

ILLEGAL TOUR GUIDES AND THEIR LEGAL IMPLICATIONS FOR TOURIST PROTECTION IN BALI

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Abstract:

This article examines the legal implications of illegal tour guides on tourist protection and the sustainability of the tourism industry in Bali. The main objective of this study is to analyze the legal regulation governing tour guide services and to assess the impact of illegal tour guide practices on service quality, legal certainty, and tourist protection. This research employs a statutory approach, a conceptual approach, and a sociological approach. Primary data were obtained through interviews with licensed tour guides, tourism stakeholders, and relevant authorities, while secondary data were derived from legislation, legal doctrines, and academic literature related to tourism law. The analysis reveals that the presence of illegal tour guides contributes to declining service quality, unfair competition, weakened legal protection for licensed tour guides, and increased legal risks for tourists, particularly in situations involving accidents or insurance claims. The findings also indicate that existing regulations have not been optimally enforced, resulting in gaps between legal norms and actual practices in the tourism sector. This study concludes that strengthening supervision, law enforcement, and inter-institutional coordination is essential to ensure legal certainty, protect tourists, and maintain the quality and reputation of Bali as an international tourism destination.

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INTRODUCTION

The tourism sector plays a strategic role in supporting economic growth, employment creation, and community welfare, particularly in regions that rely heavily on tourism activities such as Bali. As an international tourism destination, Bali's tourism governance requires a strong legal framework to ensure service quality, legal certainty, and protection for all stakeholders, including tourists, tour guides, and tourism businesses (Sumartini Saraswati *et al.*, 2024). One crucial element in tourism services is the role of tour guides, who act as intermediaries between tourists and local culture, attractions, and communities. Professional and licensed tour guides contribute significantly to maintaining service standards and safeguarding Bali's reputation as a world-class destination. However, the rapid increase in tourist arrivals, especially during peak seasons, has created a gap between demand and the availability of licensed tour guides. This condition has encouraged the emergence of illegal tour guides who operate without official permits or professional certification. While their presence may temporarily respond to market demand, illegal tour guides raise serious legal, governance, and protection issues (Feldman, 2006). Weak supervision and inconsistent law enforcement have allowed this practice to persist, indicating shortcomings in the implementation of tourism regulations. These conditions raise concerns regarding legal certainty, fairness in competition, and the effectiveness of tourism governance (Mak and Kong, 2014).

Previous studies on tour guides have largely focused on service quality, professional competence, sustainability, and tourist satisfaction. Other research has examined licensing systems



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and enforcement mechanisms from a regulatory perspective. Nevertheless, limited scholarly attention has been given to the legal implications of illegal tour guides on tourist protection, particularly in relation to legal risks faced by tourists when accidents or disputes occur (JURKEVICIUS, 2024; Kangai *et al.*, 2024; Sengoz *et al.*, 2025). This gap is significant, considering that the use of unlicensed service providers may affect insurance claims, consumer protection, and legal accountability. This study addresses this gap by examining illegal tour guides from a legal governance perspective, emphasizing their implications for tourist protection and the tourism industry in Bali (Tirka Widanti, Utari Dewi and Intan Pinatih, 2025). The research problem focuses on how tour guide regulations are implemented and how illegal tour guide practices affect legal certainty and tourist safety. Accordingly, this study raises the following research questions: how is the legal regulation of tour guides enforced in Bali, and what are the legal implications of illegal tour guides for tourist protection and tourism industry sustainability? By addressing these questions, this article offers a novel contribution to tourism law studies by integrating regulatory analysis with empirical insights into tourism governance and legal protection mechanisms.

METHODS

This study employs a qualitative legal research design using a combination of statutory, conceptual, and sociological approaches (Huang and Weiler, 2010). The statutory approach is applied to examine laws and regulations governing tour guide services, including national and regional tourism regulations in Bali. The conceptual approach is used to analyze legal doctrines related to legal certainty, legal protection, and governmental authority in tourism governance. The sociological approach is adopted to understand how these legal norms are implemented in practice and how illegal tour guide activities occur within the tourism sector. The research was conducted in Bali, Indonesia, as a major international tourism destination with a high intensity of tour guide activities (Wegner and Pascual, 2011). The research sample consists of licensed tour guides, unlicensed tour guides, officials from the Provincial Tourism Office, representatives of the Tour Guide Association, and tourists who have used tour guide services. Informants were selected using purposive sampling based on their relevance and involvement in tour guide regulation and tourism services. Data were collected through in-depth interviews, field observations, and document analysis. Primary data were obtained directly from interviews and observations, while secondary data were derived from legislation, policy documents, academic journals, and official reports. The data were analyzed using inductive-deductive reasoning, where empirical findings were interpreted based on legal norms and theoretical frameworks to assess the effectiveness of regulation and its implications for tourist protection and tourism governance in Bali.

RESULT AND DISCUSSION

The results of this study indicate that the regulation of tour guide services in Bali has been formally established through national and regional legal frameworks, particularly tourism laws and regional regulations governing licensing and professional standards. Empirical findings show that licensed tour guides generally comply with certification requirements, professional ethics, and service standards, which contributes to better tourist experiences and legal protection. However, field data reveal that the implementation of these regulations has not been fully effective, as illegal tour guide activities remain widespread, especially during peak tourism seasons. This condition reflects a gap between regulatory norms and actual practices in the tourism sector (Lyons, Mynott and Melbourne-Thomas, 2023; JURKEVICIUS, 2024; Margareta and Hendrawan, 2024; Li *et al.*, 2025; Luo *et al.*, 2025). The persistence of illegal tour guides is closely related to increased tourist demand



that exceeds the availability of licensed tour guides. Interviews with tourism stakeholders indicate that illegal tour guides often operate by offering lower prices and faster services, making them attractive to tourists who are unfamiliar with local regulations. Similar findings have been reported in previous studies on tour guide management, which emphasize that weak supervision and enforcement mechanisms contribute to the growth of unlicensed practices. This situation demonstrates that regulatory effectiveness depends not only on legal provisions but also on consistent enforcement and institutional coordination (Sumartini Saraswati *et al.*, 2024).

From the perspective of legal protection, the presence of illegal tour guides poses significant risks to tourists. Empirical data show that tourists using unlicensed tour guides face difficulties when legal problems arise, such as accidents, disputes, or insurance claims. Licensed tour guides can provide administrative support and coordinate with relevant institutions, while illegal tour guides lack legal accountability and professional responsibility. These findings align with previous research emphasizing the importance of licensed service providers in ensuring consumer protection within the tourism industry. Furthermore, illegal tour guide practices create unfair competition within the tourism labor market. Licensed tour guides who comply with legal requirements incur costs related to certification, training, and association membership, while illegal tour guides operate without such obligations. This imbalance weakens the sustainability of professional tour guide services and may discourage compliance with legal standards. Similar concerns have been highlighted in earlier studies that associate unregulated tourism services with declining service quality and reduced industry competitiveness. The analysis also reveals broader implications for tourism governance in Bali. Weak coordination between regulatory authorities and professional associations limits effective monitoring and enforcement. Although regulatory frameworks emphasize legal certainty and professional standards, empirical evidence suggests that enforcement mechanisms require strengthening. The findings support theoretical perspectives on legal certainty and legal protection, which emphasize that law must be effectively implemented to achieve its intended objectives (Behnke, Armbruster and Strobel, 2023).

Overall, the results demonstrate that illegal tour guides negatively affect tourist protection, service quality, and tourism governance. These findings highlight the need for stronger supervision, improved law enforcement, and greater collaboration among government agencies, professional associations, and tourism stakeholders. By addressing these issues, the legal framework governing tour guide services can function more effectively to protect tourists and sustain the tourism industry in Bali.

CONCLUSION

This study concludes that the legal regulation governing tour guide services in Bali has been formally established to ensure professionalism, legal certainty, and tourist protection. However, the implementation of these regulations has not been fully effective, as illegal tour guide practices continue to operate alongside licensed tour guides. This condition demonstrates a discrepancy between normative legal provisions and their application in the field, particularly in terms of supervision and enforcement mechanisms within tourism governance. The findings further indicate that the presence of illegal tour guides has significant legal implications for tourist protection. Tourists who use unlicensed tour guide services face increased legal risks, including limited access to legal accountability, difficulties in resolving disputes, and potential obstacles in insurance claims when adverse events occur. These conditions undermine the principle of legal protection and weaken consumer safeguards within the tourism sector.



This research also confirms that illegal tour guide practices contribute to unfair competition and may negatively affect the sustainability and reputation of Bali's tourism industry. Strengthening regulatory enforcement, improving institutional coordination, and enhancing legal awareness among tourism stakeholders are therefore essential to ensure that tour guide regulations function effectively. Future research may further explore comparative regulatory models or technological approaches to improve supervision and legal compliance in tourism services.

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