



Legal Protection for Tourists Through Supervision and Law Enforcement Against Illegal Travel Agencies for Sustainable Tourism in Bali Province

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Abstract – The global expansion of tourism carries social, cultural, and economic significance, necessitating effective management. Legal regulations are instrumental in ensuring justice and societal welfare, encompassing human rights fulfillment for tourists, encompassing quality service, safety, and comfort. This requires collaborative synergy between the government, tourism service providers, local communities, and tourists themselves. Empirical research is employed in this study, amalgamating sociological and legal approaches. Primary data is supported by secondary literature. The research explores legalities surrounding supervision and law enforcement, inadequacies in preventing illegal travel agency (*biro perjalanan wisata/BPW*), law enforcement strategies against such entities, and governmental efforts for tourist legal protection and sustainable tourism realization. Findings affirm that effective regulation, involving stakeholders' responsibility, is vital for justice in the tourism sector. However, challenges persist in effectively preventing illegal travel agencies despite governmental efforts, resulting in discrepancies between issued permits and operational travel agencies. Law enforcement mechanisms primarily leverage Bali Regional Regulation Number 10 of 2020, especially targeting illegal online operations. To ensure tourist protection and Bali's sustainable tourism, governmental persuasion and prevention strategies are pivotal. The study proposes a policy merger and a travel agency permit moratorium to legalize tourism actors, fostering job creation and societal welfare while preserving sustainable tourism in Bali.

Keywords: Tourism Management, Legal Regulations, Sustainable Tourism.

I. INTRODUCTION

According to Amoiradis et al. (2021) tourism has a phenomenal social, cultural, and economic meaning which is defined as the movement of people outside the country or place of residence for personal or business/professional purposes, most of which are based on recreational motives, as stated in the United Nations World Tourism Organization (UNWTO). These people are called tourists (tourists, whether residents or non-residents) who carry out activities related to tourism (Simanjuntak et al., 2015). Based on Law of the Republic of Indonesia Number 9 of 1990 as amended by Law of the Republic of Indonesia Number 10 of 2009 concerning Tourism, determines that tourism is a person or group of people who visit certain places for recreation purposes with travel activities carried out, developing character. individual or explore the tourist attractions visited (*Undang-Undang (UU) Nomor 10 Tahun 2009 Tentang Kepariwisataaan, 2009*). Tourism itself can be interpreted more broadly, not only for recreation, but it also refers to anyone who moves from one place to another that has never been visited, but not often and irregularly (Yoeti, 1996).

In recent times, tourism has received more and more special attention from developed and developing countries (Hasibuan et al., 2023). Tourism has developed into an industry that is able to make a high contribution to the country's foreign exchange earnings (Anshori, 2013). The development of national tourism strategic areas is intended to continue the economy based on the establishment of strategic tourism areas. These areas are determined by specific criteria; possessing natural tourism resources and cultural customs with the potential to be

tourist attractions, demonstrating market potential, occupying strategic locations essential for safeguarding national unity and regional integrity, ensuring security in crucial environmental conservation sites, having strategic locations for protecting and utilizing cultural assets, receiving support from the community, and finally, exhibiting distinct regional characteristics.

Tourism activities are every individual's right which must be respected. Tourism is able to place itself as a link between tourists and the places they visit without distinction of race, skin color, gender, language, religion, political views, citizenship, nationality, place of birth, and other statuses (Jasman, 2018). This principle has been expressly stated in the preamble of the global code of ethics for tourism which has been established by the World Tourism Organization (WTO) which is one of the legal foundations of tourism in Indonesia. The state is obliged to provide legal protection for its citizens, as in Indonesia which has established itself as a legal state as stated in the provisions of Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (hereinafter referred to as the 1945 Constitution of the Republic of Indonesia) which stipulates that "Indonesia is a State of Law" (*Undang-Undang Dasar (UUD) Tahun 1945 dan Amandemen Nomor - Tentang UUD 1945 dan Amandemen, 1945*). Legal protection is a protection given to legal subjects (from someone's arbitrary actions) in the form of legal instruments both preventive and repressive in nature, both written and unwritten (Hadjon, 1987). Legal protection is any effort that can guarantee legal certainty so that it can provide legal protection to the parties concerned or those who take legal action. In the opinion of Phillipus M. Hadjon, argued that legal protection for the people against a government action can be both preventive and repressive (Hadjon, 1987).

Based on the explanation regarding the elements mentioned above, an understanding can be obtained that according to the views of tourists, a tourist destination is an area that is quite foreign to them and is interesting to explore deeper in order to gain new life experiences with the aim of refreshing and other purposes beyond the purpose of earning a living. The importance of innovation and development strategies in the tourism sector must of course be considered in a mature and structured manner in order to provide maximum benefits for the people of Indonesia. In carrying out this development, it must be based on the principles of benefit, joint effort, kinship, fairness, equity, fairness of life in balance, and self-confidence (Suwantoro, 2004). One of the government's efforts to innovate and develop in the tourism sector is to make policies in the tourism sector and this is included in policies on employment, investment, and finance, important industries to support tourism activities and trade in goods and services. One of the important industrial fields that supports tourism activities is travel agency (*biro perjalanan wisata/BPW*). The travel agency (*biro perjalanan wisata/BPW*) industry is important because it can be a stimulant to attract tourists to visit tourist attractions in Indonesia (Budiman, 2016). In addition to the travel agency (*biro perjalanan wisata/BPW*) it can also make it easier for tourists, especially foreign tourists because in the travel packages they sell, the travel agency (*biro perjalanan wisata/BPW*) includes transportation facilities and infrastructure into one package that cannot be separated. The travel agency itself in Indonesia must be in the form of a limited liability company and has joined Association of the Indonesian Tour and Travel Agencies (ASITA) (Zuhadma, 2018).

There are 406 travel agencies in Bali Province that have been registered as members of the Association of Indonesian Tours and Travel Agencies (ASITA) Bali Province, 19 travel agencies that are active Outbound tour operators, and 15 travel agencies that are active inbound tour operators (Bali, n.d.). Based on these provisions, if we look further at the provisions of Law of the Republic of Indonesia Number 10 of 2009 concerning Tourism and Regulation of the Minister of Culture and Tourism Number *PM.85/HK.501/MKP/2010* concerning Procedures for Registration of Travel Services Businesses, there are legal problems which are quite principled, namely that the civil liability of travel agencies (*biro perjalanan wisata/BPW*) is not regulated in the event that the travel agency entrepreneur concerned does not provide comfort, friendliness, security protection and the safety of tourists, as regulated in the provisions of Article 26 letter (d) of the Law Republic of Indonesia Tourism concerning Tourism Number 10 of 2009 which regulates that "Every tourism entrepreneur is

obliged to provide comfort, friendliness, security protection and the safety of tourists" (*Undang-Undang (UU) Nomor 10 Tahun 2009 Tentang Kepariwisata, 2009*).

The provisions of Article 63 of Law of the Republic of Indonesia Number 10 of 2009 concerning Tourism, only determine Administrative Sanctions against every tourism entrepreneur who does not comply with the provisions of Article 26 in the form of a Written Warning, Restrictions on Business Activities, and Temporary Suspension of Business Activities (*Undang-Undang (UU) Nomor 10 Tahun 2009 Tentang Kepariwisata, 2009*). These provisions do not provide direct legal protection to tourists at all. The question arises, what if tourists feel materially or immaterially disadvantaged by the failure to fulfill the obligations of travel agency (*biro perjalanan wisata/BPW*) entrepreneurs as intended in the provisions of Article 26 letter d of Law of the Republic of Indonesia Number 10 of 2009 concerning Tourism (*Undang-Undang (UU) Nomor 10 Tahun 2009 Tentang Kepariwisata, 2009*).

Nowadays, information technology is very important for tourism, especially in providing information to potential consumers about products, times, and all kinds of services that they will receive while traveling to tourist destination areas or while in tourist destination areas (Suwena, 2010). The large number of travel agencies (*biro perjalanan wisata/BPW*) that do not have permits to operate in Bali Province has received complaints from travel agencies and official travel agents that have a travel services business license. The official travel agency (*biro perjalanan wisata/BPW*) in Bali is very disadvantaged by the existence of an illegal travel agency (*biro perjalanan wisata/BPW*). Illegal travel agencies (*biro perjalanan wisata/BPW*) can easily get tourists using only internet intermediaries (websites) without employees and clear office addresses and provide prices that are much cheaper than the prices set by official travel agents. Apart from being detrimental to official travel agents, illegal travel agents are also detrimental to the government and of course hinder steps in the "10 New Bali" destination process, where illegal travel agency (*biro perjalanan wisata/BPW*) does not pay taxes and therefore does not make a contribution or revenue for the regional government. Based on this, consumers or tourists will of course also be harmed by the presence of travel agencies (*biro perjalanan wisata/BPW*) that do not have business permits, for example, travel agencies (*biro perjalanan wisata/BPW*) which lead to fraudulent practices or lack of safety responsibility for tourists who undertake dangerous tourism such as on one of the water sports or rafting in the Province of Bali. Controlling illegal travel agencies must be carried out as an effort to improve tourism services and security in Bali Province. In order to achieve the state's goal, namely a prosperous, just, and prosperous country, a conducive atmosphere is needed in all aspects, including the legal aspect (Putro, 2020). To accommodate the needs and aspirations of its people, the Indonesian state has determined social policies in the form of policies to realize social welfare (social welfare policy) and policies to provide social protection (social defense policy) (Suharto, 2006).

The issue of a considerable number of illegal travel agencies (*biro perjalanan wisata/BPW*) operating in Bali Province underscores the complexity and significance of the matter, necessitating an in-depth examination of the supervision and enforcement measures involved. Addressing the unlawful operations of travel agencies in Bali and defining legal repercussions for fraud and defaults in illegal online agencies pose the primary legal inquiries within this research titled "Legal Protection for Tourists Through Supervision and Law Enforcement Against Illegal Travel Agencies for Sustainable Tourism in Bali Province." The research focuses on several key questions; (1) What are the legal regulations governing supervision and law enforcement against illegal travel agencies (*biro perjalanan wisata/BPW*) to promote sustainable tourism in Bali Province? (2) To what extent is the effectiveness of legal supervision in preventing the presence of Illegal travel agencies (*biro perjalanan wisata/BPW*) in Bali Province? (3) What legal recourse do tourists have concerning violations and defaults in illegal online travel agencies (*biro perjalanan wisata/BPW*) in Bali Province? and (4) What initiatives are undertaken by the government to ensure legal protection for

tourists through supervision and law enforcement against illegal travel agencies, fostering sustainable tourism in Bali Province?

II. METHOD

This research uses an empirical-sociological research approach with primary data collection through interviews and observations, and qualitative-descriptive data analysis. The empirical-sociological research approach combines an empirical research approach that emphasizes factual evidence with a sociological research approach that emphasizes understanding social phenomena. This approach was chosen because this research aims to understand legal protection for tourists through supervision and law enforcement against illegal travel agents for sustainable tourism in Bali Province. The data collected in this study consisted of primary and secondary data. Primary data was collected through interviews with key informants, namely tourists, legal travel agents, and law enforcement officials. The interviews were conducted in-depth to explore information about legal protection for tourists, supervision and law enforcement against illegal travel agents, and the impact of illegal travel agents on sustainable tourism in Bali Province.

In addition to interviews, primary data was also collected through direct observation of tourism activities in Bali Province. Observations were made to see how tourists use travel agent services, as well as how law enforcement officials conduct supervision and law enforcement against illegal travel agents. Secondary data was collected through literature studies. The literature study was conducted to obtain information on legal protection for tourists, supervision and law enforcement against illegal travel agents, and sustainable tourism in Bali Province. The data collected was then analyzed using qualitative-descriptive methodology. Qualitative analysis was conducted to understand the informants' meaning and interpretation of the research phenomenon. Descriptive analysis was conducted to describe the research phenomenon systematically and objectively.

III. RESULT AND DISCUSSION

1. Procedures and Requirements for Establishing a Travel Agency (BPW)

The procedures and requirements for the establishment of *BPW* are regulated in the Regulation of the Minister of Tourism and Creative Economy of the Republic of Indonesia Number 18 of 2016 concerning the Implementation of Tourism Travel Services Business. *BPW* establishment procedures include;

- a. Registration of business license application to the Head of the local Tourism and Culture Office.
- b. Submission of required documents which include;
 - Business license application letter
 - Copy of *KTP*, *NPWP*, and company establishment deed.
 - Copy of competency certificate for workers who handle tour packages.
 - Health certificate from a doctor.
 - Certificate of no involvement in criminal offense.
 - A statement that has never been involved in a tourism travel service business that has had its license revoked.
 - A statement that has never been involved in an illegal travel service business (*Peraturan Pemerintah (PP) Nomor 50 Tahun 2011 Tentang Rencana Induk Pembangunan Kepariwisata Nasional Tahun 2010 2025, 2011*).

The authority of local governments in granting *BPW* business licenses is based on Law Number 23 of 2014 concerning Regional Government. Local governments are given the authority to regulate and manage government affairs that fall under their authority, including tourism affairs (*Undang-Undang (UU) Nomor 23 Tahun 2014 Tentang Pemerintahan Daerah, 2014*).

2. Standard Classification of Nationally Determined Business Fields

The standard classification of business fields set nationally for *BPW* is regulated in the Regulation of the Minister of Tourism and Creative Economy of the Republic of Indonesia Number 18 of 2016 concerning Classification and Business Standards for Tourism Travel Services. The standard classification of *BPW* business fields includes;

- General Travel Bureau.
- Hajj and Umrah Travel Bureau.
- Specialized Travel Bureau (*Peraturan Menteri Pariwisata dan Ekonomi Kreatif Nomor 18 Tahun 2016 Tentang Pendaftaran Usaha Pariwisata, 2016*).

3. Basis and Authority of Supervision and Law Enforcement against Tourism Travel Bureau (*BPW*)

The basis for supervision and law enforcement against *BPW* is based on Law Number 9 of 1990 concerning Tourism and Government Regulation Number 50 of 2011 concerning Tourism Implementation. The authority to supervise and enforce the law against *BPW* is exercised by the local government.

Local governments may supervise *BPW* periodically or at any time. Supervision can be done by;

- Inspection of business license documents.
- Inspection of operational activities.
- Inspection of facilities and infrastructure (*Undang-Undang (UU) Nomor 9 Tahun 1990 Tentang Kepariwisata, 1990*).

Local governments can also enforce laws against *BPW* that violate the provisions of laws and regulations. Sanctions that can be imposed on *BPW* that violate the provisions of laws and regulations include;

- Written warning.
- Suspension of business license.
- Revocation of business license (*Peraturan Pemerintah (PP) Nomor 50 Tahun 2011 Tentang Rencana Induk Pembangunan Kepariwisata Nasional Tahun 2010 2025, 2011*).

4. Relationship between Tourism Bureau (*BPW*) and Local Government

The relationship between *BPW* and local government is a partnership. *BPW* acts as a partner of the local government in developing tourism in the region. *BPW* can contribute in terms of;

- Tourism promotion. *BPW* can help local governments promote tourist destinations in their regions. *BPW* can conduct promotions through various media, such as mass media, social media, and other promotional activities.
- Development of tourist destinations. *BPW* can provide input and advice to local governments in developing tourist destinations in their area. *BPW* can provide information about the needs of tourists and tourism potential in their area.
- Improving the quality of tourism human resources. *BPW* can assist local governments in improving the quality of tourism human resources in their areas. *BPW* can provide training and certification to tourism workers in the region.

5. The Role of ASITA as the Parent Organization of Tourism Travel Bureau (*BPW*) as an Element of Tourism Promotion Agency in the Region

ASITA acts as the parent organization of *BPW* in Indonesia. ASITA has an important role in tourism development in Indonesia, including in Bali Province. ASITA can contribute in terms of;

- Development of tourism human resources. ASITA has an important role in improving the quality of tourism human resources in Indonesia. ASITA organizes various trainings and certifications for the tourism workforce. The training and certification aims to improve the competence and professionalism of the tourism workforce. ASITA also cooperates with

universities and other educational institutions to develop tourism education and training programs. The education and training program aims to prepare a competent tourism workforce that is ready to face global competition.

- Improving the quality of tourism services. ASITA plays an important role in improving the quality of tourism services in Indonesia. ASITA implements internationally recognized tourism service standards. The tourism service standards aim to provide quality and satisfying services to tourists. ASITA also encourages the development of quality tourism products and packages. Quality products and tour packages can provide a memorable travel experience for tourists.
- Increased tourism competitiveness. ASITA plays an important role in improving Indonesia's tourism competitiveness. ASITA develops effective and efficient tourism promotion. The tourism promotion aims to attract more tourists to Indonesia. ASITA also works with international airlines and travel agencies to improve accessibility for tourists to Indonesia. Good accessibility can make it easier for tourists to come to Indonesia. ASITA also develops innovative tourism products and packages. Innovative products and tour packages can provide different travel experiences for tourists.

6. Travel Bureau Activities in Bali Province

BPW activities in Bali Province include;

- Organization of tour packages.
- Sales of tourist tickets.
- Provision of tourist transportation.
- Provision of tourist accommodation.
- Provision of tour guide services.

BPW in Bali Province plays an important role in the development of tourism in Bali Province. *BPW* can contribute in terms of;

- Increasing the number of tourists visiting Bali Province.
- Increase the length of stay of tourists in Bali Province.
- Increase tourist spending in Bali Province.

7. Activities of Official Travel Bureaus in Responding to Illegal Travel Bureaus

Official travel agencies in Bali Province have made various efforts to address illegal travel agencies, namely;

- Socialization to the public about the dangers of illegal travel agencies. *BPW* officially conducts socialization to the public about the dangers of illegal travel agencies. Socialization is carried out through various media, such as mass media, social media, and extension activities. The socialization aims to raise public awareness about the risk of material and non-material losses that tourists can experience if they use the services of illegal travel agencies.
- Cooperation with local governments to supervise illegal travel agencies. *BPW* officially cooperates with local governments to supervise illegal travel agencies. Supervision is carried out by local governments periodically or at any time. Supervision aims to ensure that travel agencies operating in Bali Province have a valid business license and meet operational requirements.
- Report to the authorities if they find illegal travel agencies. *BPW* officially reports to the authorities if it finds an illegal travel agency. Reports are made to the police or prosecutor's office. The report aims to take firm action against illegal travel agencies that violate the provisions of laws and regulations.

These efforts have had a positive impact in reducing the number of illegal travel agencies in Bali Province.

8. Implementation of Supervision Conducted by the Local Government to Prevent Illegal Tourism Travel Bureau

Local governments in Bali Province have made various efforts to prevent illegal travel agencies. These efforts include; (1) Increased socialization to the public about the dangers of illegal travel agencies. Socialization is conducted through various media, such as mass media, social media, and extension activities. Socialization aims to increase public awareness about the dangers of illegal travel agencies, such as; the risk of material and non-material losses for tourists and the negative impact on tourism in Bali. (2) Increased supervision of travel agencies. Supervision is carried out by the local government periodically or at any time. Supervision includes inspection of business license documents, operational activities, and completeness of facilities and infrastructure. Supervision aims to ensure that travel agencies operating in Bali Province have a valid business license and meet operational requirements. And (3) Cooperation with law enforcement officials to crack down on illegal travel agencies. Cooperation is carried out with law enforcement officials, such as the police and prosecutors. This cooperation aims to take firm action against illegal travel agencies that violate the provisions of laws and regulations.

IV. CONCLUSION

The conclusions drawn from the research findings are outlined in the discussion chapters as follows;

1. The fundamental aim of travel agencies (*biro perjalanan wisata/BPW*) legal regulations is to establish legal certainty and uphold justice as a philosophical principle in legislative formation, ensuring a sense of fairness and legal assurance.
2. Supervision aimed at preventing and enforcing laws against Illegal Travel Agencies may not be considered effective.
3. Regarding law enforcement efforts against online travel agencies operating illegally or without proper permits, travel agency (*biro perjalanan wisata/BPW*) may face administrative sanctions, as per the provisions stated in Article 16, paragraph (1) of Bali Provincial Regulation Number 10 of 2010.
4. To safeguard tourists, legal protection measures can take both preventive and punitive forms.

In line with the conclusions regarding the four problems that are the subject of this research as described above, there are several suggestions that can be provided, namely;

1. The government and regional governments, issue and enforce several laws and regulations relating to the authority they have, to enforce their implementation. Of course, it is included first through efforts to increase public legal awareness.
2. The government, regional government, tourism actors, and the community (tourists) as stakeholders, participation or active participation is very necessary in order to realize sustainable tourism and comfort and security.
3. To the Bali Provincial Government, in order to create comfort and security as one of the world's tourist destinations, in overcoming the existence of illegal travel agencies, persuasive steps are taken by first carrying out communication through verbal and written warnings, then ultimately providing administrative sanctions.
4. The government and regional governments carry out intensive coordination in order to accommodate applications for permits from travel agencies so that illegal travel agencies do not emerge. This situation will be able to damage the image as a tourist destination in the international world.

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