

LAW OF THE REPUBLIC OF INDONESIA  
NUMBER 10 OF 2009  
ON  
TOURISM

BY THE BLESSINGS OF ALMIGHTY GOD

PRESIDENT OF THE REPUBLIC OF INDONESIA,

- Considering
- a. that the state of nature, flora and fauna, as a gift from the God Almighty, as well as ancient relics, historical, art and cultural heritage of Indonesian people are resources and capital for tourism development to increase the prosperity and welfare of the people as contained in the Pancasila and Opening the 1945 Constitution of the Republic of Indonesia;
  - b. that the freedom of doing travel and using of free time in the form of travel is part of the human rights;
  - c. that the tourism is an integral part of national development carried out in a systematic, planned, integrated, sustainable, and responsible manner while still providing protection for religious values, culture that lives in the community, environmental sustainability and quality as well as national interests;
  - d. that the development of tourism is needed to encourage equal distribution of business opportunities and benefits as well as be able to face the challenges of changing local, national and global life;
  - e. that Law No. 9 of 1990 concerning tourism is no longer corresponds to the demands and development of tourism and therefore needs to be replaced;

- f. that based on considerations as referred to in point a, point b, point c, point d and point e, it is necessary to establish Law on Tourism.

Observing : Article 20 and Article 21 of the 1945 Constitution of the Republic of Indonesia;

With the Joint Approval of  
THE HOUSE OF REPRESENTATIVES  
and  
THE PRESIDENT OF THE REPUBLIC OF INDONESIA

HAS DECIDED:

To enact : LAW ON TOURISM.

CHAPTER I  
GENERAL PROVISIONS

Article 1

In this Law:

1. Tourism is a travel activity carried out by a person or group of people by visiting a particular place for recreational purposes, personal development, or learning the uniqueness of the tourist attraction visited in a temporary period.
2. Tourists are people who travel.
3. Tourism is a variety of tourism activities and is supported by various facilities as well as services provided by the community, entrepreneurs, Government, and Local Government.
4. Tourism is an overall activity related to tourism and multidimensional as well as multidisciplinary which emerges as a manifestation of the needs of each person and country as well as interactions between tourists and the local community, fellow tourists, Government, Local Government and entrepreneurs.
5. Travel Attractions are all things that have a uniqueness, beauty, and value in the form of diversity of natural wealth, culture, and man-made products that are the target or destination of tourist visits.

6. Tourism destination area, hereinafter referred to as a Tourism Destination, is a geographical area within one or more administrative regions in which there are tourist attractions, public facilities, tourism facilities, accessibility, as well as communities which are interrelated and complement the realization of tourism.
7. Tourism Business is a business that provides goods and/or services for fulfillment of tourists and organizing tourism.
8. Tourism Entrepreneur is a person or group of people who carry out tourism business activities.
9. Tourism Industry is a collection of tourism businesses that are interrelated in order to produce goods and/or services for fulfillment of tourists in organizing tourism.
10. Tourism Strategic Area is an area that has main function of tourism or has the potential for tourism development which has an important influence in one or more aspects, such as economic, social and cultural growth, empowerment of natural resources, carrying capacity of the environment, as well as defense and security.
11. Competence is a set of knowledge, skills and behaviors that must be possessed, lived by and mastered by tourism workers to develop work professionalism.
12. Certification is the process of granting certificates to tourism businesses and workers to support the improvement of the quality of tourism products, services, and tourism management.
13. The Central Government, hereinafter referred to as the Government, is the President of the Republic of Indonesia who holds the power of government of the Republic of Indonesia as referred to in the 1945 Constitution of the Republic of Indonesia.
14. Local Government is the Governor, Regent or Mayor, and local apparatus as elements of local government administration.
15. Minister is the minister whose duties and responsibilities are in the tourism sector.

## CHAPTER II PRINCIPLES, FUNCTIONS AND OBJECTIVES

### Article 2

Tourism is performed under principle of:

- a. benefit;
- b. kinship;
- c. fair and equity;
- d. balance;
- e. independence;
- f. sustainability;
- g. participatory;
- h. sustainability;
- i. democracy;
- j. equality; and
- k. unity.

### Article 3

Tourism has function to fulfill the physical, spiritual, and intellectual needs of every tourist by recreation and travel as well as to increase the state income to fulfill people's welfare.

### Article 4

The purposes of tourism are:

- a. to increase economic growth;
- b. to improve people's welfare;
- c. to eradicate poverty;
- d. to overcome unemployment;
- e. to preserve nature, environment and resources;
- f. to promote culture;
- g. to lift the nation's image;
- h. to foster a sense of love for the country;
- i. to strengthen national identity and unity; and
- j. to strengthen friendship across countries.

## CHAPTER III THE PRINCIPLE OF TOURISM ADMINISTRATION

### Article 5

Tourism is performed by the principles:

- a. to uphold religious norms and cultural values as the form of the concept of life in the balance of relations between humans and God, the relationship between humans and fellow humans, and the relationship between humans and the environment;
- b. to uphold human rights, cultural diversity and local wisdom;
- c. to provide benefits to the people's welfare, justice, equality and proportionality;
- d. to maintain the preservation of nature and environment;
- e. to empower the local community;
- f. to ensure integration cross-sectors, cross-locals, between the central and local level which is a systematic unit within the framework of the regional autonomy, as well as integration between stakeholders;
- g. to obey the code of ethics for the tourism world and international agreements in tourism sector; and
- h. to strengthen the integrity of the Unitary State of the Republic of Indonesia.

#### CHAPTER IV

#### TOURISM DEVELOPMENT

##### Article 6

Tourism development is implemented based on the principles as referred to in Article 2 realized through the implementation of a tourism development plan by paying attention to the diversity, and cultural and natural uniqueness, as well as human needs to travel.

##### Article 7

Tourism development includes:

- a. tourism industry;
- b. tourism destination;
- c. marketing; and
- d. tourism institutions.

##### Article 8

(1) Tourism development is implemented based on the master plan tourism consist of a master plan for national

tourism development, a master plan for provincial tourism development and a master plan for district/city tourism development.

- (2) Tourism development as referred to in section (1) is an integral part of the long-term national development plan.

#### Article 9

- (1) The master plan for national tourism development as referred to in Article 8 section (1) are regulated by a Government Regulation.
- (2) The master plan for provincial tourism development as referred to in Article 8 section (1) are regulated by a provincial Regulation.
- (3) The master plan for the regency/city tourism development as referred to in Article 8 section (1) are regulated by a regency/city Regulation.
- (4) Formulating master plan for tourism development as referred to in section (1), section (2) and section (3) is performed by involving stakeholders.
- (5) The master plan for tourism development as referred to in section (4) includes planning for the development of the tourism industry, tourism destinations, marketing and tourism institutions.

#### Article 10

The Government and Local Government encourage domestic and foreign investment in the tourism sector in accordance with the master plan for national, provincial and district/city tourism development.

#### Article 11

The Government together with institutions related to the tourism implement tourism research and development to support tourism development.

## CHAPTER V STRATEGIC AREA

### Article 12

- (1) The designation of the tourism strategic area is implemented by paying attention to those aspects:
  - a. natural and cultural tourism resources which are potential to become tourism attractions;
  - b. market potential;
  - c. strategic location which plays a role in maintaining national unity and territorial integrity;
  - d. protection of certain location that has a strategic role in maintaining functions and carrying capacity of the environment;
  - e. strategic location which has a role in the preservation and utilization of cultural assets;
  - f. community readiness and support; and
  - g. specification of the area.
- (2) The strategic tourism area is developed to participate in the creation of national unity and integrity of the Unitary State of the Republic of Indonesia as well as the improvement of people's welfare.
- (3) The strategic tourism area must pay attention to the cultural, social, and religious aspects of the local community.

### Article 13

- (1) Tourism strategic area as referred to in Article 12 section (1) and section (2) consists of national tourism strategic area, provincial tourism strategic area, and district/city tourism strategic area.
- (2) Tourism strategic area as referred to in section (1) is an integral part of the national spatial plan, provincial spatial plan, and regency/city spatial plan.
- (3) The national strategic tourism area is determined by the Government, the provincial strategic tourism area is determined by the Provincial Regional Government, and the district/city tourism strategic area is determined by the district/city Regional Government.
- (4) Special tourism area is stipulated by law.

CHAPTER VI  
TOURISM BUSINESS

Article 14

- (1) The tourism business includes:
- a. tourism attraction;
  - b. tourism area;
  - c. travel transportation services;
  - d. travel services;
  - e. food and beverage services;
  - f. providing accommodation;
  - g. organizing entertainment and recreational activities;
  - h. organizing meetings, incentive trips, conferences and exhibitions;
  - i. tourism information services;
  - j. tourism consulting services;
  - k. tour guide services;
  - l. water tourism; and
  - m. spa.
- (2) Others tourism businesses referred to in section (1) shall be regulated by Ministerial Regulation.

Article 15

- (1) To be able to run a tourism business as referred to in Article 14, tourism entrepreneurs must first register their business to the Government or Local Government.
- (2) Further provisions regarding to the procedure of registration as referred to in section (1) shall be regulated by Ministerial Regulation.

Article 16

The Government or Local Government may postpone or review the tourism business registration if it is not in accordance with the provisions of the procedure referred to in Article 15.

Article 17

The Government and Local Government must develop and protect micro, small, medium and cooperative businesses in the tourism business by:

- a. making the reserved policies for tourism businesses for the micro, small, medium and cooperative business; and
- b. facilitating the micro, small, medium and cooperative business with large scale businesses.

CHAPTER VII  
RIGHTS, OBLIGATIONS, AND PROHIBITIONS

Part One

Rights

Article 18

The Government and/or Local Governments regulate and manage tourism affairs in accordance with the provisions of legislation.

Article 19

- (1) Everyone has the right to:
  - a. get the opportunity to fulfill their tourism needs;
  - b. do tourism business;
  - c. be a tourism worker/laborer; and/or
  - d. play a role in the process of tourism development.
- (2) Every person and/or community in and around tourism destinations has priority right to:
  - a. be a worker/laborer;
  - b. have consignment; and/or
  - c. have management.

Article 20

Every tourist has the right to receive:

- a. accurate information about tourist attractions;
- b. tourism services accordance to the standard;
- c. legal protection and security;
- d. health services;
- e. protection of personal rights; and
- f. insurance protection for high-risk tourism activities.

Article 21

Tourists who have physical limitations, children, and elderly have the right to obtain special facilities according to their needs.

#### Article 22

Every tourism entrepreneur has the right to:

- a. get the same opportunity in doing business in the tourism sector;
- b. form and become a member of a tourism association;
- c. get legal protection in doing business; and
- d. get facilities in accordance with the provisions of legislation.

#### Part Two

#### Obligations

#### Article 23

- (1) The Government and Local Government are obliged to:
  - a. provide tourism information, legal protection, as well as security and safety for tourists;
  - b. create a climate conducive to the development of tourism businesses which includes opening up equal opportunities in trying, facilitating, and providing legal certainty;
  - c. maintain, develop and preserve national assets that become a tourist attraction and potential assets that have not been excavated yet; and
  - d. supervise and control tourism activities in the context of preventing and overcoming various negative impacts on the wide community.
- (2) Further provisions regarding the supervision and control of tourism as referred to in section (1) point d shall be regulated by Presidential Regulation.

#### Article 24

Everyone has an obligation to:

- a. maintain and preserve tourist attraction; and
- b. help create a safe, orderly, clean atmosphere, behave politely, and preserve the environment of tourism destinations.

#### Article 25

Every tourist is obliged to:

- a. maintain and respect religious norms, customs, culture and values that live in the local community;
- b. maintain and preserve the environment;
- c. participate in maintaining order and security of the environment; and
- d. participate in preventing all forms of acts that violate morality and unlawful activities.

#### Article 26

Every tourism entrepreneur is obliged to:

- a. maintain and respect religious norms, customs, culture and values that live in the local community;
- b. provide accurate and responsible information;
- c. provide non-discriminatory services;
- d. provide comfort, friendliness, security protection, and safety for tourists;
- e. provide insurance protection for tourism businesses with high-risk activities;
- f. develop partnerships with local micro, small and cooperative businesses that need, strengthen and benefit each other;
- g. give priority to the use of local community products, domestic products, and provide opportunities for local workers;
- h. improve labor competency through training and education;
- i. play an active role in the effort of the infrastructure development and community empowerment program;
- j. participate in preventing all forms of acts that violate morality and unlawful activities in the place of the business;
- k. maintain a healthy, clean and beautiful environment;
- l. maintain the preservation of the natural and cultural environment;
- m. maintain the image of the state and nation of Indonesia through responsible tourism business activities; and
- n. apply business and competency standard in accordance with the provisions of legislation.

Part Three  
Prohibitions

Article 27

- (1) Everyone is prohibited from damaging part or all of the physical tourist attraction.
- (2) Physical damage to the tourist attractions as referred to in section (1) is to do the act of changing colors, changing shapes, eliminating certain species, polluting the environment, moving, taking, destroying, or eradicating tourist attractions that results in reduced or loss of uniqueness, beauty, and authentic value of a tourist attraction that has been determined by the Government and/or Local Government.

CHAPTER VIII

THE AUTHORITY OF THE GOVERNMENT AND LOCAL  
GOVERNMENT

Article 28

The Government has authority to:

- a. prepare and determine a master plan for national tourism development;
- b. coordinate tourism development across sectors and across provinces;
- c. perform international cooperation in the tourism sector in accordance with the provisions of legislation;
- d. determine national tourist attractions;
- e. determine national tourism destinations;
- f. determine norms, standard, guidelines, procedures, criteria, and supervision systems in the administration of tourism;
- g. develop human resources development policies in the tourism sector;
- h. maintain, develop, and preserve national assets that are not yet explored as potential tourist attractions and potential assets;
- i. perform and facilitate the promotion of national tourism;
- j. provide facilities that support tourist visits;

- k. provide information and/or early warning related to tourist security and safety;
- l. increase community empowerment and tourism potential of the community;
- m. supervise, monitor, and evaluate the administration of tourism; and
- n. allocate the tourism budget.

#### Article 29

The provincial government has authority to:

- a. prepare and determine a master plan for provincial tourism development;
- b. coordinate the organization of tourism in the area;
- c. perform registration, recording, and data collection of tourism business registration;
- d. determine provincial tourism destinations;
- e. determine provincial tourist attractions;
- f. provide facilities the promotion of tourism destinations and tourism products in the area;
- g. maintain provincial assets that are the tourist attraction of the province; and
- h. allocate the tourism budget.

#### Article 30

The district/city government has authority to:

- a. prepare and determine the master plan for district/city tourism development;
- b. determine district/city tourism destinations;
- c. determine district/city tourist attractions;
- d. perform registration, recording, and data collection of tourism business registration;
- e. arrange the administration and management of tourism in the area;
- f. provide facilities the promotion of tourism destinations and tourism products in the area;
- g. provide facilities to the development of new tourist attractions;
- h. organize tourism training and research within the scope of the district/city;
- i. maintain and preserve tourist attractions in the area;

- j. organize the guidance of the tourism-aware community;  
and
- k. allocate the tourism budget.

#### Article 31

- (1) Every individual, tourism organization, government institution, as well as business entity that has outstanding achievements or contributes to its participation in promoting development, pioneering, and dedication in the tourism sector proven by concrete facts is given appreciation.
- (2) The appreciation referred to in section (1) is given by the Government or other trusted institution.
- (3) The appreciation can take the form of certificates, money or other forms of appreciation that are useful.
- (4) Further provisions regarding the appreciation, form of appreciation, and implementation of appreciation as referred to in section (1), section (2), and section (3) are regulated by Presidential Regulation.

#### Article 32

- (1) The Government and Local Government guarantee the availability and dissemination of information to the public for the interest of tourism development.
- (2) In providing and disseminating information, the Government developed a national tourism information system.
- (3) The Local Government can develop and manage tourism information system in accordance with the capabilities and conditions of the area.

### CHAPTER IX COORDINATION

#### Article 33

- (1) In order to improve the organization of tourism, the Government conducts a cross-sectoral strategic coordination at the level of tourism policies, programs and activities.

- (2) The cross-sectoral strategic coordination as referred to in section (1) includes:
- a. customs, immigration and quarantine services;
  - b. security and order sector;
  - c. public infrastructure sector which covers road, clean water, electricity, telecommunication, and environmental health;
  - d. land, sea and air transportation sector; and
  - e. tourism promotion and foreign cooperation sector.

#### Article 34

The cross-sectoral strategic coordination as referred to in Article 33 section (1) is led by the President or Vice President.

#### Article 35

Further provisions regarding work procedures, mechanism, and relationship of cross-sectoral strategic coordination as referred to in Article 33 and Article 34 are regulated by Presidential Regulation.

### CHAPTER X

#### INDONESIAN TOURISM PROMOTION BOARD

##### Part One

##### Indonesian Tourism Promotion Board

#### Article 36

- (1) The Government facilitates the establishment of the Indonesian Tourism Promotion Board domiciled in the national capital.
- (2) Indonesian Tourism Promotion Board as referred to in section (1) is a private and independent institution.
- (3) The establishment of the Indonesian Tourism Promotion Board as referred to in section (1) determined by Presidential Decree.

#### Article 37

The organizational structure of the Indonesian Tourism Promotion Board consists of 2 (two) elements, i.e. the policies determining element and executing element.

#### Article 38

- (1) The policies determining element of the Indonesian Tourism Promotion Board as referred to in Article 37 has 9 (nine) members consists of:
  - a. 4 (four) people from representative of the tourism association;
  - b. 2 (two) people from representative of professional association;
  - c. 1 (one) people from representative of the flight association; and
  - d. 2 (two) people from experts/academics.
- (2) The membership of the policies determining element of the Indonesian Tourism Promotion Board is proposed by the Minister to the President for maximum term of 4 (four) years.
- (3) The policies determining element of the Indonesian Tourism Promotion Board led by a chairman and a deputy chairman assisted by a secretary chosen from and by the members.
- (4) Further provisions regarding work procedures, requirements, and procedures for the appointment and dismissal of the policies determining element as referred to in section (1), section (2) and section (3) regulated by Ministerial Regulation.

#### Article 39

The policies determining element referred to in Article 38 forms the executing element to perform the operational duties of the Indonesian Tourism Promotion Board.

#### Article 40

- (1) The executing element of the Indonesian Tourism Promotion Board led by an executive director assisted by several directors as needed.
- (2) The executing element of the Indonesian Tourism Promotion Board required to prepare work procedures and work plans.
- (3) The work period of the executing element of the Indonesian Tourism Promotion Board is a maximum of 3

(three) years and can be reappointed for the next 1 (one) work period.

- (4) Further provisions regarding work procedures, requirements, and procedures for the appointment and dismissal of the executing element as referred to in section (1), section (2) and section (3) regulated by Regulation of the Indonesian Tourism Promotion Board.

#### Article 41

- (1) The Indonesian Tourism Promotion Board has duties:
  - a. to improve the image of Indonesian tourism;
  - b. to increase international visit and foreign exchange earnings;
  - c. to increase domestic visit and spending;
  - d. to raise funding from sources besides the State Budget and the Regional Budget accordance with the provisions of legislation; and
  - e. to do research in order to the development of business and tourism business.
- (2) The Indonesian Tourism Promotion Board has a function as:
  - a. coordinator of tourism promotion conducted by the business community at the central and regional levels; and
  - b. Government and Local Government partners.

#### Article 42

- (1) The source of financing for the Indonesian Tourism Promotion Board come from:
  - a. stakeholders; and
  - b. other legal and non-binding sources in accordance with the provisions of legislation.
- (2) Fund assistance derives from the State Budget and Regional Budget is a grant in accordance with the provisions of legislation.
- (3) Fund management sourced from non-State Budget and non-Regional Budget required to be audited by public accountant and announced to the public.

Part Two

Local Tourism Promotion Board

Article 43

- (1) The Local Government facilitates the establishment of the Local Tourism Promotion Board domiciled in capital of the province and district/city.
- (2) The Local Tourism Promotion Board as referred to in section (1) is a private and independent institution.
- (3) In performing the activities, the Local Tourism Promotion Board is required to coordinate with the Indonesian Tourism Promotion Board.
- (4) The establishment of the Local Tourism Promotion Board as referred to in section (1) determined by Decree of the Governor/Regent/Mayor.

Article 44

The organizational structure of the Local Tourism Promotion Board consists of 2 (two) elements, i.e. the policies determining element and executing element.

Article 45

- (1) The policies determining element of the Local Tourism Promotion Board as referred to in Article 44 has 9 (nine) members consists of:
  - a. 4 (four) people from representative of the tourism association;
  - b. 2 (two) people from representative of professional association;
  - c. 1 (one) people from representative of the flight association; and
  - d. 2 (two) people from experts / academics.
- (2) The membership of the policies determining element of the Local Tourism Promotion Board is proposed by a Decree of the Governor/Regent/Mayor for maximum term of 4 (four) years.
- (3) The policies determining element of the Local Tourism Promotion Board led by a chairman and a deputy

chairman assisted by a secretary chosen from and by the members.

- (4) Further provisions regarding work procedures, requirements, and procedures for the appointment and dismissal of the policies determining elements as referred to in section (1), section (2) and section (3) regulated by the Governor/Regent/Mayor Regulation.

#### Article 46

The policies determining element referred to in Article 45 forms the executing element to perform the operational duties of the Local Tourism Promotion Board.

#### Article 47

- (1) The executing element of the Local Tourism Promotion Board led by an executive director assisted by several directors as needed.
- (2) The executing element of the Local Tourism Promotion Board required to prepare work procedures and work plans.
- (3) The working period of the executing element of the Local Tourism Promotion Board is a maximum of 3 (three) years and can be reappointed for the next 1 (one) work period.
- (4) Further provisions regarding work procedures, requirements, and procedures for the appointment and dismissal of the executing element as referred to in section (1), section (2) and section (3) regulated by the Regulation of the Local Tourism Promotion Board.

#### Article 48

- (1) The Local Tourism Promotion Board has duties:
  - a. to improve the image of Indonesian tourism;
  - b. to increase international visit and foreign exchange earnings;
  - c. to increase domestic visit and spending;
  - d. to raise funding from sources besides the State Budget and the Regional Budget accordance with the provisions of legislation; and
  - e. to do research in order to the development of business and tourism business.

- (2) The Local Tourism Promotion Board has a function as:
  - a. coordinator of tourism promotion conducted by the business community at the central and regional levels; and
  - b. Government and Local Government partners.

#### Article 49

- (1) Sources of financing for the Local Tourism Promotion Board come from:
  - a. stakeholders; and
  - b. other legal and non-binding sources in accordance with the provisions of legislation.
- (2) Fund assistance derives from the State Budget and Regional Budget is a grant in accordance with the provisions of legislation.
- (3) Fund management sourced from non-State Budget and non-Regional Budget required be audited by public accountant and announced to the public.

### CHAPTER XI

#### THE INDONESIAN TOURISM INDUSTRY ASSOCIATION

#### Article 50

- (1) To support the development of a competitive tourism business world, a forum called the Indonesian Tourism Industry Association was formed.
- (2) The membership of the Indonesian Tourism Industry Association consists of:
  - a. tourism entrepreneur;
  - b. tourism business association;
  - c. professional association; and
  - d. other associations directly related to the tourism.
- (3) The Indonesia Tourism Industry Association as referred to in section (1) has function as a working partner of the Government and Local Government as well as a forum for communication and consulting of its members in the administration and development of the tourism.
- (4) The Indonesian Tourism Industry Association is independent and non-profit in performing the activities.

- (5) The Indonesian Tourism Industry Association performs activities, i.e:
- a. to establish and enforce a Code of Ethics for the Indonesian Tourism Industry Association;
  - b. to distribute aspirations as well as to maintain harmony and interest of the members in the context of their participation in the development of the tourism sector;
  - c. to improve relations and cooperation between Indonesia tourism entrepreneurs and foreign tourism entrepreneurs for the interest of tourism development;
  - d. to prevent unhealthy business competition in the tourism sector; and
  - e. to organize business information center and disseminate Government policies in the tourism sector.

#### Article 51

Further provisions regarding the form, membership, composition of management and activities of the Indonesian Tourism Industry Association as referred to in Article regulated in the statutes and by-laws.

### CHAPTER XII

#### HUMAN RESOURCES TRAINING, STANDARDIZATION, CERTIFICATION, AND MANPOWER

##### Part One

##### Human Resources Training

#### Article 52

The Government and Local Government administer the tourism human resource training in accordance with the provisions of legislation.

Part Two  
Standardization and Certification

Article 53

- (1) The manpower in the tourism sector has competency standard.
- (2) The competency standard as referred to in section (1) performed through competency certification.
- (3) The competency certification performed by the licensed professional certification institution in accordance with the provisions of legislation.

Article 54

- (1) The product, service and management of tourism businesses have business standard.
- (2) The business standard as referred to in section (1) performed through business certification.
- (3) The business certification as referred to in section (2) performed by an authorized independent institution in accordance with the provisions of legislation.

Article 55

Further provisions regarding competency certification as referred to in Article 53 and business certification as referred to in Article 54 are governed in Government Regulation.

Part Three  
Expert Worker of the Foreign

Article 56

- (1) The tourism entrepreneurs can employ expert worker of the foreign in accordance with the provisions of legislation.
- (2) The expert worker of the foreign as referred to in section (1) shall first obtain a recommendation from the tourism professional association.

## CHAPTER XIII FUNDING

### Article 57

Tourism funding is a shared responsibility between the Government, Local Government, entrepreneurs and the community.

### Article 58

The management of tourism fund performed based on the principles of fairness, efficiency, transparency and public accountability.

### Article 59

The Local Government allocates a portion of the revenue obtained from the administration of tourism for the interest of natural and cultural preservation.

### Article 60

The funding by entrepreneur and/or community in tourism development on small island is given incentives regulated by Presidential Regulation.

### Article 61

The Government and Local Government provide funding opportunity for micro and small business in the tourism sector.

## CHAPTER XIV ADMINISTRATIVE SANCTION

### Article 62

- (1) Every tourist who does not comply with the provisions as referred to in Article 25 will be subject to sanction in the form of verbal reprimand accompanied by notification regarding matters that must be fulfilled.
- (2) If tourists have been given a reprimand as referred to in section (1) and are not heeded, the concerned tourist may be expelled from the location of the action carried out.

### Article 63

- (1) Every tourism entrepreneur who does not fulfill the provisions as referred to in Article 15 and/or Article 26 will be subjected to administrative sanction.
- (2) Administrative sanction as referred to in section (1) may include:
  - a. written warning;
  - b. restriction of the business activities; and
  - c. temporary suspension of the business activities.
- (3) The written warning as referred to in section (2) point a imposed on the entrepreneur for maximum of 3 (three) times.
- (4) The sanction of restriction for the business activities imposed on entrepreneur who does not comply with the warning as referred to in section (3).
- (5) The sanction of temporary suspension for business activities imposed on entrepreneur who does not fulfill the provisions as referred to in section (3) and section (4).

## CHAPTER XV CRIMINAL PROVISIONS

### Article 64

- (1) Every person who intentionally and unlawfully destroys the physical tourist attraction as referred to in Article 27 shall be sentenced with imprisonment for a maximum of 7 (seven) years and fine for a maximum of Rp.10,000,000,000.00 (ten billion rupiahs).
- (2) Everyone who for his negligence and unlawfully, destroys the physic or reduces the value of tourist attraction as referred to in Article 27 shall be sentenced with imprisonment for a maximum of 1 (one) year and/or fine for a maximum of Rp.5,000,000,000.00 (five billion rupiahs).

CHAPTER XVI  
TRANSITIONAL PROVISIONS

Article 65

The Indonesian Tourism Promotion Board as referred to in Article 36 section (1) must have been formed not later than 2 (two) years after this Law is promulgated.

Article 66

- (1) The establishment of the Indonesian Tourism Industry Association as referred to in Article 50 for the first time is facilitated by the Government.
- (2) The Indonesian Tourism Industry Association as referred to in section (1) must have been formed not later than 2 (two) years after this Law is promulgated.

CHAPTER XVII  
CLOSING PROVISIONS

Article 67

The implementing regulation of this Law must have been issued not later than 2 (two) years after this Law is promulgated.

Article 68

At the time when this Law comes into force, Law Number 9 of 1990 on Tourism (State Gazette of the Republic of Indonesia of 1990 Number 78, Supplement to State Gazette of the Republic of Indonesia Number 3427) is repealed and declared ineffective.

Article 69

When this Law comes into force, all provisions of the regulations which is the implementing regulations of Law Number 9 of 1990 on Tourism (State Gazette of the Republic of Indonesia of 1990 Number 78, Supplement to State Gazette of the Republic of Indonesia of 1990 Number 3427), are declared still in effect insofar not contradictory to the provisions in this Law.

Article 70

This Law comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Law by its placement in the State Gazette of the Republic of Indonesia.

Enacted in Jakarta

16 January, 2009

PRESIDENT OF THE REPUBLIC OF  
INDONESIA,

Signed.

DR. H. SUSILO BAMBANG YUDHOYONO

Promulgated in Jakarta

16 January, 2009

THE MINISTER OF LAW AND HUMAN RIGHTS  
OF THE REPUBLIC OF INDONESIA,

Signed.

ANDI MATTALATA

STATE GAZETTE OF THE REPUBLIC OF INDONESIA OF 2009 NUMBER 11

Jakarta, ----- 2020

Has been translated as an Official Translation  
on behalf of Minister of Law and Human Rights  
of the Republic of Indonesia

DIRECTOR GENERAL OF LEGISLATION,

WIDODO EKATJAHJANA

ELUDICATION OF  
LAW OF THE REPUBLIC OF INDONESIA  
NUMBER 10 OF 2009  
ON  
TOURISM

I. GENERAL

God Almighty has granted the Indonesian people a priceless wealth. Wealth includes of strategic geographical location, diversity of languages and ethnic groups, natural conditions, flora, and fauna, ancient relics, as well as historical, artistic, and cultural relics are resources and capital to improve the prosperity and welfare of the Indonesian people as contained in Pancasila and have aspired in the Preamble of the 1945 Constitution of the Republic of Indonesia.

These resources and capital need to be utilized optimally through the organization of tourism aims at increasing national income, expanding and leveling business and employment opportunities, encouraging regional development, introducing and utilizing tourist attractions and destinations in Indonesia, as well as fostering a sense of love for the country and strengthen the friendship between nations.

The trend of the development of world tourism from year to year shows very rapid development. That is caused, includes, by changes in the socio-economic structure of the country in the world and more and more people who have a higher income. Besides, tourism has developed into a global phenomenon, a basic need, as well as a part of human rights that must be respected and protected. The Government and Local Government, the tourism business world, and the community are obliged to be able to ensure that travel as a right of everyone can be upheld to support the achievement of increasing human dignity, increasing prosperity, as well as the friendship between nations in in order to realize the world peace.

In facing global change and strengthening of people's rights to enjoy leisure time by traveling, it is necessary to develop tourism by the diversity, uniqueness and national uniqueness while still placing diversity as an

essential within the framework of the Unitary State of the Republic of Indonesia.

Besides, the tourism development must still pay attention to the population. The population will be one of the main capitals in the tourism development in the present and future because it has a dual function, in addition to being an asset of human resources, it also functions as a potential source of domestic tourists.

Thus, tourism development can be used as a means to create awareness of national identity and togetherness in diversity. The tourism development developed with an approach of economic growth and equity for the people's welfare and development-oriented to regional development relies on the community, and empower the community to cover various aspects, such as human resources, marketing, destination, science and technology, cross-sectoral linkages, cooperation between countries, empowering small business, as well as responsibilities in the utilization of natural and cultural resources.

In its implementation, the tourism development as regulated in Law Number 9 of 1990 on Tourism still emphasizes tourism business. Therefore, as one of the requirements to create a conducive climate in the development of tourism that is comprehensive to respond to the demands of the times due to changes in the strategic environment, both external and internal, it is necessary to replace Law No. 9 of 1990 with a new Law.

The material regulated in this Law includes the rights and obligations of the community, tourists, business actors, the Government and Local Governments, comprehensive and sustainable tourism development, cross-sectoral coordination, strategic area regulation, empowered of micro, small and medium businesses, in and around tourism destinations, tourism promotion bodies, tourism associations, business standardization, and tourism worker competencies, as well as empowering tourism workers through human resources training.

## II. ARTICLE BY ARTICLE

### Article 1

Sufficiently clear.

### Article 2

Sufficiently clear.

### Article 3

Sufficiently clear.

### Article 4

Sufficiently clear.

Article 5

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

The term “environment” means the unity of space with all objects, power, circumstances, and living things, including humans and their behavior, which effect the continuity of life and welfare of humans and other living things.

Point e

The term “local community” means a community lives in the area of tourism destination and prioritized to get benefit from the organization of tourism activities in the place.

Point f

Sufficiently clear.

Point g

The term “the code of ethics for the tourism world and international agreements” means a code of ethics and international agreements in the organization of tourism that has been ratified.

Point h

Sufficiently clear.

Article 6

Sufficiently clear.

Article 7

Point a

The term “the development of the tourism industry” includes the construction of structures (functions, hierarchy, and relations) of the tourism industry, the competitiveness of tourism products, tourism business partnerships, business credibility, as well as responsibility for the natural and socio-cultural environment.

Point b

The term “the development of tourism destination” includes community empowerment, development of tourist attraction, development of infrastructure, providing public facilities as well as the development of integrated and sustainable tourism facilities.

Point c

The term “the development of marketing” includes together, integrated, sustainable tourism marketing by involving all stakeholders as well as the marketing that is responsible in building the image of Indonesia as a competitive tourism destination.

Point d

The term “the development of tourism institutions” includes the development of government organizations, local governments, private sector and community, human resources development, regulations, as well as operational mechanisms in the tourism sector.

Article 8

Sufficiently clear.

Article 9

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

The term “stakeholders” means the Government, Local Governments, business world, and community.

Section (5)

Sufficiently clear.

Article 10

The term “encourage domestic and foreign investment” performed through includes providing fiscal and non-fiscal incentives, easiness, promotion of investment, and providing information on investment opportunities.

Article 11

Sufficiently clear.

Article 12

Sufficiently clear.

Article 13

Section (1)

Sufficiently clear.

Section (2)

Sufficiently clear.

Section (3)

Sufficiently clear.

Section (4)

Strategic areas which have a specific area to be a special tourism area are stipulated by law.

Article 14

Section (1)

Point a

The term “business of tourism attraction” means a business whose activities manage natural, cultural, and man-made/man-fostered tourism attraction.

Point b

The term “business of tourism area” means a business whose activities are to develop and/or manage certain spacious areas to fulfill tourism needs.

Point c

The term “business of tourism transportation services” means a specific business that provides transportation for tourism needs and activities, is not regular/public transportation.

Point d

Term “business of travel services” means a business of a travel bureau and a travel agent.

The business of the travel bureau includes the business of providing travel planning services and/or tourism services and organization, includes the organization of worship trips.

The business of travel agents includes the business of booking facilities, such as booking tickets and booking accommodations as well as arrangement travel documents.

Point e

The term “business of food and beverage services” means a business of providing food and beverage service equipped with equipment and supplies for the manufacturing process includes restaurants, cafes, food services, and bars/food stalls.

Point f

The term “business of providing accommodation” means a business that provides hostelry services equipped by other tourism services.

The business of providing accommodation includes hotels, villas, tourist huts, campsites, caravan stops, and other accommodations used for tourism purposes.

Point g

The term “the business of organizing entertainment and recreation activities” means a business whose scope of activities includes the business of performing arts, arena games, karaoke, cinema, as well as other entertainment and other recreational activities aimed at tourism.

Point h

The term “business of organizing meetings, incentive trips, conferences, and exhibitions” means a business that provides services for a group meeting, organize trips for employees and business partners as a reward for their achievements, as well as organize exhibitions to disseminate information and promote goods and services on a national, regional, and international scale.

Point i

The term “business of tourism information services” means a business that provides data, news, *features*, photos, videos, and research results on tourism distributed in printed and/or electronic materials.

Point j

The term “business of tourism consulting services” means a business that provides advice and recommendation on feasibility studies, planning, business management, research, and marketing in the tourism sector.

Point k

The term “business of tour guide” means a business that provides and/or coordinates tour guides to fulfil the needs of tourists and/or the needs of travel agents.

Point l

The term “business of water tourism” means a business that organizes tourism and water sports, includes the providing facilities and infrastructure as well as other services managed commercially in the sea, beaches, rivers, lakes, and reservoirs.

Point m

The term “business of spa” means a business of treatment that provides services with a combination of water therapy, aromatherapy, massage, spices, healthy food/beverage

services, and physical activities to balance body and soul while still pay attention to the Indonesian tradition and culture.

Section (2)

Sufficiently clear.

Article 15

Section (1)

Sufficiently clear.

Section (2)

The procedures of registration regulated in the Ministerial Regulation are technical and administrative that fulfill the principles in the administration of transparent public services, includes the procedures of simple services, technical and administrative requirements easily, fast settlement times, reachable service locations, clear service standards, and opened-service information. The administration of public services must be accountable, both to the public and to the supervisors/leaders of government service units (accountable).

Article 16

Sufficiently clear.

Article 17

Point a

The term “the reserved policies for tourism businesses” means provide protection and business opportunities for the micro, small, medium and cooperative businesses in accordance with the provisions of legislation.

Point b

Sufficiently clear.

Article 18

The term “manage” means to plan, organize, and control all the tourism affairs.

Article 19

Section (1)

Sufficiently clear.

Section (2)

Point a

Sufficiently clear.

Point b

The term “consignment” means the rights of every person or community to place commodities for sale through tourism businesses whose payments made later.

Point c

The term “management” means the rights of every person or community to engage the resources they have in supporting tourism business activities, for example the preparation of transportation round the destination to support the mobility of tourists.

Article 20

Point a

Sufficiently clear.

Point b

The term “tourism services according to the standard” means the services provided to tourists based on business qualification standards and human resources competency standards.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

Sufficiently clear.

Point f

Sufficiently clear.

Article 21

Sufficiently clear.

Article 22

Sufficiently clear.

Article 23

Sufficiently clear.

Article 24

Sufficiently clear.

Article 25

Sufficiently clear.

Article 26

Point a

Sufficiently clear.

Point b

Sufficiently clear.

Point c

Sufficiently clear.

Point d

Sufficiently clear.

Point e

The term “tourism businesses with high-risk activities” includes diving, rafting, rock climbing, jet coaster plays, and encouraging special tourist objects, such as observing wildlife in the natural.

Point f

Sufficiently clear.

Point g

Sufficiently clear.

Point h

Sufficiently clear.

Point i

Sufficiently clear.

Point j

Sufficiently clear.

Point k

Sufficiently clear.

Point l

Sufficiently clear.

Point m

Sufficiently clear.

Point n

Sufficiently clear.

Article 27

Section (1)

Sufficiently clear.

Section (2)

The term “certain species” means a group of preserved flora and fauna.

The term “uniqueness” means a situation or thing that has a specificity/privilege which becomes the objective or destination of tourist visits, such as the reliefs of temples, statues, and traditional houses.

The term “authentic value” means the value of authenticity which becomes the objective or destination of tourist visits, such as the objects of cultural heritage.

Article 28

Sufficiently clear.

Article 29

Sufficiently clear.

Article 30

Sufficiently clear.

Article 31

Sufficiently clear.

Article 32

Sufficiently clear.

Article 33

Section (1)

Sufficiently clear.

Section (2)

Point a

The terms regarding strategic coordination in the area of customs services performed by the government institutions that take care of the customs sector to simplify the entry and exit of the goods for various tourism activities include for meetings, incentive trips, conferences and exhibitions; for the promotion of international tourism; and other international tourism activities.

The terms regarding strategic coordination in the area of immigration services performed by the government institutions that take care of the customs sector to simplify:

- a. in granting free visa for a short visit (FVSV) or visa-free and visitor visa on arrival (VVOA); and
- b. in granting visas to meeting participants, incentive travel, conferences, and exhibitions from countries outside who get FVSV and VVOA facilities.

The terms regarding strategic coordination in the area of quarantine services performed by the government institutions that take care of the quarantine and health with clear and firm procedures in terms of:

- a. entry and exit of animals and plants related to tourism activities/meetings, incentive trips, conferences and exhibitions; and

- b. entry and exit of materials/goods for tourist purposes.

Point b

The terms regarding strategic coordination in the area of security and order performed by the government institutions in the internal government, the Indonesian National Police, and the Indonesian National Armed Forces in terms of:

- a. security policies and services in the environment of vital objects of national and regional tourism;
- b. the determination of security and order standard as well supervision of tourist travel from arrival, during travel and departure; and
- c. providing information about the conditions of tourism destinations that are conducive and safe to visit by giving early warning to a disaster.

Point c

The terms regarding strategic coordination in the area of public infrastructure performed by the government institutions in terms of availability and maintenance:

- a. road infrastructure leading to and in the environment of destination tourism;
- b. clean water for public and tourism facilities in tourism destinations;
- c. electricity for public and tourism facilities in tourism destination;
- d. telecommunications facilities for public and tourism facilities in tourism destinations; and
- e. sewerage, waste, and sanitation systems.

Point d

The terms regarding strategic coordination in the area of land, sea, and air transportation performed by the government institutions in the transportation sector in terms of:

- a. increasing flight path and frequency of international and national airlines from sources of the main foreign tourist market;
- b. improving the quality of airport facilities, bus terminals, train stations, and seaports that fit the *International Ship and Port Security Code (ISPS Code)*;
- c. increasing convenience of transportation facilities;
- d. integrated transportation modes;
- e. availability of pioneering transportation services; and

- f. availability of signs/directions for travel tourist attractions and tourism destinations.

Point e

The terms regarding strategic coordination in the area of tourism promotion performed by the government institutions that manage the foreign affairs, industry, trade, investment, and Local Government in terms of integrated promotion in the tourism, trade, industry, and investment sectors and joint promotion in the tourism sector by involving local government, airlines, and tourism industries.

Article 34

Sufficiently clear.

Article 35

Sufficiently clear.

Article 36

Sufficiently clear.

Article 37

The term “the policies determining element” means the determinant who formulates and establishes policies regarding the implementation of the duties of the Indonesian Tourism Promotion Board.

The term “executing element” means an executor of the policies who performs the operational duties of the Indonesian Tourism Promotion Board.

Article 38

Sufficiently clear.

Article 39

Sufficiently clear.

Article 40

Sufficiently clear.

Article 41

Sufficiently clear.

Article 42

Sufficiently clear.

Article 43

Sufficiently clear.

Article 44

Sufficiently clear.

Article 45

Sufficiently clear.

Article 46

Sufficiently clear.

Article 47

Sufficiently clear.

Article 48

Sufficiently clear.

Article 49

Sufficiently clear.

Article 50

Sufficiently clear.

Article 51

Sufficiently clear.

Article 52

Sufficiently clear.

Article 53

Sufficiently clear.

Article 54

Sufficiently clear.

Article 55

The competency certification provided by a professional certification institution and licensed by the National Professional Certification Board. The certificate is given after passing the competency test which is based on competency standards arranged together by the government institutions in the tourism sector, tourism associations, entrepreneurs, and academics.

Article 56

Section (1)

The terms regarding the expert worker of the foreign in the tourism sector are needed as long as their expertise cannot be fit or Indonesian workers are not available as long as they do not conflict with international agreements.

Section (2)

Sufficiently clear.

Article 57

Sufficiently clear.

Article 58

Sufficiently clear.

Article 59

Sufficiently clear.

Article 60

Sufficiently clear.

Article 61

Sufficiently clear.

Article 62

Sufficiently clear.

Article 63

Sufficiently clear.

Article 64

Sufficiently clear.

Article 65

Sufficiently clear.

Article 66

Sufficiently clear.

Article 67

Sufficiently clear.

Article 68

Sufficiently clear.

Article 69

Sufficiently clear.

Article 70

Sufficiently clear.

SUPPLEMENT TO STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER  
4966