. 1 (2022): 114–23.

<sup>24</sup> Syahrul Ramadhan, Mulyati Pawennei, and Askari Razak, "Penegakan Hukum Terhadap Pelaku Usaha Yang Melakukan Peredaran Kosmetik Ilegal," *Journal of Lex Philosophy (JLP)* 5, no. 2 (2024): 1656–70, <https://pasca-umi.ac.id/index.php/jlp/article/view/1963>.



oriented towards economic profit, thus ignoring the principle of fairness for domestic tourists. Domestic consumers are also often reluctant to report discriminatory practices because they feel powerless. This low legal awareness makes consumer protection rules difficult to implement. Therefore, improving legal culture is an important requirement so that legal responsibility can be implemented properly.

From a civil liability perspective, a discriminated consumer has the right to claim compensation or damages.<sup>25</sup> Article 19 of the Consumer Protection Law requires business actors to provide compensation in the form of money, goods, or other services that are commensurate. This mechanism is important to provide individual justice as well as a deterrent effect to business actors. However, the effectiveness of this mechanism depends largely on the courage of consumers to bring discrimination cases to the legal track. If consumers are reluctant to sue, then civil liability will not run as it should.

The administrative responsibility of business actors has an advantage in terms of effectiveness because it can be enforced directly by the local government. Article 60 of the Tourism Law provides a basis for the government to impose administrative sanctions in the form of warnings, freezes, and revocation of business licenses. This is strengthened in Bali Regional Regulation Number 5 of 2020 which regulates tourism governance based on justice and local culture. With administrative instruments, the government can more quickly take action against discriminatory business actors without having to go through a lengthy court process.

In the criminal aspect, the legal responsibility of business actors is indeed less often enforced, but it still has an important role in maintaining the effectiveness of the law. Discriminatory practices can be subject to articles in the Criminal Code, such as articles on unpleasant acts. Criminal sanctions provide a stronger deterrent effect because it concerns the individual freedom of business actors. However, the challenge is to prove the existence of an element of intentionality and real losses experienced by consumers. However, criminal threats remain relevant as the last layer of consumer protection.

Linking Friedman's theory of legal responsibility and legal effectiveness, it can be concluded that the success of consumer protection from discrimination in Canggu relies heavily on the synergy of three elements: substance, structure, and legal culture. The legal substance is clear enough, but the implementation through the legal structure is still weak, and the legal culture of the community is not yet supportive. Without improving the supervisory structure and increasing legal awareness, it will be difficult for business actors to realize their legal responsibilities. Therefore, the effectiveness of the law should be seen as a collective effort, not just a burden of written regulations.

The legal responsibility of business actors towards consumers who experience discrimination in the Canggu tourist area is not only limited to formal obligations, but also an important instrument to realize the effectiveness of positive laws in Indonesia. These responsibilities include civil, administrative, and criminal aspects, each of which has a role in providing protection and deterrent. However, to be effective, the substance of existing laws must be supported by a strong legal structure and a legal culture that upholds equality and justice. Thus, the legal responsibility of business actors not only upholds consumer

---

<sup>25</sup> Wiwik Pratiwi, "Negara Hukum, Pemenuhan Perlindungan Konsumen dan HAM (Telaah Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen)," *JPeHI (Jurnal Penelitian Hukum Indonesia)* 1, no. 02 (2024), <https://doi.org/10.61689/JPEHI.V1I02.147>.

protection, but also strengthens the image of Bali tourism as a just and sustainable destination.

## CONCLUSION

Legal protection for domestic tourists who experience discrimination in the Canggu tourism area has been regulated in various positive Indonesian legal instruments, ranging from Law Number 8 of 1999 concerning Consumer Protection, Law Number 10 of 2009 concerning Tourism, to regional legal instruments such as Bali Provincial Regulation Number 5 of 2020 concerning Standards for the Implementation of Balinese Cultural Tourism and Badung Regency Regulation Number 7 of 2016 concerning Tourism Community-based. All of these regulations affirm the principles of non-discrimination, equality, and justice for all tourists, both domestic and foreign. However, in practice, the effectiveness of this legal arrangement still faces challenges due to weak supervision, low legal awareness of business actors, and limited complaint mechanisms accessible to aggrieved domestic tourists. There is a need to strengthen the implementation of regulations through increasing the supervisory function by local governments and cross-sector coordination between tourism offices, consumer protection agencies, and law enforcement officials. In addition, intensive socialization to business actors in tourist areas about the legal obligation to treat consumers without discrimination must be carried out on an ongoing basis. Local governments can also establish a special rapid complaint mechanism in the tourism sector, so that domestic tourists who experience discrimination have access to effective legal protection. Thus, the effectiveness of legal regulation can be truly realized, not only at the normative level, but also in practical implementation on the ground.

## REFERENCES

- Ababil, Maulana Rouf, Yayuk Sugiarti, and Abshoril Fithry. "Pertanggungjawaban Pelaku Usaha Atas Kerugian Wisatawan Menurut Undang-Undang Nomor 10 Tahun 2009 Tentang Kepariwisata." *Jurnal Jendela Hukum* 10, no. 2 (2023): 176–96. <https://doi.org/10.24929/JJH.V10I2.2982>.
- Andini, Muhammad Iqbal Asnawi, and Nur Asyiah. "Perlindungan Konsumen Terhadap Informasi Yang Jelas Tentang Produk Yang Dikonsumsi." *Meukuta Alam : Jurnal Ilmiah Mahasiswa* 6, no. 2 (2024): 249–58. <https://doi.org/10.33059/MAJIM.V6I2.10860>.
- Apriyanti, Masayu Endang, and Bondan Dwi Hatmoko. "Peran Pariwisata Terhadap PDRB Dan Dampaknya Terhadap Penyerapan Tenaga Kerja Di Provinsi Bali." *Sosio E-Kons* 16, no. 2 (2024): 135–46. <https://doi.org/10.30998/sosioekons.v16i2.23319>.
- Brahmana, Ida Bagus Indra, and I Gusti Ngurah Anom. "Perlindungan Hukum Bagi Wisatawan Pada Objek Wisata Tirta Arung Jeram Sungai Ayung Di Kabupaten Gianyar." *Jurnal Hukum Mahasiswa* 3, no. 1 (2023): 626–40. <https://doi.org/10.36733/jhm.v1i2>.
- Damayanti, Ratna, Cicilia Julyani Tondy, and Yuliana Setiadi. "Perlindungan Hukum Akibat Wanprestasi Perjanjian Perseroan Komanditer Dengan Pihak Ketiga." *Case Law : Journal of Law* 6, no. 1 (2025). <https://doi.org/10.25157/CASELAW.V6I1.4772>.
- Esta, Puput Fera Ari, and I Dewa Ayu Putri Wirantari. "Implementasi Sustainable Tourism Dalam Pemulihan Citra Pariwisata Bali Pasca Isu 'Bali Tak Layak Dikunjungi Tahun

2025' Pada Dinas Pariwisata Provinsi Bali." *Socio-Political Communication and Policy Review* 2, no. 3 (2025): 2025. <https://doi.org/10.61292/SHKR.239>.

Hapsari, Leilani Alysia, and Anang Setiyawan. "Penerapan Asas Itikad Baik Dalam Penyelesaian Sengketa Perdata." *Zaaken: Journal of Civil and Business Law* 4, no. 3 (2023): 436–54. <https://doi.org/10.22437/ZAAKEN.V4I3.31365>.

Hapukh, Pasha Keren, and Amelia Yogi Oktaviana. "Analisis Peran Dinas Pariwisata Dalam Meningkatkan Daya Tarik Wisata Lokal." *Jurnal Ilmiah Wahana Pendidikan* 10, no. 11 (2024): 639–47. <https://doi.org/10.5281/ZENODO.12794555>.

Jaya, Rully Putra, and Hidayat Hidayat. "Perlindungan Hukum Untuk Wisatawan Muslim Di Indonesia Berdasarkan Peraturan Perundang Undangan Dan Hukum Islam." *Journal of Law and Nation* 2, no. 3 (2023): 150–71. <https://jolin.my.id/index.php/jolin/article/view/41>.

Mahayani, Sonia, Ahmad Zuhairi, and Moh. Saleh. "Tanggung Jawab Pelaku Usaha Terhadap Barang Yang Cacat Setelah Melakukan Transaksi Ditinjau Dari Perspektif Hukum Perlindungan Konsumen." *Jurnal Commerce Law* 2, no. 1 (2022): 114–23.

Mustaqim, Dede Al. "Strategi Pengembangan Pariwisata Halal Sebagai Pendorong Ekonomi Berkelanjutan Berbasis Maqashid Syariah." *AB-JOIEC: Al-Bahjah Journal of Islamic Economics* 1, no. 1 (2023): 26–43. <https://doi.org/10.61553/ABJOIEC.V1I1.20>.

Nabilah, Raniah, and Rizky Ramadhani Irham. "Perlindungan Hukum Terhadap Konsumen Atas Terjadinya Kerugian Dalam Fasilitas Hiburan." *Jurnal Education And Development* 9, no. 1 (2021): 169–169. <https://doi.org/10.37081/ED.V9I1.2354>.

Onggianto, Rayvind, and R.M. Gatot P. Soemartono. "Pertanggung Jawaban Hukum Terhadap Ketidaksesuaian Informasi Dalam Perjanjian Kredit Oleh Pelaku Usaha Jasa Keuangan." *Ranah Research : Journal of Multidisciplinary Research and Development* 6, no. 4 (2024): 1118–32. <https://doi.org/10.38035/RRJ.V6I4.928>.

Permana, Nanda Kiki, and Muh. Jufri Ahmad. "Perlindungan Hukum Terhadap Konsumen Atas Ketidaksesuaian Spesifikasi Kendaraan Bermotor Menurut Undang-Undang No. 8 Tahun 1999 Tentang Perlindungan Konsumen." *COURT REVIEW: Jurnal Penelitian Hukum* 5, no. 03 (2025): 115–29. <https://doi.org/10.69957/CR.V5I03.1820>.

Pramadika, Taukhid, Marthias Daffa, Panji Alam Prabowo, and Fitri Rahmafritia. "Efektivitas Peraturan Daerah Kabupaten Bandung Tentang Pariwisata Halal: Studi Pemahaman Masyarakat Dan Pelaku Usaha." *International Journal Mathla'ul Anwar of Halal Issues* 5, no. 1 (2025): 60–79. <https://doi.org/10.30653/IJMA.202551.121>.

Pratiwi, Wiwik. "Negara Hukum, Pemenuhan Perlindungan Konsumen Dan HAM (Telaah Undang-Undang Nomor 8 Tahun 1999 Tentang Perlindungan Konsumen)." *JPeHI (Jurnal Penelitian Hukum Indonesia)* 1, no. 02 (2024). <https://doi.org/10.61689/JPEHI.V1I02.147>.

Rahma, Adenisa Aulia. "Potensi Sumber Daya Alam Dalam Mengembangkan Sektor Pariwisata Di Indonesia." *Jurnal Nasional Pariwisata* 12, no. 1 (2020): 1–8. <https://doi.org/10.22146/JNP.52178>.

Ramadhan, Syahrul, Mulyati Pawennei, and Askari Razak. "Penegakan Hukum Terhadap Pelaku Usaha Yang Melakukan Peredaran Kosmetik Ilegal." *Journal of Lex Philosophy*

(JLP) 5, no. 2 (December 31, 2024): 1656–70. <https://pasca-umi.ac.id/index.php/jlp/article/view/1963>.

Razak, Askari. “Mewujudkan Pemilu Adil Dan Bermartabat: Suatu Tinjauan Sistem Hukum Lawrence M. Friedman.” *Fundamental: Jurnal Ilmiah Hukum* 12, no. 2 (2023): 471–88. <https://doi.org/10.34304/JF.V12I2.185>.

Rokot, Victoria Chrisye Gledies Ruth, Refly Singal, and Refli Ronny Umbas. “Tanggung Jawab Pelaku Usaha/Penjual Terhadap Barang Yang Tidak Sesuai Dengan Iklan Pada Situs Jual-Beli Online.” *Lex Administratum* 12, no. 3 (2024). <https://ejournal.unsrat.ac.id/v3/index.php/administratum/article/view/55677>.

Sanjiwani, Putri Kusuma, I Gede Anom Sastrawan, and Dian Pramita Sugiarti. “Kebijakan Pariwisata Visa On Arrival Republik Indonesia Berdasarkan Perspektik Keadilan.” *Seminar Nasional Pariwisata Dan Kewirausahaan (SNPK)* 4 (2025): 10–20. <https://www.usahid.ac.id/conference/index.php/snpk/article/view/306>.

Santyaningtya, Ayu Citra, Edi Wahjuni, and Dwi Aprilia Kusfiyanti. “Perlindungan Hukum Terhadap Konsumen Yang Dirugikan Atas Penelantaran Pendaki Gunung Rinjani Oleh Tour Guide.” *J-CEKI: Jurnal Cendekia Ilmiah* 3, no. 6 (2024): 6890–6902. <https://doi.org/10.56799/JCEKI.V3I6.5188>.

Siringoringo, Martin P. “Pengaturan Dan Penerapan Jaminan Kebebasan Beragama Sebagai Hak Asasi Manusia Dalam Perspektif Uud 1945 Sebagai Hukum Dasar Negara.” *Nommensen Journal of Legal Opinion (NJLO)* 3, no. 1 (2022): 111–24.

Syahiddin, Muhammad, Haryanto Haryanto, and Prasetyo Ari Wibowo. “Evaluasi Penduduk Angkatan Kerja, Produk Domestik Bruto, Pertumbuhan Pariwisata, Dan Pengembangan Ekonomi Kreatif Terhadap Kinerja Perekonomian Di Provinsi Bali.” *Economics and Digital Business Review* 5, no. 2 (2024): 879–907. <https://doi.org/10.37531/ECOTAL.V5I2.1274>.

Tuelah, Ridel Filbert, Tomy Sondakh, and Debby Telly Antow. “Praktek Penegakan Hukum Yang Terkait Dengan Ujaran Kebencian Di Indonesia.” *Lex Privatum* 11, no. 3 (March 20, 2023). <https://ejournal.unsrat.ac.id/v3/index.php/lexprivatum/article/view/47306>.