

PROTECTION OF THE RIGHT TO SECURITY FOR MANGROVE BEACH TOURISTS

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Abstract

This study examines whether selfies on bridges in mangrove beach tourist destinations can be qualified as high-risk tourism activities and how the law protects tourists who jump from bridges in mangrove beach tourist destinations. This type of research includes normative legal research using a statutory approach. Primary and secondary legal material obtained are then analyzed using deductive-inductive logic and analyzed using teleological interpretation. The study results show that taking selfies on bridges in mangrove beach tourist destinations does not qualify as high-risk tourism, while legal protection for tourists who jump on bridges in mangrove beach tourist destinations, even if they do not get insurance. However, the tourism manager is responsible for negligence in providing the comfort and safety of tourists, as stipulated in Article 26 Letter (d) of the Tourism Law and is obliged to provide compensation, as specified in Article 4 letter (h) UUPK and Article 1365 of the Civil Code.

Keywords: *Legal protection, right to security, tourists.*

Introduction

Indonesia is an archipelagic country with 17,500 islands and 34 provinces with extraordinary natural beauty. Indonesia has many tourist attractions that are very attractive to both domestic and foreign tourists. Indonesia is also one country with much natural potential on land and at sea. The diversity of nature, flora, and fauna is attractive and should be developed into a business in the field of tourism.

The potential of the waters in the form of seas and beaches is one of the tourist objects much favoured by domestic and foreign tourists. This is because Indonesia is a tropical country with clear sea water that can be used as a tourism activity.

Each tourist destination area has advantages and attractions to offer tourists. Tourists can also choose the desired tourist destinations, ranging from marine,

cultural, agro-tourism, and many more. Tourist attractions also have something to do with the motivation of tourists themselves. This is because one person's desires are not necessarily the same as those of others, but some have the same tastes. The variety of wishes from tourists for tourism needs, makes tourism stakeholders who plan each tourist object must be able to understand this, to be able to create or develop tourism products that can meet tourist needs and become an attraction for many tourists.¹ At this time, many tourist destinations have emerged, making several things that every tourism entrepreneur must consider as the manager of the tourist attractions offered, one of which is related to the security and safety of tourists.

In Law Number 8 of 1999 concerning Consumer Protection (UUPK), consumers have the right to convenience, security, and safety in consuming goods and/or services. The same article states that consumers also have the right to receive compensation and/or replacement if the goods and/or services received are not in accordance with the agreement or not as they should be.

Tourists as consumers also have rights as regulated in UUPK. Apart from being regulated in UUPK, tourist rights are also regulated in Law Number 10 of 2009 concerning Tourism (Tourism Law), in Article 20 which states that tourists have the right to obtain accurate information regarding tourist charms, tourism services according to standards, protection law and security, health services, protection of personal rights, and insurance protection for high-risk tourism activities. In the Elucidation of Article 26 letter e of the Tourism Law it is stated that what is meant by "tourism business with high-risk activities" includes, among others, diving, rafting, rock climbing, jet coaster games, and visiting certain tourist objects, such as seeing wild animals in wild nature.

¹ Rizki Yudhu Dewantara and Supriono, "Identifikasi Potensi Wisata Dan Permasalahan Pengembangan Destinasi Wisata Bahari Di Pulau Gili Labak Kabupaten Sumenep", *Jurnal Binawakya*, Vol.14 No.3 (October 2019), .2212.

Meanwhile there was a case at the Talang Siring mangrove beach tourism object, Pamekasan Regency, where a young couple splashed onto the beach while taking a selfie on a mangrove tourism bridge/mangrove beach because the wooden fence the couple was leaning on suddenly collapsed. Coincidentally, when the incident occurred, the beach water was receding so the two young people did not drown because the water level was only half an inch high.² However, if the beach water is high tide, of course the risk of sinking and/or being washed away will be difficult to avoid.

Based on the elucidation of Article 26 letter e of the Tourism Law, it is known that taking selfies on bridges in mangrove tourist sites is not included in the tourism business with high-risk activities. However, in fact, the consequences of taking a selfie on the bridge can pose a high risk of falling onto the beach. This raises the question that even though taking selfies on the bridge is not a high-risk tourism activity, the incident of being splashed onto the beach is a high-risk situation, so is it possible that the protection as mentioned in the Elucidation of Article 26 letter e of the Tourism Law can be accessed by tourists. In this regard, it is necessary to examine whether taking selfies on bridges in mangrove beach tourist destinations can be qualified as high-risk tourism activities and how the law protects tourists who are splashed on bridges in mangrove beach tourist destinations.

Methods

This research is normative research, a type of research where the law is often conceptualized as what is written in laws and regulations (law in books) or law is conceptualized as rules or norms which are benchmarks for human behaviour that are considered appropriate. Therefore, the primary material for this research is legal materials, which consist of primary legal materials, secondary legal materials,

² Taufiqurrahman, "Dinas Pariwisata Panggil Pengelola Wisata Mangrove di Pamekasan Usai Viral Pasangan Tercebur ke Laut Saat Berswafoto", <https://surabaya.kompas.com/read/2022/03/29/062913778/dinas-pariwisata-panggil-pengelola-wisata-mangrove-di-pamekasan-usai-viral>.

and tertiary legal materials.³ After the legal materials were obtained, they were then analyzed using deductive-inductive logic and teleological interpretation to get answers to the problems raised.

Discussion

Risk Qualification of Activities in Mangrove Beach Tourism

The definition of risk, according to the Big Indonesian Dictionary (KBBI), is an unpleasant (harmful, harmful) result of an action or action. Risk is a part that cannot be separated from our daily lives, as the saying goes that "there is no life without a risk".⁴ Thus, risk can be interpreted as uncertainty about a situation that will occur in the future, with a decision made at this time based on various considerations.⁵ It can be concluded that risk is a condition that arises due to uncertainty with all the unfavourable consequences that may occur.

Minister of Tourism Regulation Number 18 of 2016 concerning Registration of Tourism Businesses uses the term "extreme tourism business" to refer to tourism businesses with high-risk activities. Article 1 (50) of the Regulation of the Minister of Administrative Reform and Bureaucratic Reform Number 18 of 2016 states that "an Extreme tourism business is a business that provides places and/or facilities to carry out high-risk tourism activities.

Another term that can be alluded to in tourist spots with high-risk activities is travel industry experience. In general, the travel industry experience is an act of fun in the open that is generally done in unfamiliar, remote or wild places which sometimes includes the use of non-traditional transportation and will generally be associated with highs and lows of the actual job.⁶

³ Amiruddin, Zainal Asikin, *Pengantar Metode Penelitian Hukum*, (Jakarta, : Rajawali Press, 2018), 118.

⁴ Kamus Besar Bahasa Indonesia (KBBI) versi online, <https://kbbi.web.id/risiko>

⁵ Indra Siswanti, *Manajemen Risiko Perusahaan*. (Jakarta: Yayasan Kita Menulis, 2020,), 2.

⁶ Amelda Pramezwary, Rudyanto, "Kajian Literatur Wisata Petualangan" *Hospitour*, Vol 3, No. .2, (October 2012), 263.

In the elucidation of Article 26 letter (e) of the Tourism law it is stated that "tourism businesses with high-risk activities include, among others, diving, rafting, rock climbing, jet coaster games, and visiting certain tourist objects, like seeing wild animals in the wild."⁷

If examined further in the elucidation of Article 26 letter (e) it is not sufficient to protect or cover all high-risk tourism activities. One of them is mangrove beach tourism, mangrove beach tourism is not included in the high-risk activity category as mentioned in the elucidation of Article 26 letter (e), but mangrove beach tourism also holds many risks that endanger visitors to tourist destinations.

Article 9 of the Regulation of the Minister of Tourism and Creative Economy/Head of the Tourism and Creative Economy Agency Number 18 of 2021 concerning Implementation of Tourism Business Certification states that beach tourism and agro-tourism are included in low-risk tourism activities. However, there are many risks that may occur when enjoying tourist destinations which can be fatal. One of the risks that can occur from tourism activities in the mangrove forest is a tourist boat accident. As was the case in the Riau Islands, two people died in a boat accident at the Wisata Mangrove Park, Ekang Anculai Village, Teluk Sebong District, Bintan, Riau Islands. The accident started when two boats were exploring the mangrove forest area to take documentation pictures with the Bintan Tourism Office. One of the boats carrying 3 people overturned and the three of them fell. Two of the three victims were successfully evacuated with the condition that one survived and another died while being taken to the hospital. Meanwhile, a missing person was swept away by the current and was only found after sending a team of divers.⁸

Tourists can also experience accidents such as slipping on the mangrove beach bridge due to the slippery condition of the bridge or the weathered condition of the

⁷ See Explanation of Article 26 of Law Number 10 Year 2009 Concerning Tourism

⁸ TvOne, "Nahas, Dua Orang Tewas Saat Syuting di Tempat Wisata Mangrove Bintan", quoted from <https://www.tvonenews.com/channel/news/45223-nahas-dua-orang-tewas-saat-syuting-di-tempat-wisata-mangrove-bintan>,

bridge due to lack of maintenance. As was the case in the Talang Siring mangrove beach tourism object, Pamekasan Regency, where a young couple splashed onto the beach while taking a selfie on the mangrove tourism bridge/mangrove beach because the wooden fence the couple was leaning on suddenly collapsed. Coincidentally, when the incident occurred, the beach water was receding so the two young people did not drown because the water level was only half an inch high.⁹ Especially if the fall was caused by a weathered wooden fence, this is the negligence of the tour manager for not carrying out maintenance of the tourist spot so that accidents experienced by tourists taking selfies on the bridge should be the responsibility of the tour manager.

In the Tourism Law it has been explained that tourism managers are obliged to provide safety and security for tourists visiting tourist destinations, as stated in Article 26 letter (d) of the Tourism Law "providing comfort, friendliness, security protection and safety of tourists".

Judging from the consequences or risks of tourism on mangrove beaches, these activities should be included in high-risk activities so that tourists will get their rights regarding legal protection in the form of insurance if unwanted things happen, as stipulated in Article 20 letter (f) concerning tourist rights. "insurance protection for high-risk tourism activities." By insuring tourists who carry out tourism activities in mangrove beach tourist destinations, the rights to security of tourists are protected.

Reviewing the explanation of Article 26 letter (e) of the two examples of accident cases that occurred in mangrove tourism, it can be concluded that these cases are not included in the classification of high-risk activities, because mangrove beach tourism is not included in the high-risk tourism classification as explained in

⁹ Taufiqurrahman, "Dinas Pariwisata Panggil Pengelola Wisata Mangrove di Pamekasan Usai Viral Pasangan Tercebur ke Laut Saat Berswafoto", <https://surabaya.kompas.com/read/2022/03/29/062913778/dinas-pariwisata-panggil-pengelola-wisata-mangrove-di-pamekasan-usai-viral>.

Article 26 letter (e), even though the consequences or risks of these events endanger the safety of tourists, even these events can cause casualties.

Legal Protection for Tourists Who Get Caught Taking Selfies on Bridges in Mangrove Beach Tourism Destinations

According to Satjipto Rahardjo, legal protection provides protection for the rights of disadvantaged people so that they can enjoy all the rights granted by law.¹⁰ Travel activities are one of the basic things that have received recognition as human rights. Implicitly, this acknowledgement is based on the formulation of Article 24 of the Universal Declaration of Human Rights, which states that: "Everyone has the right to rest and leisure, including reasonable limitations of working hours and periodic holidays with pay". The Tourism Law also recognizes tourism activities as a human right.¹¹

One of the goals of law is to achieve legal certainty. Legal certainty itself aims to provide protection for consumer rights, which is strengthened through special laws, giving hope that business actors will not act arbitrarily which is always detrimental to consumer rights.¹² Law Number 10 of 2009 concerning tourism, places more emphasis on legal protection given to managers of tourist attractions or tourist objects, this is clearly seen in Article 64 which explains "Anyone who intentionally and unlawfully damages the physical tourist attraction can be subject to criminal sanctions in the form of imprisonment for 7 (seven) years and a maximum fine of Rp. 10,000,000,000.00 (ten billion rupiah)." Whereas violations of tourist rights are subject to punishment in the form of administrative sanctions ranging from written warnings, restrictions on business activities and temporary suspension of business activities. And also Article 26 letter (e) of Law Number 10 of 2009 stipulates "every tourism entrepreneur is obliged to provide insurance

¹⁰ Satjipto Rahardjo, *Ilmu Hukum*, (Bandung: PT. Citra Aditya Bakti, 2000), 53.

¹¹ W.Citra Juwita Sari, "Implementasi Pengakuan Hak Asasi Manusia dalam Kegiatan Berwisata di Indonesia", *Penelitian Mandiri Universitas Udayana*, 2016, 12.

¹² Happy Susanto, *Hak-Hak Konsumen Jika Dirugikan*, (Jakarta, Visimedia, 2008), 4.

protection for high-risk tourism businesses."¹³

If examined juridically, arrangements regarding legal protection of tourists can be observed in Article 20 of the Tourism Law which reads: "Every tourist has the right to obtain: a) Accurate information regarding tourist attractions; b) Tourism services according to standards; c) Legal protection and security; d) Health services; e) Protection of personal rights; and f) Insurance protection for high-risk tourism activities." If you look more closely at Article 20 letters (c) and (f) of the Tourism Law, it has been stated that tourists have the right to obtain legal security insurance and protection for high-risk tourism activities intended to pay tourist claims if unwanted things occur during tourism activities in these high-risk tourism activities. Article 23 paragraph (1) letter (a) of the Tourism Law also emphasizes that the Government and local governments are obliged to provide tourism information, legal protection, as well as security and safety to tourists.

Talking about legal responsibility, there must be a loss suffered by a party as a user, utilization, and consumption by consumers of goods and services produced by business actors. In the principle of civil law it is stated that anyone who commits an action that can harm another party, is obliged to provide compensation to the party who suffered from the loss.¹⁴

In civil law, the basis of responsibility is divided into two kinds, namely fault and risk. This is known as liability without based on fault and known as liability without fault based which is known as risk responsibility or absolute responsibility (strict liability).¹⁵

The basic principle of accountability on the basis of mistakes means that a person must be responsible for mistakes made because they harm others. Then the basic principle of risk responsibility has the meaning that business actors are

¹³ Hendrikus Mariano Suku Depa, 750.

¹⁴ Gunawan Widjaja dan Ahmad Yani, *Hukum Tentang Perlindungan Konsumen*, (Jakarta: Gramedia Pustaka Utama, 2000), 65.

¹⁵ Titik Triwulan, Shinta Febrian, *Perlindungan Hukum bagi Pasien*, (Jakarta: Prestasi Pustaka, 2010), 49

required again to be responsible for the risks of their business or based on their actions, whether intentional or unintentional, meaning that even though it is not their fault, they are still responsible for losses arising from their actions.¹⁶

The birth of the Tourism Law can be used as a legal umbrella for tourists visiting a tourist spot, moreover tourist attractions that are classified as high risk or those tourist attractions provide high-risk activity facilities.¹⁷ However, in reality, the safety aspects of high-risk tourist destinations visited by tourists have not received serious attention from various parties. And it is also not uncommon for accidents to occur which cause losses to tourists visiting these tourist destinations. Rights in agreements owned with tourism entrepreneurs or tour managers in the form of entrance tickets are sometimes not considered. For example in the entry ticket given when visiting a high-risk tourist spot. In the ticket, the manager of the tourist spot should provide clear information containing a warning or compensation in the event of an accident or unwanted things happen.¹⁸

Tourism entrepreneurs have a legal responsibility in providing a sense of security, comfort and security for tourists. Legal responsibility itself as a legal subject in civil law. A business entity is an economic juridical unit that establishes a business to run any type of business that is permanent and continuous, established, working and domiciled within the territory of the Republic of Indonesia with the aim of obtaining profits.¹⁹

As a business entity, tourism entrepreneurs have obligations as business actors. As regulated in Article 7 of the Consumer Protection Act, the obligations of business actors are as follows: "a). good faith in carrying out its business activities; b). provide correct, clear and honest information regarding the condition and warranty of goods and/or services as well as provide an explanation of use, repair

¹⁶ Hendrikus Mariano Suku Depa, 751.

¹⁷ I Putu Andika Sanjaya. "Perlindungan Hukum Wisatawan Yang Berkunjung Ke Tempat Wisata Berisiko Tinggi Di Bali", *Jurnal Kontruksi Hukum*, Vol.3, No 2, (April 2022), 373.

¹⁸ I Putu Andika Sanjaya. 373.

¹⁹ Zaeni Asyhadie, *Hukum Bisnis Prinsip dan Pelaksanaan di Indonesia*, (Jakarta, PT. Raja Grafindo Persada, 2005), 34.

and maintenance; c). treat or serve consumers properly and honestly and not discriminatory; d). guarantee the quality of goods and/or services produced and/or traded based on the provisions of the applicable standards for the quality of goods and/or services; e). provide opportunities for consumers to test and/or try certain goods and/or services as well as provide guarantees and/or guarantees for goods made and/or traded; f). provide compensation, compensation and/or reimbursement for losses resulting from the use, use and utilization of traded goods and/or services; g). provide compensation, compensation and/or reimbursement if the goods and/or services received or utilized are not in accordance with the agreement.”

Tourists also have their rights in traveling, while the State has an obligation to respect and fulfill and protect the right to travel, because the right to travel is a right that a person has in traveling.²⁰

The unpreparedness of tourism entrepreneurs in preparing facilities and infrastructure can certainly harm consumers.²¹ The condition of consumers who are harmed a lot, it is necessary to increase efforts to protect it so that consumer rights can be upheld.

Explicitly the right of tourists to get protection is in Article 20 letter (b) of the Tourism Law which reads, every tourist has the right to obtain legal protection and safety. Article 26 letter (d) of the Tourism Law also still discusses security which reads, every tourism entrepreneur is obliged to provide comfort, friendliness, security protection, and the safety of tourists.²² Article 26 letter (j) of the Tourism Law also states that every tourism entrepreneur has the obligation to participate in preventing all forms of acts that violate decency and activities that violate the law in the environment where they do business.

²⁰ Putu Eva Laheri, “Tanggung Jawab Negara Terhadap Kerugian Wisatawan Berkaitan Dengan Pelanggaran Hak Berwisata Sebagai Bagian Dari Hak Asasi Manusia”, *Jurnal Magister Hukum Udayana*, Vol.4, No.1, (Mei 2015), 133.

²¹ Cokorde Istri Dian L.D, 81.

²² See Article 20 and Article 26 of Law Number 10 of 2009 Concerning Tourism

In addition to tourism entrepreneurs who have the obligation to provide legal protection and security for tourists, the central, provincial and district/city governments also have the obligation to provide protection for tourists, this is clearly included in Article 23 paragraph (1) letter (a) of the Tourism Law which reads, The Government and Regional Governments are obliged to provide tourism information, legal protection, as well as security and safety to tourists.

Efforts to provide legal protection and security for tourists not only involve the government, but tourism entrepreneurs are also responsible for protecting tourists, which is logical considering that those concerned also enjoy the benefits of the presence of these tourists.

Apart from being regulated in the Tourism Law, legal protection and security for tourists are also regulated in Article 4 of the Consumer Protection Act, because tourists are consumers of services in the tourism sector. One of the rights of consumers, including consumers who use services in the field of tourism, which in this case are called tourists, is the right to comfort, security and safety in consuming goods and/or services. In fact, according to the provisions of Article 4 letter a of the Consumer Protection Act, "for tourists as consumers who are harmed by the actions of tourism business actors, the person concerned has the right to receive compensation, compensation and/or reimbursement, if the services received are not in accordance with the agreement or not as it should be."

In tourism activities, tourists are entitled to legal protection and security as well as insurance protection against high-risk tourism activities. This is the basis that managers of tourist attractions are obliged to fulfill the rights of tourists in obtaining legal protection and security as well as protection in the form of insurance in high-risk tourism businesses. And it is also necessary to note that tourists must look again at how risky the tourism destinations visited are, if the tourism destinations visited are included in the category of high-risk activities, if an incident

occurs that causes harm to tourists, tourists are entitled to insurance protection.²³

Tourism entrepreneurs in terms of maintaining security, the safety of tourists is carried out by transferring the risks of tourists to insurance companies. Those who act as tourism managers enter into cooperation agreements with insurance companies as providers of compensation guarantees. Broadly speaking, the compensation is compensation for accident insurance resulting from carrying out high-risk tourism activities.²⁴

In the case of tourists who are splashed while taking selfies on bridges in mangrove beach tourist destinations, this is not classified as a high-risk activity, but when they are splashed, it endangers the safety of tourists. Especially when the sea water is high, it is very likely that tourists can drift away and have the potential to cause casualties for tourists. In addition, the possibility of being stuck in the roots or trunks of mangrove trees under the bridge also cannot be ignored.

So legal protection related to tourism with high-risk activities should be regulated more broadly so that incidents such as the case of tourists splashing while taking selfies on a bridge on a mangrove tour get insurance as stipulated in Article 26 letter (e) of the Tourism Law. This is in accordance with the purpose of insurance, which is to provide protection for a person's financial loss arising from an unexpected event.

Thus, tourists who have paid the insurance costs specified in this tourism destination, then the responsibility in the event of an accident or a loss occurs in a tourist area that has a high risk is the responsibility of the insurance company appointed by the tourism entrepreneur. With this third party, the right to legal protection and security for tourists will be fulfilled if something undesirable happens, namely an accident or a loss occurs.

Every tourism entrepreneur who does not comply with the provisions of Article 26 of the Tourism Law can be subject to administrative sanctions as

²³ Hendrikus Mariano Suku Depa, 757.

²⁴ Hendrikus, 753.

stipulated in Article 63 of the Tourism Law, namely in the form of "a written warning, restrictions on business activities, up to a temporary suspension."

Civil liability for tourism entrepreneurs can also be carried out with lawsuits for unlawful acts (*onrechtmatige daad*) which in a civil context are regulated in Article 1365 of the Indonesian Civil Code: "Every act that violates the law, which causes harm to other people, obliges the person who because of his mistake to issue the loss, compensate for the loss."²⁵

There are 2 (two) legal protections for protecting the rights of tourists, namely indirect legal protection and indirect legal protection. Direct legal protection, namely in the form of obligations imposed on mangrove beach tourism business actors and sanctions for violations committed in the form of administrative sanctions, namely written warnings, restrictions on business activities, and temporary suspension of business activities. Meanwhile, direct legal protection is the protection provided by Article 20 of the Tourism Law, Article 4 of the consumer protection law, and Article 1365 of the Civil Code.

The legal relationship between the tour manager and the insurance company relates to the visitor as the insured, that is, every visitor is insured by the manager to the insurance company. The tourism manager, in this case, is obliged to report that a risk will occur by the insured or in this case, namely tourist visitors. The insurance company has the right to receive premiums paid through the purchase of entrance tickets by visitors to the manager and the manager is also entitled to benefits from the cooperative relationship held with the insurance company.

Tourists also have the right to participate as an insured in life insurance, namely the right to report to the manager because a risk has occurred and the manager, in this case, is obliged to receive a report on the existence of a risk and then submit it to the related insurance company. In addition to having basic rights to participate as an insured in life insurance, visitors also have an obligation to

²⁵ Cokorde Istri Dian, 84.

receive benefits, namely buying tourism entrance tickets as proof of premium payment to life insurance provided by the tourism manager. In this case, the tourism manager also has the right to get a portion of the profits from the revenue generated from purchasing entrance tickets by tourist visitors.²⁶

In the case of the Talang Siring mangrove beach tourism object, Pamekasan Regency, a young couple splashed onto the beach while taking a selfie on the mangrove tourism bridge/mangrove beach because the wooden fence the couple was leaning on suddenly collapsed because the accident was the result of the negligence of the tourism manager due to not preparing the facilities and infrastructure properly so that they did not fulfil the obligations of the tourism manager as stipulated in Article 26 letter (d) of the Tourism Law which regulates the obligations of entrepreneurs to provide comfort, friendliness, security protection and safety. Thus, the legal protection provided by law can take the form of direct protection, as stated in Article 20 of the Tourism Law, Article 4 of the Consumer Protection Act, and Article 1365 of the Civil Code. Indirect protection in the form of obligations imposed on mangrove beach tourism business actors, and sanctions for violations committed in administrative sanctions, namely written warnings, restrictions on business activities, and temporary suspension of business activities. (Article 63 of the Tourism Law).

Conclusion

Taking selfies on bridges in mangrove beach tourist destinations cannot qualify as high-risk tourism, as stated in Article 26 letter (e) of the Tourism Law. Even though the consequences that arise if an accident occurs at a mangrove beach tourist destination can be said to be dangerous, in the explanation of Article 26 letter (e) of the Tourism Law it explains, "tourism businesses with high-risk activities

²⁶ Mustika Larasati, dan Arief Suryono, "Tinjauan Yuridis Asuransi Jiwa Terhadap Keselamatan Pengunjung Obyek Wisata Taman Wisata Alam Grojogan Sewu", *Jurnal Pasca Sarjana Hukum UNS*, Vol. 7, No. 2 (Desember 2019), 239.

include, among others, diving tourism, rafting, rock climbing, jet coaster games, and visiting certain tourist objects, such as seeing wild animals in the wild". Whereas the case that occurred at the Talang Siring mangrove beach tour in Pamekasan Regency, where a young couple splashed onto the beach while taking a selfie on a mangrove tourism bridge because the wooden fence the couple was leaning on suddenly collapsed is not included in tourism activities as stated in the explanation of Article 26 letter (e) Tourism Law, Article 9 of the Regulation of the Minister of Tourism and Creative Economy/Head of the Tourism and Creative Economy Agency Number 18 of 2021 concerning Implementation of Tourism Business Certification states that beach tourism and agro-tourism are included in low-risk tourism activities.

Legal protection for tourists who fall from the bridge into mangrove beach tourism destinations because they cannot be categorized as high-risk tourism activities, so tourism managers are not obliged to provide insurance to tourists. However, the tourism manager is responsible for negligence in providing the comfort and safety of tourists, as stipulated in Article 26 Letter (d) of the Tourism Law and is obliged to provide compensation, as specified in Article 4 letter (h) of the Consumer Protection Law and Article 1365 of the Indonesian Law Civil law.

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