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## **The Authority of the Bali Provincial Government in Law Enforcement against Foreign Tourist Guides Without Licenses**

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### **ABSTRACT**

*Tourism in Indonesia is experiencing rapid development, bringing both positive and negative impacts. However, with the rapid growth of tourism in Bali, the problem of unlicensed tour guides, or illegal guides, has emerged, which is detrimental to the quality of service and image of tourism. This research aims to analyze the local government's supervisory function towards illegal tour guides and examine the enforcement of legal sanctions against foreign tour guides based on relevant regulations. The researchers intend to further explore legal issues related to the authority of the Bali Provincial Government in enforcing the law against foreign tours without a license, focusing on the synchronization of rules between national and regional regulations to create better legal certainty. The results of this research show that the local governments in the Balinese province have the authority to enforce the law, and the local authorities in the province have a responsibility to ensure the integrity of the tourism sector. The research results also show that there is a need to improve the capacity of law enforcers in order to ensure optimal law enforcement, protect the tourism industry, and support the sustainable development of Bali tourism.*

**Keywords:** *Foreign Tourist Guide, Sanction Enforcement, Supervision*

## INTRODUCTION

Since the enactment of the 1945 Constitution, tourism in Indonesia has been through various stages of significant development. At its inception, the main focus was on the development of physical infrastructure to support tourism activities. Along with the times, Indonesian tourism entered a new era with the emergence of mass tourism driven by massive investment and aggressive promotion of tourist destinations. Subsequently, the sector evolved to become more community-based with policies focusing on local community engagement. In today's digital era, technology is increasingly playing an important role in promoting tourism and creating a more interactive travel experience, yet with the challenge of maintaining environmental sustainability. Indonesian tourism has also become the backbone of the national economy with ever-growing potential.

The importance of the tourism sector for the regional and national economy is regulated in various regulations, one of which is Law No. 23/2014 on Regional Government. Article 13 Paragraph 2 emphasizes that tourism is one of the optional regional government affairs, which plays a real role in improving the welfare of the community by utilizing the distinctiveness and superior potential of each region. Thus, tourism development must be tailored to the unique characteristics and assets of each region, which include various aspects such as natural resources, culture, and local history.<sup>1</sup>

Bali, as an example of Indonesia's tourism icon, has a strong attraction for both local and international tourists. Local philosophies such as Tri Hita Karana that emphasize harmony between man, nature, and God become the main foundation in the development of sustainable tourism in Bali.<sup>2</sup> A large number of tourists are attracted to Bali due to its natural beauty, cultural richness, and unique diversity of customs. However, along with the increasing flow of tourists, various challenges arise, including the issue of illegal tour guides and unlicensed tourist vehicles.

Tour guides play a very important role in the tourism industry. They are not only in charge of guiding tourists, but also become the guardians of the image of tourist destinations through the delivery of accurate and quality information. In Bali, many local tour guides have obtained official licenses to provide services that meet the standards. However, challenges arise with the presence of illegal tour guides, both from locals without licenses and foreign tourists who work illegally using tourist visas. These foreign guides often offer their services at a cheaper price,

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<sup>1</sup> Anak Agung Gede Oka Parwata et al., "Customary Law during the Covid-19 Pandemic: Supporting Local Government's Policy," *Jurnal Hukum Prasada* 10, no. 1 (March 14, 2023): 49–58, <https://doi.org/10.22225/jhp.10.1.2022.49-58>.

<sup>2</sup> Anak Agung Ayu Dian Andriyani et al., "Pengaruh Lintas Budaya Tingkat Tutur Hormat Keigo Melalui Media Sosial Antara Driver Guide Dan Wisatawan Jepang Di Bali," *MOZAIK HUMANIORA* 19, no. 1 (June 30, 2019): 1–17, <https://doi.org/10.20473/mozaik.v19i1.11976>.

which is detrimental to licensed local guides and affects the quality of service provided to tourists.

In addition to the problem of illegal tour guides, there are also other challenges such as unclear legal norms regarding the use of foreign labor in the tourism sector. Tourism Law No. 10/2009 allows the use of foreign workers, while some local regulations, such as in Bali, strictly prohibit it. This creates legal uncertainty that can hamper enforcement against illegal tour guides, especially for foreign nationals working without a permit.

To address this issue, the Indonesian government, especially in Bali, has made various efforts such as establishing a special task force to curb illegal tour guides and strengthening supervision in the immigration sector. In addition, selective immigration policies have also been implemented to limit foreigners working illegally as tour guides. However, the effectiveness of law enforcement remains a challenge, due to the lack of supervision and unclear sanctions for violators.

The presence of illegal tour guides also has an impact on state revenue, as they do not pay taxes and do not contribute to local governments. Furthermore, the delivery of inaccurate information by foreign tour guides can damage the image of Indonesian tourist destinations in the eyes of international tourists. Therefore, decisive and coordinated steps are required between the central government, local governments, as well as tourism industry players to strengthen regulations and ensure that Indonesia's tourism sector, especially in Bali, can develop sustainably without compromising the local workforce or the quality of tourist services.

Ultimately, tourism in Indonesia, especially Bali, has the potential to continue growing and become the foundation of the economy. Nevertheless, in order to achieve that, more solid policies, stricter supervision, and commitment from all parties involved are necessary to maintain the quality, sustainability, and legal certainty in this sector. Therefore, this research aims to analyze the local government's supervisory function towards unlicensed tour guides and examine the enforcement of legal sanctions against unlicensed tour guides based on relevant regulations.

## **RESEARCH METHODOLOGY**

This research applies normative legal methods to address the unclear norms that arise when national and local regulations contradict each other, such as in the case of the Tourism Law that allows the use of foreign workers, while the Bali Regional Regulation prohibits it. The normative method aims to synchronize authority vertically and horizontally through analysis of literature and secondary data.<sup>3</sup> Soerjono Soekanto and Sri Mamudji explain that normative research includes

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<sup>3</sup> Jonaedi Efendi and Johnny Ibrahim, *Metode Penelitian Hukum: Normatif Dan Empiris*, Cet.2 (Depok: Prenada Media Group, 2018).

the study of legal principles and relevant written legal materials, including legislation and court decisions.<sup>4</sup>

The research approach used includes several methods, such as statute approach, case approach, legal history, comparative law, and conceptual approach. This approach allows in-depth research into legal issues related to the authority of the Balinese government in enforcing the law against foreign tour guides without a license. The sources of legal materials in this research consist of primary legal materials (regulations and related laws), secondary legal materials (legal literature, journals, reports), and tertiary legal materials (legal dictionaries and encyclopedias).

In this research, the researchers intend to further explore legal issues related to the authority of the Bali Provincial Government in law enforcement against foreign tour guides, focusing on the synchronization of rules between national and regional regulations to create better legal certainty.

## **RESULT AND DISCUSSION**

### **Procedures for Competency Certification of Tourist Guides in Bali Province**

Bali is a well-known tourist destination, with an increasing number of tourists drawn not only to its natural beauty, but also to the uniqueness of Balinese culture. Tourism in Bali impacts not only the tourist sector, but also creates employment in various other sectors, including direct labor (such as tour guides), indirect labor (such as lodging), and indirect labor (such as restaurants). Therefore, workers in the tourism sector, especially tour guides, must have competencies that include knowledge, skills, and professional behavior, which are assessed through certification.<sup>5</sup>

Tourist guide certification is regulated in Article 53 Paragraph 1 of Law No. 10/2009 on Tourism, which requires every worker in the tourism sector to hold a certificate of competency issued by an officially licensed institution. The purpose of this certification is to improve the quality of tourism services and protect Bali's cultural image. In addition to providing information related to tourist destinations, tour guides also play a role in preserving and promoting Balinese culture through interaction with tourists.<sup>6</sup>

Rules regarding competency certification are further elaborated in Government Regulation No. 52/2012 on Competency Certification and Business Certification in the Tourism Sector. Competency standards used in certification

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<sup>4</sup> Soerjono Soekanto & Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, 17th ed. (Jakarta: Rajawali Pers, 2015).

<sup>5</sup> I Wayan Wesna Astara, *Hukum Bisnis Di Bali Dan Perlindungan Tenaga Kerja: Kompetensi Dan Produktivitas Tenaga Kerja Krama Bali Pada Sektor Pariwisata Di Provinsi Bali* (Denpasar: Pustaka Larasan, 2020).

<sup>6</sup> I Nengah Subadra, "Preserving the Sanctity of Temple Sites in Bali: Challenges from Tourism" (2015), <https://doi.org/10.13140/RG.2.2.24099.14881>.

must be in accordance with the Indonesian National Work Competency Standards (SKKNI) or international standards. The purpose of certification is to recognize the competence of tour guides and increase their competitiveness.

To support professionalism, every tour guide is required to have a Tour Guide Identification Card (KTPP), which is only issued after they have met the requirements, such as training, internship, and passing the Balinese cultural test. The KTPP serves as proof that a tour guide has passed the competency test and understands Balinese culture, thus being able to provide quality services to tourists.

In addition, Tourism Ministerial Regulation No. 13/2015 on Tourist Service Business Standards stipulates that every tourism service business in Bali must have certification. In its implementation, tour guides are also required to wear Balinese traditional clothing when providing guidance, except in special tourism activities such as hiking or cross-country. However, many illegal, uncertified tour guides still operate in Bali, making them unable to promote Balinese culture properly. To overcome this, strict supervision and enforcement of regulations are necessary to ensure the quality of services and Bali's cultural image are maintained.

Tourist guide certification is an important process to maintain the quality of the workforce in Bali's tourism sector. Through certification, tour guides are not only expected to be able to provide information about tourist attractions, but also educate tourists on the importance of respecting and preserving Balinese culture and environment.

### **Regulatory Basis for Bali Provincial Government Supervision of Tourist Guides**

Authority (*gezag*) and competence (*bevoegdheid*) are two important concepts in administrative law. Authority comes from the word 'authorize', which means the right or power to carry out something. Authority is a power consisting of several authorities, including power over certain groups or in certain areas of government.<sup>7</sup> Authority itself has a juridical basis provided by law and is defined as the ability to perform public legal actions.

S. F. Marbun defines authority as the ability to act granted by law, which involves the components of influence to control the behavior of legal subjects, a clear legal basis, and legal conformity with general or specific standards.<sup>8</sup> Theoretically, authority is derived from legislation and can be obtained through three major mechanisms:

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<sup>7</sup> Danel Aditia Situngkir, "Mengenal Teori Demokrasi Dan Teori Kewenangan Dalam Ilmu Hukum," *Ensiklopedia of Journal* 5, no. 4 (2023), <https://doi.org/10.33559/eoj.v5i4.1745>.

<sup>8</sup> Dodik Setiawan Aji and Irma Cahyaningtyas, "The Legal Strength of the Ombudsman Recommendation of the Republic of Indonesia in the Effort of Realizing Good Governance," *International Journal of Social Science and Human Research* 04, no. 05 (May 16, 2021), <https://doi.org/10.47191/ijsshr/v4-i5-22>.

1. Attribution: The granting of authority by the legislature to an organ of government.<sup>9</sup>
2. Delegation: The delegation of authority from one organ of government to another.<sup>10</sup>
3. Mandate: Authority exercised by another person on behalf of the mandating governmental organ.<sup>11</sup>

In public law, authority is closely related to power. Power is necessary in achieving the goals of the state. Henc Van Maarseveen added that in public law, authority must have a legal basis, conformity standards, and influence components used to control the behavior of legal subjects.

The government also plays a role in providing legal protection, including through supervision in the tourism sector. This is conducted through local and national regulations, such as Law No. 10/2009 on Tourism, which provides a foundation for the management of the tourism sector.

### **Supervision of Foreign Tourist Guests in Bali Province**

Tourism in Bali raises legal, cultural, and community welfare issues.<sup>12</sup> Bali's culture-focused tourism is experiencing rapid development, bringing both positive and negative impacts. In order to prevent negative impacts, regulation, supervision and law enforcement are needed. Supervision aims to ensure the implementation of policies in accordance with established regulations. There are several types of supervision, such as preventive (prior to the activity) and repressive (following the activity). The Bali Provincial Government has regulated the tour guide sector through local regulations No. 5 of 2016 and 2020, and conducted joint operations to address violations, especially regarding foreign nationals working in the tour guide sector without a license. The government also utilizes legal instruments such as licenses and competency certification for tour guides to ensure cultural tourism standards are met.

In the supervision of tour guides in Bali, various authorities play an important role in the following ways:

1. The Minister conducts supervision through evaluation of the standard implementation of tour guides.
2. The Governor evaluates reports of standard implementation activities in their region and coordinates with the Regent/Mayor.

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<sup>9</sup> Ahmad Faris Zamakhsyari et al., "State Authority and Legal Action: How to Prevent the State Misconduct?," *Law Research Review Quarterly* 6, no. 2 (May 16, 2020): 198–198, <https://doi.org/10.15294/lrrq.v6i2.37722>.

<sup>10</sup> Moh. Gandara, "Kewenangan Atribusi, Delegasi Dan Mandat," *Khazanah Hukum* 2, no. 3 (November 28, 2020): 92–99, <https://doi.org/10.15575/kh.v2i3.8187>.

<sup>11</sup> I Dewa Gede Atmadja and I Nyoman Putu Budiarta, *Teori-Teori Hukum* (Malang: Setara Press, 2018).

<sup>12</sup> I Wayan Wesna Astara, *Korelasi Hukum, Budaya Dan Pariwisata Bali Dalam Masyarakat Yang Berubah* (Denpasar: Pustaka Larasan, 2015).

3. The Regent/Mayor assesses the basic requirements and ownership of a tour guide certificate.

Bali Province Regional Regulation No. 5/2016 on Tourist Guests stipulates that:

1. The Governor is directly responsible for the supervision of tour guides and can form a supervisory team under the Governor's Decree.
2. The relevant agencies carry out daily supervision.

According to the theory of authority, as explained by Indroharto and Henc van Maarseveen, authority is the capacity given by law to cause legal consequences, involving influence, legal basis, and legal conformity. Philipus M. Harjon adds that authority relates to legal power in the context of public law.

The authority of the Governor in issuing tourist identification cards (KTPP) and conducting supervision is regulated in the Bali Province Regional Regulation. This authority is obtained by attribution, which is given directly by legislation. The governor has three main roles: as head of an autonomous region, representative of the government in the region, and as the president's representative in general government affairs.<sup>13</sup> However, this regulation points out shortcomings, including lack of clarity regarding supervisory responsibilities, work mechanisms, and supervisory team members; and discrepancies between the Regional Regulation on Tourist Guides and the regulation on the Certification Testing Team.

The vagueness of this norm may hinder the effectiveness of supervision of foreign tour guides, especially in cases of license violations. Law enforcement should be strengthened with increased supervision, accurate monitoring and evaluation as well as cooperation between supervisory units. According to Law No. 10/2009 on Tourism and Bali Provincial Regulations No. 5/2016 and No. 5/2020, tour guides are required to be Indonesian citizens. Meanwhile, the national Tourism Law allows foreign workers with certain skills. This incompatibility between national and local regulations creates legal uncertainty, reduces the effectiveness of supervision, and creates the potential for abuse of residence permits by foreign nationals.

Therefore, there is a necessity for harmonization between national and local regulations to ensure legal certainty and effectiveness of supervision. The implementation of norm formation theory, as explained by Hans Nawiasky, is also relevant in overcoming norm ambiguity. Clear and consistent norm formation will help improve the effectiveness of supervision and protection of local labor and culture.

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<sup>13</sup> Wilda Prihatiningtyas, "Fungsi Gubernur Dalam Penyelenggaraan Pemerintahan Di Daerah," *Airlangga Development Journal* 1, no. 1 (March 4, 2020): 42, <https://doi.org/10.20473/adj.v1i1.18011>.

## **Basis for Enforcement of Legal Sanctions against Tourist Guests in Bali Province**

Law enforcement in a country is closely related to its legal system. According to Laurence M. Friedman, legal substance consists of substantive rules as well as rules regarding how institutions should behave. Soerjono Soekanto argues that the factors influencing law enforcement include legal factors themselves, law enforcement factors, facilities, and cultural factors. Legal factors include unclear substance in regulations that can lead to multiple interpretations and lack of implementers. Law enforcement factors include those who form and apply the law, while facility factors include human resources and organizations that support law enforcement. Cultural factors include the results of copyright and sense in the association of human life.

Andi Hamzah explained that law enforcement involves repressive and preventive actions. Preventive action is carried out before repressive law enforcement through negotiation, persuasion, and supervision in order for regulations to be obeyed. Repressive action is the application of law or sanctions when a violation occurs. These two phases, both preventive and repressive, are part of broad law enforcement (*rechthandhaving*). According to Lawrence M. Friedman's legal system theory, the legal system consists of legal structure, legal substance, and legal culture. Legal structure is a real element of the legal system, including institutions created by the legal system with various functions. Legal substance is the legal rules or norms that govern how institutions act. Legal culture includes opinions, beliefs, habits, and ways of thinking of the community and law enforcement regarding the law.

The Civil Service Police Unit (Satpol PP) in Bali Province was established based on Law No. 23/2014 on Regional Government and other regulations. Satpol PP has the responsibility to enforce Regional Regulations and maintain public order. The legal basis for the implementation of Satpol PP duties includes Law No. 23/2014, Minister of Home Affairs Regulation No. 40/2011, Bali Province Regional Regulation No. 2/2008, and Bali Governor Regulation No. 85/2016. Satpol PP is responsible for the enforcement of local regulations, community supervision, and coordination with related agencies.

One of the strategic issues in law enforcement by Satpol PP is the low legal awareness of the community, especially related to violations of local regulations. These issues include the use of unlicensed vehicles, vehicles with foreign plates, and tour guides without identification cards. Despite socialization and education efforts, strict enforcement in the field is considered more effective in suppressing violations.

The government has the authority to formulate policies and regulations on tourism, including providing administrative and criminal sanctions. Law No. 10/2009 regulates the authority of the government and local governments in tourism development and enforcement of sanctions. Local regulations often show



inconsistencies in the application of sanctions when compared to national laws. This incompatibility creates legal uncertainty and hinders effective law enforcement.

In order to address this issue, harmonization between national and local regulations is essential. Capacity building of Satpol PP, strengthening of socialization programs, and inter-agency coordination are also necessary to ensure consistent and effective law enforcement. In this way, it is expected that compliance with regulations can be improved, maintaining the integrity of the tourism sector, and ensuring the sustainability of tourism in Bali and Indonesia in general. Lawrence M. Friedman's legal system theory is relevant to holistically comprehend various aspects of law enforcement.

### **Enforcement of Legal Sanctions Against Foreign Tourist Guides Without a License in Bali Province**

International law, including agreements under the World Trade Organization (WTO) such as the General Agreement on Trade in Services (GATS), provides opportunities for foreign nationals to work in other countries provided they comply with the laws and regulations of the host country.<sup>14</sup> However, host countries maintain full sovereignty to regulate work permits and restrictions, including in the service sector such as tour guides in Indonesia. GATS and Mode 4 allow for the international movement of labor to provide services, including tour guiding, but do not obligate member states to allow any kind of employment by foreign nationals. States have the right to set conditions, restrictions, and regulations that must be met.<sup>15</sup>

In Indonesia, particularly Bali, national laws and local regulations govern work permits for foreign workers. Law No. 10/2009 on Tourism allows foreign workers with specific skills to work in the tourism sector, subject to certain conditions and the support of professional associations. However, Bali Province Regional Regulation No. 1/2010 expressly prohibits the use of foreign workers as tour guides without a license. This inconsistency between national laws and local regulations may lead to legal uncertainty and difficulties in enforcement.

Sanctions for work permit violations by foreign tour guides include administrative fines, license revocation, expulsion, or deportation, as stipulated in Law No. 6/2011 on Immigration. Enforcement of sanctions in Bali also involves the Civil Service Police Unit and various related agencies, with the aim of ensuring compliance with regulations and maintaining the integrity of the tourism industry. Supervision and enforcement must be consistent and harmonious between national

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<sup>14</sup> Dewi Nurul Musjtari, "Dampak Liberalisasi Perdagangan Dalam WTO Agreement Terhadap Ketahanan Pangan Indonesia," *Kanun Jurnal Ilmu Hukum* 16, no. 2 (2014), <https://jurnal.usk.ac.id/kanun/article/view/6028>.

<sup>15</sup> Anis Tiana Pottag, "Politik Hukum Pengendalian Tenaga Kerja Asing Yang Bekerja Di Indonesia," *Media Iuris* 1, no. 2 (July 4, 2018): 236, <https://doi.org/10.20473/mi.v1i2.8827>.

and local regulations to avoid legal gaps and protect the local workforce and cultural values.

Regional Regulations of Bali Province, such as Regional Regulation No. 5/2016 on Tour Guides and Regional Regulation No. 5/2020 on Standards for Balinese Cultural Tourism, stipulate the obligation of tour guides to be licensed and undergo appropriate training. Violations of these provisions, such as working without a permit or an invalid license, may be subject to criminal or administrative sanctions. Harmonization between national and local regulations and strict enforcement are necessary to ensure compliance and protect Bali's tourism sector.

Bali Province's Civil Service Police Unit (Satpol PP) has conducted raids on unlicensed tour guides with non-judicial measures to maintain public order and tranquility. Law enforcement includes giving warnings, confiscating work tools, and bringing cases to court if necessary. However, there are obstacles in taking action against foreign tour guides because the existing regulations are yet to strictly regulate them.

Bali Province Regional Regulations No. 5/2016 and No. 5/2020 do not specifically regulate foreign nationals working as tour guides, which hinders the effectiveness of sanction enforcement. The difficulty in enforcing sanctions against foreign nationals is due to the vagueness of the rules and the lack of strict regulation in the regional regulations.

Based on Bali Province Regional Regulation No. 5/2016, tour guides serve important functions such as accompanying tourists, providing information, marketing tourism products, and providing services according to regional and national culture. Regional Regulation No. 5/2020 concerning Standards for the Implementation of Balinese Cultural Tourism aims to improve cultural tourism management and protect the preservation of Balinese culture and nature.

Various regulations related to sanctions for tour guides include the Minister of Culture and Tourism Regulation No. PM.92/HK.501/MKP/2010, Government Regulation No. 52/2012, and Regional Regulation of Bali Province No. 5/2016. However, there are shortcomings in the application of sanctions against foreign tour guides without a license.

Cooperation between Satpol PP, Indonesian Tourist Association (HPI), Tourism Office, and Tourism Travel Association (ASITA) is essential to improve the effectiveness of law enforcement. The Tourism Police also plays a role in maintaining security and order in tourist areas, working together with Satpol PP and Immigration to handle violations.

Internal barriers include limited resources and inter-agency coordination, while external barriers are related to unclear rules and regulations that have yet to be firm against foreign tour guides. Based on Soerjono Soekanto's theory, the success of law enforcement depends on the law itself, law enforcers, facilities and infrastructure, society, and culture. Weaknesses in regulation and lack of coordination affect the effectiveness of law enforcement. Overall, law enforcement

against foreign tour guides in Bali requires revision of more specific regulations, increased capacity of law enforcers, and further education for the community and tourism actors.

### **Legal Consequences of Foreign Tourist Guides Without License in Bali Province**

Tour guides in Indonesia, who belong to the Indonesian Tour Guide Association (HPI), are required to have an official license in the form of a Tour Guide Identification Card (KTPP). This permit serves as legal recognition and competence to carry out the profession. With the rapid growth of tourism in Bali, the problem of unlicensed tour guides, or illegal guides, has emerged, which is detrimental to the quality of service and image of tourism.

Tour guides play an important role in introducing tourists to the local rich culture, history and traditions. They not only enhance the tourist experience but also contribute to the national economy by supporting the tourism sector which is an important source of foreign exchange. Their duties include providing accurate information, preserving culture and the environment, and maintaining social stability by promoting national unity through cultural diplomacy.

In Bali, tour guides are required to have a thorough understanding of the culture, customs, and tourist attractions. This knowledge is essential to provide interesting and in-depth information, ensuring an authentic and educational travel experience. In addition, a license is not merely a formality but also a legally recognized proof of competence, providing assurance that the tour guide meets established professional standards.

A major problem arises from the unauthorized presence of foreign guides, which creates unfair competition with local guides and undermines the quality of tourism. Vagueness and inconsistencies in regulations exacerbate this problem, making supervision and enforcement difficult. Local governments and various relevant parties should clarify and harmonize regulations and increase collaboration in supervision to effectively address this issue.

Regional Regulations of Bali Province, such as the Regional Regulation No. 5/2016 on Tour Guides, stipulate the obligation of tour guides to hold an official license. Legal sanctions, such as fines or retribution, are imposed on tour guides who violate these provisions. Although regulations are in place, their implementation is often ineffective. Evaluation and adjustment of regulations are necessary to ensure optimal law enforcement, protect the tourism industry, and support the sustainable development of Bali tourism.

## **CONCLUSION AND SUGGESTION**

### **Conclusion**

The supervision of foreign tour guides in Bali Province aims to maintain Bali's cultural integrity through various regulations, including Law No. 10/2009 on

Tourism and several Bali Regional Regulations, which regulate the competency certification of tour guides and the issuance of Tour Guide Identification Cards (KTPP). However, supervision still faces challenges due to unclear norms regarding foreign tour guides. The misalignment between laws that allow foreign labor in the tourism sector and local regulations that prohibit them from working as tour guides leads to inconsistencies and reduces the effectiveness of supervision.

Enforcement of sanctions against unlicensed foreign tour guides is governed by Law No. 10/2009 on Tourism, which stipulates more severe administrative and criminal sanctions than Bali's existing local regulations. Discrepancies in the rules regarding foreign labor add to legal vagueness, making enforcement difficult. As a result, Law No. 6/2011 on Migration is often used to enforce sanctions against foreign nationals who misuse their documents.

### Suggestion

In order to improve the effectiveness of supervision of unlicensed foreign tour guides in Bali Province, there is a necessity for harmonization between Law No. 10/2009 on Tourism and several related Bali Regional Regulations, such as Bali Provincial Regulations No. 1/2010, No. 5/2016, and No. 5/2020. The review and establishment of specific regulations regarding supervisory mechanisms can clarify the responsibilities and work procedures of the supervisory team, as well as strengthen cooperation between the Civil Service Police Unit, the Tourism Office, and Immigration. Consistent supervision of violations by foreign tour guides is expected to provide a significant deterrent effect.

Addressing legal uncertainty and improving enforcement of sanctions against foreign tour guides requires harmonization between Law No. 10/2009 and relevant local regulations to ensure consistency of sanctions. The establishment or revision of local regulations that are aligned with national laws can reduce legal uncertainty and clarify the rules regarding the use of foreign workers in the tour guide sector.

### REFERENCES

Andriyani, Anak Agung Ayu Dian, Djatmika Djatmika, Sumarlam Sumarlam, and Ely Triasih Rahayu. "Pengaruh Lintas Budaya Tingkat Tegur Hormat Keigo Melalui Media Sosial Antara Driver Guide Dan Wisatawan Jepang Di Bali." *MOZAIK HUMANIORA* 19, no. 1 (June 30, 2019): 1–17. <https://doi.org/10.20473/mozaiik.v19i1.11976>.

Astara, I Wayan Wesna. *Hukum Bisnis Di Bali Dan Perlindungan Tenaga Kerja: Kompetensi Dan Produktivitas Tenaga Kerja Krama Bali Pada Sektor Pariwisata Di Provinsi Bali*. Denpasar: Pustaka Larasan, 2020.

———. *Korelasi Hukum, Budaya Dan Pariwisata Bali Dalam Masyarakat Yang Berubah*. Denpasar: Pustaka Larasan, 2015.

Atmadja, I Dewa Gede, and I Nyoman Putu Budiarta. *Teori-Teori Hukum*.

Malang: Setara Press, 2018.

Efendi, Jonaedi, and Johnny Ibrahim. *Metode Penelitian Hukum: Normatif Dan Empiris*. Cet.2. Depok: Prenada Media Group, 2018.

Gandara, Moh. "Kewenangan Atribusi, Delegasi Dan Mandat." *Khazanah Hukum* 2, no. 3 (November 28, 2020): 92–99. <https://doi.org/10.15575/kh.v2i3.8187>.

Musjtari, Dewi Nurul. "Dampak Liberalisasi Perdagangan Dalam WTO Agreement Terhadap Ketahanan Pangan Indonesia." *Kanun Jurnal Ilmu Hukum* 16, no. 2 (2014). <https://jurnal.usk.ac.id/kanun/article/view/6028>.

Oka Parwata, Anak Agung Gede, I Gusti Ngurah Dharma Laksana, A. A. A. N. Harmini, and Made Dandy Pranajaya. "Customary Law during the Covid-19 Pandemic: Supporting Local Government's Policy." *Jurnal Hukum Prasada* 10, no. 1 (March 14, 2023): 49–58. <https://doi.org/10.22225/jhp.10.1.2022.49-58>.

Pottag, Anis Tiana. "Politik Hukum Pengendalian Tenaga Kerja Asing Yang Bekerja Di Indonesia." *Media Iuris* 1, no. 2 (July 4, 2018): 236. <https://doi.org/10.20473/mi.v1i2.8827>.

Prihatiningtyas, Wilda. "Fungsi Gubernur Dalam Penyelenggaraan Pemerintahan Di Daerah." *Airlangga Development Journal* 1, no. 1 (March 4, 2020): 42. <https://doi.org/10.20473/adj.v1i1.18011>.

Ridwan H.R. *Hukum Administrasi Negara*. Jakarta: PT Raja Grafindo Persada, 2011.

Setiawan Aji, Dodik, and Irma Cahyaningtyas. "The Legal Strength of the Ombudsman Recommendation of the Republic of Indonesia in the Effort of Realizing Good Governance." *International Journal of Social Science and Human Research* 04, no. 05 (May 16, 2021). <https://doi.org/10.47191/ijsshr/v4-i5-22>.

Situngkir, Danel Aditia. "Mengenal Teori Demokrasi Dan Teori Kewenangan Dalam Ilmu Hukum." *Ensiklopedia of Journal* 5, no. 4 (2023). <https://doi.org/10.33559/eoj.v5i4.1745>.

Soerjono Soekanto & Sri Mamudji. *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. 17th ed. Jakarta: Rajawali Pers, 2015.

Subadra, I Nengah. "Preserving the Sanctity of Temple Sites in Bali: Challenges from Tourism," 2015. <https://doi.org/10.13140/RG.2.2.24099.14881>.

Zamakhsyari, Ahmad Faris, Muhamad Adji Rahardian Utama, Jihan Syahida Sulistyanti, Rasyanahla Ghaffar Baharudinsyah, and Suci Nabilla. "State Authority and Legal Action: How to Prevent the State Misconduct?" *Law Research Review Quarterly* 6, no. 2 (May 16, 2020): 198–198. <https://doi.org/10.15294/lrrq.v6i2.37722>.