

# LEGAL PROTECTION FOR TOURISTS IN AIR-TRAVEL TOUR PACKAGES IN INDONESIA: MAPPING AIRLINE RIGHTS–OBLIGATIONS AND THE NEED FOR JOINT LIABILITY STANDARDS

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## ABSTRACT

Air transportation is the backbone of tourist mobility in Indonesia, particularly within tour packages that bundle flights, accommodation, and destination activities. When disruptions occur—such as delays, cancellations, schedule changes, or overbooking—tourists often suffer “chain losses,” including forfeited hotel bookings and prepaid activities. Although Indonesia has sectoral legal instruments (aviation, tourism, and consumer protection), responsibility allocation in multi-party tour packages remains fragmented, creating uncertainty regarding who must compensate tourists beyond the airline ticket. This study aims to analyze the scope and limits of airline rights and obligations in flight-based tour packages, and to evaluate the adequacy of legal protection for tourists within tripartite relations involving airlines, travel agents, and destination service providers. Using a normative juridical method—combining statute and conceptual approaches with legal principle analysis—this research maps relevant norms and tests their coherence against principles of fairness, legal certainty, and consumer protection. The findings indicate that normative protection formally exists, yet implementation is ineffective because integrated contract standards are absent and joint liability among tourism businesses is not explicitly regulated. The study concludes that regulatory harmonization is required, alongside standardized tour-package contracts that clearly stipulate rights, obligations, risk allocation, compensation mechanisms for chain losses, and accessible dispute resolution. Future research should incorporate empirical case analysis of dispute outcomes, comparative models of joint liability in other jurisdictions, and regulatory impact assessments to test feasibility and enforcement pathways.

**Keywords:** Air transport; Consumer protection; Indonesia; Joint liability; Tour packages

## INTRODUCTION

Tourism is a strategic sector in national development that contributes significantly to economic growth, income distribution, job creation, and the promotion of the cultural identity of (Rondonuwu & Mandagi, 2023). The mobility of tourists, both domestic and international, is greatly supported by the availability of efficient, safe, and reliable modes of transportation. In the geographical context of Indonesia as an archipelagic country, air transportation is the dominant mode of transportation that connects tourists to various tourist destinations, including leading destinations and relatively remote areas (Tangian et al., 2020)

Based on data from the Central Statistics Agency, the number of domestic air passengers in 2024 reached more than 63 million passengers, while the mobility of domestic tourists in 2023 reached 825 million tourist trips (Badan Pusat Statistik, n.d.). This data indicates that the use of airplanes is not only a means of transportation, but has become an integral part of the tourism packages offered by travel agencies, tour operators, and destination organizers.

However, the high dependence of tourists on air travel is also accompanied by an increase in potential legal problems. Phenomena such as delays, flight cancellations, overbooking, schedule changes, and limited routes to certain tourist destinations not only cause inconvenience but can also result in real losses for tourists. These losses are not limited to ticket costs, but also include lost travel opportunities, material losses due to canceled hotel reservations, transportation, and canceled paid tourist activities.

From a regulatory perspective, Indonesia already has a legal framework in place through Law No. 1 of 2009 on Aviation, Law No. 8 of 1999 on Consumer Protection, and Law No. 10 of 2009 on Tourism.

However, these three regulations still work on a sectoral basis and do not yet provide comprehensive legal protection for tourists in the context of tourism packages that include air travel. The responsibilities of airlines, travel agents, and destination organizers are often not clearly defined, creating a regulatory gap when flight disruptions occur that affect the entire trip of tourists (Sembiring et al., 2024).

Previous studies have focused more on airline service quality, tourist satisfaction with destinations, or the relationship between travel agents and consumers in general. Very few normative studies have specifically analyzed legal protection for tourists in the tripartite relationship between airlines, travel agents, and tourist destinations when flights are part of a tourism package. Thus, there is a crucial research gap, namely the lack of a comprehensive analysis of the construction of legal responsibility among the parties and the guarantee of tourist rights when tourist trips are disrupted due to flight problems (Arafah et al., 2019). Based on these phenomena, data, and normative gaps, this research is important to clarify the legal protection that should be provided to tourists, while also evaluating the synchronization of regulations across sectors to create legal certainty in the implementation of flight-based tourism packages..

## **METHOD**

This study uses a normative juridical approach, which is a legal research method that places norms as the main object of study (Huda & S HI, 2021). Normative juridical research was chosen because the issues analyzed are directly related to the rights and obligations of the parties in tourism legal relations, the responsibilities of air carriers, and legal protection for tourists as consumers of services in travel packages. All of these issues are essentially normative issues that are answered through an examination of legislation, legal doctrine, legal principles, and jurisprudential interpretation. This study uses several complementary approaches. The first approach is the statute approach, which aims to examine all relevant positive norms, such as the Aviation Law, Tourism Law, Consumer Protection Law, and ministerial regulations on compensation for flight delays. Through this approach, the study examines how the positive legal structure regulates tourist protection and the division of responsibilities among tourism business actors.

## **RESULTS AND DISCUSSION**

### **Protection of the Rights and Obligations of Airlines, Travel Agents, and Tourist Destinations in the Implementation of Air Based Tour Packages**

In the implementation of tour packages involving air travel, each business actor has a different position and responsibility. The legal relationship between tourists, airlines, travel agents, and destination service providers is essentially formed through a series of agreements, both main agreements in the form of tour packages and derivative agreements such as air transportation contracts, accommodation agreements, and activity contracts (Mulyana & Triswati, 2019) . However, in practice, these contracts are not structured within an integrated framework of responsibility, often leading to uncertainty for tourists. Airlines, for example, are only bound by a single air transportation contract. When flights are canceled or delayed, airlines only provide compensation in accordance with sectoral provisions and are not responsible for the knock-on effects on other components of the tour package (Margaretha & Sudiro, 2023) . This puts tourists in a vulnerable position because their trips are scheduled and highly dependent on the punctuality of flights. On the other hand, travel agents play a central role as package organizers. Normatively, they have an obligation to provide complete, clear, and honest information to tourists. However, many cases show that travel agents only act as intermediaries between tourists and other service providers, including airlines. When flight disruptions occur, travel agents often do not have strong contractual instruments to hold airlines accountable for the losses suffered by tourists (Rusmiati & Sudarto, 2024). This shows that there are gaps in the legal structure governing the relationship between travel agents and airlines.

Legal protection for tourists is regulated in Law No. 10 of 2009 concerning Tourism, which provides rights to safety, comfort, and legal protection; Law No. 1 of 2009 concerning Aviation, which regulates safety standards and compensation for flight disruptions; and Law No. 8 of 1999 concerning Consumer Protection, which affirms the right of consumers to obtain information and compensation for unfulfilled service promises. These regulations reflect the application of consumer protection principles, particularly the principles of fairness, safety, benefit, and balance. In the context of tourism and aviation law, these principles require that tourists receive accurate information, appropriate compensation, and effective dispute resolution mechanisms. The results of the study show that legal protection for tourists who use air

transportation in tourism packages is based on a number of interrelated legal instruments. This protection is rooted in the theory of legal protection put forward by Satjipto Rahardjo, that the law must be present to provide a sense of security, order, and justice for individuals who are in vulnerable positions, including consumers of tourism services (Rahardjo, 2007). In this context, tourists are seen as parties with limited information about flight technicalities and the mechanisms of organizing tour packages, thus requiring legal intervention to ensure certainty and justice. As analyzed through a normative approach, the legal protection provided by the state to tourists can be divided into two categories, namely preventive protection and repressive protection, in line with Phillipus M. Hadjon's theory (Malie et al., 2024).

#### Preventive Protection

Preventive protection is provided through the provision of regulations that ensure certainty before the journey begins. This includes:

##### 1) Information Transparency

Tourism businesses are obligated to provide complete information regarding flight tickets, delay provisions, force majeure risks, and itinerary details. This obligation is consistent with the concept of contract disclosure and the principle of good faith in contracts.

##### 2) Minimum Service Standards for Airlines

The Aviation Law regulates the obligation of airlines to meet minimum standards of safety, security, and comfort. This provision serves as a preventive measure to avoid negligence that could harm tourists.

##### 3) Tour Package Contract

This contract is a form of legal relationship between tourists and travel agents. The contract must contain clauses on rights, obligations, cost reimbursement mechanisms, and dispute resolution options. The *pacta sunt servanda* principle binds the parties to implement the agreement.

##### 4) Travel Business Certification

Certification provides assurance that travel agents meet certain quality standards, in accordance with the principle of legality in administrative law.

#### Repressive Protection

Repressive protection is provided when tourists suffer losses. It includes:

1) Delay Compensation. Provided by airlines in accordance with the Minister of Transportation's decree on compensation for delays. This reflects the principle of liability in air transportation law.

2) Compensation for Tour Package Components. Travel agents are responsible for failures in non-flight services (hotels, local transportation, attraction tickets). This responsibility is rooted in the concept of vicarious liability, because agents sell services integrated into a single package.

3) Dispute Resolution. Tourists can choose to resolve disputes through negotiation, mediation, consumer protection agencies, or even court or arbitration in accordance with the principle of access to justice.

Through the approach of legal protection theory and contractual principles, it was found that the protection of tourists is already strong in normative terms. However, implementation still depends on the compliance of business actors and the effectiveness of government supervision.

#### Regulations on Tourist Protection in Air Travel-Based Tourism Indonesia

Regulations regarding tourist protection in flight-based tourism packages can be understood through an analysis of three main legal frameworks, namely regulations in the aviation sector, the tourism sector, and consumer protection (Ningrum, 2022). Each legal framework has a different orientation and scope of regulation, so it is important to see how these norms interact with each other and form a protection mechanism for tourists. Conceptually, the use of air transportation as part a tour package creates a multidimensional legal relationship. Tourists are not only connected to airlines as providers of air transportation services, but also to travel agents as package organizers, as well as to tourism destination businesses that provide tour services at the destination. Therefore, ideally, integrated regulations are needed to ensure that tourists' rights are protected at every stage of the trip, from departure, during tourist activities, to return.

#### Rights and Obligations of Airlines

Based on the Aviation Law and PM 89/2015 concerning the Handling of Delays, airlines have the obligation to:

- 1) provide compensation for delays or cancellations,
- 2) provide accurate flight schedule information,
- 3) ensure the safety and security of passengers,
- 4) be responsible for baggage and ground services.

The rights of airlines include:

- 1) receiving ticket payments,
- 2) setting fare conditions and flight terms,
- 3) implementing operational policies such as overbooking as long as it complies with regulations.

However, airlines are not obligated to cover travelers' losses due to hotel cancellations, tour packages, or onward transportation (Thoriq & Ilham, 2023). Thus, even though airlines have compensated for losses in accordance with flight regulations, travelers may still experience additional losses that are not protected by law.

### **Rights and Obligations of Travel Agents**

Travel agents are responsible for organizing, marketing, and conducting tour packages. The obligations of travel agents under the Tourism Law include:

- 1) providing accurate information about flight schedules, facilities, and travel risks,
- 2) ensuring that all components of the tour package function in accordance with the contract,
- 3) being responsible for negligence, service inconsistencies or misrepresentation.

However, in reality, many travel agents only act as intermediaries between tourists and airlines. In cases of delays or cancellations, travel agents often claim that the airline is the party responsible, even though the travel package contract sold is a form of integrated service. As a result, there is an overlap of responsibilities, and tourists are placed in an unfavorable position.

### **Rights and Obligations of Tourism Destination**

Managers Tourism destinations or tourism attraction providers have the following obligations:

- 1) to provide services in accordance with promotions and tour packages,
- 2) to ensure the safety and security of tourists during their activities,
- 3) to provide compensation if there is a discrepancy in services caused by their negligence.

However, in this case, they do not have direct responsibility for tourist losses due to flight disruptions—even though the schedule of tourist activities is highly dependent on flight schedules. This lack of responsibility shows the weakness of the contract structure that integrates all parties into a single protection framework.

### **Unclear Responsibilities and Contract Imbalance**

Analysis shows that:

- 1) The airline's responsibility is limited to flight aspects,
- 2) The responsibility of travel agents is often not explicitly stated in contracts,
- 3) The responsibility of tourist destinations is limited to local services.

As a result, when flight disruptions occur:

- 1) tourists bear the greatest losses,
- 2) travel agents shift responsibility to the airline,
- 3) airlines only provide minimal compensation in accordance with sectoral regulations,
- 4) tourist destinations are not bound by any obligations because they have no direct connection to flight disruptions.

This multi-party structure reveals a normative gap regarding joint liability in tour packages that include air travel. This points to the need for regulatory revisions or the establishment of standard contracts governing the tripartite relationship between airlines, travel agents, and tourist destinations. However, analysis of legislation shows that each sector still stands alone. The Aviation Law only regulates airline liability related to flight safety and compensation. The Tourism Law regulates the liability of travel agents

and tourism service providers, but does not address aviation aspects in detail. Meanwhile, the UUPK provides general protection, but is not specific enough to regulate the complexity of tripartite relationships in tour packages. This condition has led to regulatory fragmentation, namely the division of legal norms into sectoral parts without coordination standards. In practice, this fragmentation has an impact on the limitations of tourist protection because there is no regulatory unit that regulates integrated legal relationships when airlines fail to meet service standards, thereby affecting the entire range of tour packages (Widaningrum et al., 2024).

The legal relationship between tourists, airlines, and travel agents is multi-party and complex because it involves a main contract (tour package) and ancillary contracts (air transportation, accommodation, destination and service contracts). Normative analysis shows that there is a lack of clarity in the division of responsibilities in several aspects. To provide a systematic overview of these issues, an analysis table was compiled to map:

- 1) the legal basis or regulations governing each business actor;
- 2) legal issues that arise when flight disruptions occur;
- 3) the relevance of legal theories and principles; and
- 4) the necessary normative solutions.

The table shows that the main problem lies in the lack of harmony between sectoral regulations, such as the Aviation Law, Tourism Law, and UUPK, which do not explicitly regulate multi-party relationships in the implementation of flight-based tour packages.

Tabel 1. Conditions & Legal Problems in Flight Disturbances

| Aspect                                    | Applicable Data / Regulations  | Empirical Conditions & Legal Problems in Flight Disturbances   |
|---|--|--|
| Airline Responsibilities                  | Law No. 1 of 2009; PM 89/2015 (Delay Handling); PM 185/2015 (Compensation)     | Airlines are only responsible for the direct passenger–airline relationship; when purchasing through a tour package, the airline's responsibility does not automatically extend to travel losses (loss of itinerary, cancellation of visit). |
| Status and Role of Travel Agents (PPW/TO) | Law No. 10/2009 concerning Tourism; SNI 9042:2021 (Tourism Organization)       | It's unclear whether agents act as intermediaries, reseller of airline services, or the primary organizer of the package. When flight disruptions occur, travelers are often redirected to the airline, leaving travelers' rights in limbo.  |
| The Role of Tourism Destination Managers  | Not regulated in the Aviation Law; only regulated generally in the Tourism Law | Flight disruptions lead to canceled visits to tourist destinations; tourists' losses are irrecoverable because destination managers have no legal obligation to adjust schedules or refund costs.  |
| Tripartite Relationship                   | There is no integrative regulation; each sector is regulated partially.        | Regulatory fragmentation leads to a "shifting of responsibility" when disruptions occur. Tourists lack a strong legal basis for claiming collective responsibility.  |
| Consumer Protection for Travelers         | Law No. 8/1999 concerning UUPK   | There are no specific provisions regarding flight-based tour packages; coverage remains generic and does not yet accommodate multi-party situations.   |
| Legal Certainty in Disruption Events      | There are no regulations regarding joint liability.                            | Tourists often do not receive proportional compensation for chain losses (hotels lost, destination tickets lost, local transportation not used).   |
| Dispute Mechanism                         | There is no specific mechanism for aviation-based tourism disputes.            | Disputes often drag on because there is no dedicated resolution forum; tourists are burdened with providing proof and are directed to various parties.   |

The table above shows that airlines fall within a sectoral responsibility framework that only regulates compensation for passengers, not for the entire tour. Travel agents face legal ambiguity because there are no regulations that clearly differentiate their roles as intermediaries or as primary organizers of tour packages. Meanwhile, tourism destination managers have no legal obligation to provide compensation or adjust services if flight disruptions are beyond their control. These three issues collectively leave tourists vulnerable to chain losses.

Strengthening the regulation of tourist rights and obligations is a fundamental step in creating a safe, high-quality, and sustainable tourism ecosystem. In the Indonesian context, this regulation was initiated through Law Number 10 of 2009 concerning Tourism and a number of its derivative regulations. However, the dynamics of modern tourism, characterized by the digitalization of services, varying travel risks, and increasing tourist mobility, demand more comprehensive improvements. Therefore, the development of a legal protection framework needs to position tourist rights and obligations not merely as formal norms, but as instruments capable of ensuring travel quality and a balanced legal relationship with tourism businesses.

From a tourist rights perspective, regulations need to emphasize that every tourist has the right to a sense of security, comfort, and access to accurate information. In practice, these rights are often neglected, particularly when tourists receive incomplete information regarding service standards, travel risks, or cancellation policies. The new regulatory narrative should emphasize the obligation of tourism operators to provide accurate, transparent, and easily understandable information, particularly in high-risk sectors such as nature tourism, marine tourism, and adventure tourism. Other rights, such as the right to personal data protection, are also increasingly relevant with the increasing use of digital applications, where tourists often provide sensitive data without clear security standards. Therefore, integrating personal data protection regulations into the tourism sector is imperative, especially for digital-based businesses (Pontorondo et al., 2025).

Ultimately, all efforts to strengthen the regulation of tourist rights and obligations must culminate in the establishment of a progressive and responsive tourism legal ecosystem. The regulatory approach must adopt the principles of fairness, transparency, and sustainability, thereby accommodating the interests of tourists, businesses, and the government. Thus, the legal system developed will not only protect tourists but also ensure that relationships between stakeholders are harmonious, ethical, and oriented towards improving the quality of national tourism. Effective implementation of these regulations will foster growing tourist confidence and strengthen the competitiveness of Indonesian destinations globally.

## CONCLUSION

Strengthening regulations on tourist rights and obligations is a fundamental step in creating a safe, high-quality, and sustainable tourism ecosystem. In the Indonesian context, this regulation has already begun through Law Number 10 of 2009 concerning Tourism. Tourist protection can only be achieved if regulatory design provides a sense of security, comfort, access to accurate information, and effective mechanisms for monitoring and dispute resolution. All efforts to strengthen the regulation of tourist rights and obligations must culminate in the establishment of a progressive and responsive tourism legal ecosystem... capable of accommodating the interests of tourists, businesses, and the government. Strengthening tourist rights and obligations must be formulated in a balanced, transparent, and adaptive manner, ensuring quality service while ensuring tourists share responsibility for maintaining order, ethics, and the sustainability of destinations.

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