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ASEAN TOURIST LEGAL SECURITY INDEX: RECONSTRUCTING LEGAL PROTECTION AND CERTAINTY FOR TOURISTS THROUGH A COMPARATIVE LEGAL ANALYSIS OF INDONESIA, THAILAND, SINGAPORE, AND VIETNAM

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ABSTRACT

This study aims to develop the concept of the ASEAN Tourist Legal Security Index as a framework for assessing legal protection and legal certainty for tourists in ASEAN and as a conceptual basis for strengthening policies and reconstructing cross-border legal frameworks. The study focuses on analyzing legal protection, identifying similarities, differences, and weaknesses in the legal frameworks of Indonesia, Thailand, Singapore, and Vietnam, and formulating a preliminary index concept. It employs normative legal research using statutory, conceptual, and comparative legal approaches. Secondary data, consisting of primary and secondary legal materials and supporting documents, were collected through literature reviews and legal document searches. The data were then analyzed qualitatively through the inventory, interpretation, and comparison of regulatory provisions. The findings indicate that all four countries have legal frameworks relevant to tourist protection, but differ in regulatory structures, the scope of protection, the liability of tourism businesses, and mechanisms for resolving legal disputes. This study proposes a preliminary index comprising six dimensions: clarity of tourists' rights; safety and security; liability of tourism businesses; transparency of information and contracts; access to complaints mechanisms and dispute resolution; and remedies for losses. The index requires further refinement of its indicators, verification of legal materials, and additional validation before it can be applied as a cross-country assessment instrument.

Keywords: *Legal Protection; Legal Certainty; Comparative Law; Tourists; ASEAN Tourist Legal Security Index.*

1. INTRODUCTION

Tourism development in ASEAN requires comprehensive legal frameworks that ensure the protection, safety, and legal certainty of international tourists. Differences in national regulations, consumer protection mechanisms, and dispute resolution procedures create significant challenges for cross-border tourism governance. Consequently, a comparative legal assessment is necessary to identify regulatory similarities, institutional differences, and potential gaps in tourist protection across ASEAN member states. In August 2016, the Minister of Tourism revoked the Regulation of the Minister of Tourism and Creative Economy No. 2 of 2014 concerning Guidelines for the Implementation of Sharia Hotel Business on the grounds that the regulation was "no longer in accordance with the current demands and developments of tourism" (Regulation of the Minister of Tourism No. 11 of 2016). The revocation was not accompanied by a replacement regulation, so the Islamic hotel business lost the guidelines sourced from the state (Usanti, 2021). Two months later, the National Sharia Council of the Indonesian Ulema Council issued Fatwa No. 108/DSN-MUI/X/2016 concerning Guidelines for the Implementation of Tourism Based on Sharia Principles. The scope of this fatwa is much broader than the newly revoked regulation. The fatwa reaches hotels, tourists, destinations, spas and similar services, travel agencies, tour guides, contracts, and dispute resolution (Susilawati, 2023). Since then, the most detailed halal tourism guidelines in Indonesia are no longer held by regulators, but by religious institutions.

Tourism is a strategic sector that contributes to economic growth, job creation, and the strengthening of sociocultural relations. The success of tourism development is measured not only by an increase in tourist arrivals but also by a country's ability to ensure the safety, comfort, and legal protection of tourists (Suryantari & Danyathi, 2024). Therefore, legal protection is an essential element in achieving high-quality and sustainable tourism governance (UN Tourism, 2021).

Tourism development in Southeast Asia highlights the importance of a legal protection system capable of addressing the needs of cross-border tourists. ASEAN reported that international tourist arrivals in the region had reached approximately 92% of pre-pandemic levels by mid-2025 (ASEAN Secretariat, 2025). However, increased tourist mobility also entails risks, including accidents, transactional fraud, services that fail to meet contractual expectations, and difficulties accessing complaint mechanisms in destination countries (Chusnida, 2023). These circumstances underscore the need for tourist protection that safeguards safety, consumer rights, information transparency, business accountability, and access to dispute resolution (Becklake, 2023).

Legal certainty is necessary to ensure that the rights and obligations of tourists, business operators, and governments are clearly defined and consistently enforced. Previous studies have examined the protection of tourists involved in accidents, high-risk tourism activities, tourist voucher transactions, and the supervision of illegal travel agencies (Raditya & Astari, 2025). Other studies have addressed regulations governing high-risk tourist destinations and the need to reconstruct tourist protection based on the principle of justice (Budiman et al., 2026). Although these studies provide an important foundation, they indicate the need for a comparative evaluation framework that integrates multiple dimensions of legal protection for tourists.

Within the ASEAN context, tourism cooperation does not automatically result in uniform

legal protection because each member state has its own legal system, institutional structure, and national policies (ASEAN Secretariat, 2025). Accordingly, this study proposes the ASEAN Tourist Legal Security Index as a conceptual index for assessing the quality of legal protection and legal certainty for tourists based on indicators covering regulatory substance, clarity of rights, business obligations, government responsibilities, safety, complaint mechanisms, and remedies for losses. Its development draws on international principles of tourist protection (UN Tourism, 2021) and multidimensional approaches to tourism security and safety (Tourist Metasafety Framework, 2025).

This study compares Indonesia, Thailand, Singapore, and Vietnam because all four countries have national legal frameworks relevant to tourist protection. Indonesia has a legal foundation for consumer protection and tourism, although issues remain concerning liability for accidents, service transactions, and illegal levies (Rahmadhina & Izzadi, 2026). Thailand's Tourism Business and Guide Act B.E. 2551 (2008) provides a relevant basis for examining the licensing and supervision of tourism businesses (Kavila et al., 2025). Singapore regulates travel agency activities through the Travel Agents Act 1975, while Vietnam's Law on Tourism No. 09/2017/QH14 serves as a legal basis for regulating tourism activities (Republic of Singapore, 1975; National Assembly of Vietnam, 2017).

The comparison of these four countries employs uniform indicators to identify similarities, differences, and weaknesses in tourist protection regulations. The analysis focuses not only on the existence of legal provisions but also on the clarity of service providers' responsibilities, safety standards, protection in digital transactions, access to complaint mechanisms, and dispute resolution procedures (UN Tourism, 2021; Sari et al., 2024). Digital transactions are also relevant because technological developments have raised concerns regarding information transparency and consumer protection in tourism marketing (Legal Protection of Consumers in Tourism Digital Marketing Strategies in the Digital Economy Era, 2025).

Based on the foregoing discussion, this study, entitled "ASEAN Tourist Legal Security Index: Reconstructing Legal Protection and Certainty for Tourists through a Comparative Legal Analysis of Indonesia, Thailand Singapore, and Vietnam," aims to develop a comparative evaluation framework that identifies normative gaps and formulates recommendations for strengthening tourist protection. The study's novelty lies in its effort to integrate various dimensions of legal protection into a conceptual index that can be used to compare four national legal systems. The development of this index is expected to provide a foundation for legal reform and policy development concerning tourist protection across ASEAN while taking into account the legal characteristics of each country (ASEAN Secretariat, 2025).

Based on the background outlined above, this study addresses the following research questions: (1) How are tourists' legal protection and legal certainty ensured in Indonesia, Thailand, Singapore, and Vietnam? (2) What are the similarities, differences, and weaknesses of the legal frameworks governing tourist protection in these four countries? (3) How can the ASEAN Tourist Legal Security Index be developed to enhance legal protection and legal certainty for tourists across the ASEAN region?

RESEARCH METHODE

This study employs normative legal research supported by empirical research, using a descriptive-analytical and comparative approach to examine legal protection and legal certainty for tourists in Indonesia, Thailand, Singapore, and Vietnam. Normative legal research is used to analyze legislation, legal principles, and legal concepts, while empirical research through interviews supplements the analysis with information on the experiences and perceptions of informants (Marzuki, 2021; Pangaribuan, 2024). The approaches employed include the statutory approach, conceptual approach, and comparative legal approach (Marzuki, 2021; Majeed & Hilal, 2022). Data are collected through a literature review of primary, secondary, and tertiary

legal materials, as well as semi-structured interviews with 3–5 informants from each country, selected using purposive sampling (Brinkmann, 2022; Edwards & Holland, 2023). The data are analyzed qualitatively through the inventory and interpretation of legal materials, cross-country comparisons of legal provisions, and thematic analysis of interview findings (Mahy et al., 2024; Marzuki, 2021). The findings are synthesized to identify similarities, differences, and weaknesses in the legal frameworks governing tourist protection and to formulate a preliminary concept of the ASEAN Tourist Legal Security Index based on six dimensions: clarity of tourists' rights; safety and security; liability of tourism businesses; transparency of information and contracts; access to complaint mechanisms and dispute resolution; and remedies for losses. The index represents a conceptual framework that requires further refinement of its indicators and additional validation before it can be used as a cross-country assessment instrument (Majeed & Hilal, 2022)

2. RESULT AND ANALYSIS

Protection and Legal Certainty for Tourists in Indonesia, Thailand, Singapore, and Vietnam

Legal protection and legal certainty are interrelated elements of tourism governance. Legal protection safeguards tourists' rights, prevents losses, and provides mechanisms for accountability when violations occur, whereas legal certainty ensures clarity regarding rights, obligations, responsible parties, complaint procedures, and remedies for losses. The complex relationships among tourists, governments, destination managers, travel agencies, accommodation providers, and tourism activity operators require clear and complementary regulations. Studies on tourist protection in high-risk activities and accidents at tourist attractions highlight the importance of safety, service provider liability, and mechanisms for redress (Chusnida, 2023; Rambe et al.,2023). Therefore, a comparative legal analysis of Indonesia, Thailand, Singapore, and Vietnam must examine not only the substance of the applicable regulations but also the clarity of the available protection mechanisms (Suryantari & Danyathi, 2024).

Indonesia has a legal framework linking tourism law with consumer protection, particularly through tourism legislation and Law No. 8 of 1999 on Consumer Protection. This framework provides a basis for examining tourists' rights to information, safety, and comfort, as well as dispute resolution and business liability. Previous studies emphasize the importance of the relationship between tourism law, consumer protection, and the accountability of destination managers when tourists suffer losses (Suryantari & Danyathi, 2024). Interviews with three Indonesian informants revealed concerns regarding clarity of rights, information on prices and services, safety facilities, complaint channels, and refunds or compensation. These perceptions support the relevance of the legal protection dimensions examined in this study. However, they cannot be generalized to all Indonesian tourists because of the limited number of informants (Raditya & Astari, 2025).

Thailand has specific regulations under the Tourism Business and Guide Act B.E. 2551 (2008) and the Consumer Protection Act B.E. 2522 (1979), which are relevant to examining licensing, tourism business supervision, service provider obligations, and consumer protection. Ponyiam and Lengvithaya (2021) discuss developments in Thai law governing tourism businesses and tour guides, including supervision and business compliance. Interviews with three Thai informants highlighted the importance of information on prices and additional charges, cancellation and refund policies, safety instructions, travel agency licensing, and clear liability based on contractual obligations and

the circumstances of each case. The informants also identified language differences and unfamiliar local procedures as potential barriers to complaints and dispute resolution. These findings reinforce the relevance of evaluating the six dimensions of legal protection, although informants' perceptions alone do not establish the effectiveness of Thailand's legal system (Chusnida, 2023).

Singapore regulates travel agency activities through the Travel Agents Act 1975 and protects consumers against unfair trading practices through the Consumer Protection (Fair Trading) Act 2003. These instruments serve complementary functions in assessing service provider licensing, consumer protection, transaction transparency, and dispute resolution mechanisms. Loo and Ong (2017) examine developments in Singapore's consumer protection law, while Paterson and Wong (2016) discuss the relationship between statutory consumer protection and common law principles. Interviews with three Singaporean informants emphasized the importance of disclosing additional charges, facilities, cancellation policies, refunds, travel safety measures, service provider credibility, and access to complaint-handling bodies and compensation. Nevertheless, these interviews reflect only the perceptions of the informants and are insufficient to conclude that all Singaporean tourists receive or experience the same level of legal protection.

Vietnam is examined through the Law on Tourism No. 09/2017/QH14 and the Law on Protection of Consumers' Rights No. 19/2023/QH15. These laws provide a basis for examining tourists' rights and obligations, service provider liability, consumer protection, service transparency, and access to complaints and compensation (National Assembly of Vietnam, 2017, 2023). Interviews with three Vietnamese informants highlighted the importance of information on prices and additional charges, services consistent with contractual agreements, safety instructions, verification of travel agency licensing, and the determination of liability based on evidence and applicable law. The informants also identified language barriers, unfamiliarity with procedures, costs, distance, and time constraints as obstacles to obtaining remedies. These findings enrich the normative legal analysis; however, evaluating the substance of the regulations requires examination of official legal texts and provisions currently in force (Raditya & Astari, 2025).

The comparison shows that all four countries have legal frameworks relevant to tourist protection, although they differ in regulatory structures and combinations of legal instruments. Indonesia links tourism law with consumer protection; Thailand specifically regulates tourism businesses and tour guides; Singapore regulates travel agencies and consumer trading practices through separate instruments; and Vietnam has specific legislation governing tourism and consumer rights (Sari et al., 2024). These differences do not automatically establish the superiority of one country's legal system over another. The assessment must consider the clarity of information, service provider obligations, safety standards, grounds for liability, and legal consequences when services fail to comply with contractual agreements. The importance of transaction transparency and travel agency accountability is also discussed in studies concerning tourist voucher offers and travel agency breaches of contract involving overseas travel (Yumna, Aminah, & Priyono, 2024).

Safety, business liability, access to complaints, and remedies for losses are interconnected dimensions in determining the quality of tourist protection. Studies on high-risk tourism activities, accidents at tourist attractions, and regulations governing high-risk destinations emphasize the need for safety standards and clear managerial

responsibility (Chusnida, 2023). Access to complaints concerns the availability and accessibility of procedures, whereas remedies for losses include refunds, compensation, and other forms of redress. Comparative studies of consumer protection in ASEAN provide a basis for examining institutional differences and remedial mechanisms (Galasintu & Loveera, 2021). Furthermore, the International Code for the Protection of Tourists provides an international reference for tourist protection, emergency assistance, and travel dispute resolution (UN Tourism, 2021). Accordingly, the existence of regulations must be assessed alongside the clarity of procedures and the forms of redress available to tourists.

Based on the legal analysis and interviews, this study proposes a preliminary ASEAN Tourist Legal Security Index comprising six dimensions: clarity of tourists' rights; safety and security; liability of tourism businesses; transparency of information and contracts; access to complaint mechanisms and dispute resolution; and remedies for losses. These dimensions represent relevant aspects of protection for comparison across the four countries while incorporating issues reflected in the informants' perceptions. However, the index is intended to assess the quality of legal frameworks rather than merely tourists' satisfaction levels (Suryantari & Danyathi, 2024). Therefore, each indicator must be grounded in traceable legislation, judicial decisions, official documents, and academic sources. The analysis must also distinguish the existence of legal provisions from their effectiveness in practice. Accordingly, the ASEAN Tourist Legal Security Index remains a conceptual proposal requiring further refinement of its indicators and additional validation. Nevertheless, it provides a systematic basis for identifying regulatory gaps and formulating recommendations to strengthen legal protection and legal certainty for tourists across ASEAN (Majeed & Hilal, 2022).

Similarities, Differences, and Weaknesses of Tourist Protection Laws in Indonesia, Thailand, Singapore, and Vietnam

Legal protection for tourists in Indonesia, Thailand, Singapore, and Vietnam shares several common features, including the recognition of tourists' rights, safety and security, business operators' liability, information transparency, and access to complaint mechanisms and remedies for losses. All four countries have relevant legal instruments intended to guarantee the right to accurate information, services that comply with applicable requirements, and protection in the event of loss or harm. Tourist safety in high-risk activities and the liability of service providers are important aspects to consider when comparing these legal systems (Sari et al., 2024). In addition, consumer protection in tourism transactions and the supervision of travel agencies highlight the importance of clearly defining business operators' obligations (Setiasa et al., 2024). Transparency regarding prices, additional charges, facilities, cancellations, and refunds is also essential to preventing disputes (Raditya & Astari, 2025). Meanwhile, access to complaint mechanisms and remedies for losses requires particular attention because international tourists may encounter differences in language, procedures, and legal requirements (Galasintu & Loveera, 2021).

The main differences among the four countries lie in the structure and focus of their legal frameworks. Indonesia links tourism law with consumer protection through the regulations cited in the report, including Law No. 18 of 2025 on Tourism and Law No. 8

of 1999 on Consumer Protection. Thailand has the Tourism Business and Guide Act B.E. 2551 (2008) and the Consumer Protection Act B.E. 2522 (1979), which are relevant to assessing the licensing, supervision, and liability of tourism businesses (Ponyiam & Lengvithaya, 2021). Singapore separates the regulation of travel agents under the Travel Agents Act 1975 from consumer protection against unfair trade practices under the Consumer Protection (Fair Trading) Act 2003 (Loo & Ong, 2017). Vietnam regulates the tourism sector and consumer protection through the Law on Tourism No. 09/2017/QH14 and the Law on Protection of Consumers' Rights No. 19/2023/QH15 (National Assembly of Vietnam, 2017, 2023). These differences should be analyzed based on the substance of the legal provisions and the procedures available, rather than solely on the number or year of enactment of the regulations (Paterson & Wong, 2016).

Potential weaknesses in the legal frameworks that require examination include the clarity of tourists' rights, safety standards, the allocation of liability among business operators, transparency in information and contracts, access to complaint mechanisms, and the certainty of remedies for losses (Suryantari & Danyathi, 2024). The general recognition of rights does not necessarily clarify how those rights can be enforced, just as the existence of safety obligations does not automatically establish which party is liable when an accident occurs (Chusnida, 2023). In tourism transactions, unclear information concerning prices, additional charges, facilities, cancellations, and refunds must also be examined in light of the applicable legal provisions (Raditya & Astari, 2025). Similarly, the existence of a complaint mechanism does not, in itself, guarantee that tourists can obtain compensation or damages. Accordingly, legal weaknesses must be identified through an examination of the content of regulations, the scope of protection, the competent authorities, the applicable procedures, and the remedies available, rather than on the basis of general assumptions (Galasintu & Loveera, 2021).

The synthesis of responses from informants in the four countries reveals relatively consistent themes, including the importance of understanding tourists' rights, transparent service information, travel safety, the legal status of service providers, clarity regarding liability, and access to complaint mechanisms and remedies. Informants also highlighted potential barriers, such as language differences, unfamiliarity with local procedures, costs, documentation requirements, distance, and time constraints. These findings enrich the comparative legal analysis but cannot be used to draw conclusions about the effectiveness of a country's legal system or generalized to all tourists, given the limited number of informants. The informants' perceptions should be compared with official regulations and academic literature to identify areas of alignment or gaps between the normative legal framework and reported experiences. Accordingly, the interview findings serve as supporting data, while the assessment of the quality of legal provisions remains grounded in systematic legal analysis (Raditya & Astari, 2025).

Based on these commonalities, differences, and aspects requiring further examination, this study adopts six dimensions as the foundation for developing the ASEAN Tourist Legal Security Index: clarity of tourists' rights; safety and security; liability of tourism business operators; transparency of information and contracts; access to complaint mechanisms and dispute resolution; and remedies for losses. These six dimensions enable the four countries to be compared using a consistent set of categories while taking into account the distinctive characteristics of each legal system (Majeed & Hilal, 2022). The

index is designed to assess the quality and adequacy of legal frameworks, rather than merely tourists' satisfaction or the effectiveness of legal implementation, which has not yet been empirically tested. Therefore, each indicator must be supported by applicable legislation, official documents, and traceable academic sources. Further refinement and validation are also required before the index can be applied as a cross-country assessment instrument (UN Tourism, 2021).

The Development of the ASEAN Tourist Legal Security Index Concept as an Effort to Strengthen Legal Protection and Legal Certainty for Tourists in the ASEAN Region

The establishment of the ASEAN Tourist Legal Security Index aims to provide a systematic evaluation framework for assessing legal protection and legal certainty for tourists in the ASEAN region, particularly in Indonesia, Thailand, Singapore, and Vietnam (Suryantari & Danyathi, 2024). Tourist protection cannot be assessed solely on the basis of the existence of regulations; it must also take into account the clarity of tourists' rights, the liability of business operators, dispute resolution procedures, and the remedies available for losses. This index is a proposed conceptual instrument, rather than an official ASEAN index or a validated empirical measure. Its development is consistent with normative legal research employing statutory, conceptual, and comparative legal approaches to assess the adequacy of legal provisions in safeguarding tourists' rights and providing enforcement mechanisms and remedies (Marzuki, 2021).

The comparative legal analysis of Indonesia, Thailand, Singapore, and Vietnam examines the substance of regulations, the scope of legal provisions, the subjects governed, the authority of relevant institutions, complaint procedures, and the legal consequences of violations, rather than merely comparing the names or numbers of laws (Suryantari & Danyathi, 2024). Indonesia integrates tourism regulation with consumer protection; Thailand has the Tourism Business and Guide Act B.E. 2551 (2008); Singapore regulates travel agents through the Travel Agents Act 1975 and unfair trade practices through the Consumer Protection (Fair Trading) Act 2003; while Vietnam has the Law on Tourism No. 09/2017/QH14 and the Law on Protection of Consumers' Rights No. 19/2023/QH15. These differences provide a basis for identifying functional similarities, gaps in legal protection, and areas requiring legal strengthening without requiring uniformity among the legal systems of the four countries (Raditya & Astari, 2025).

The index is developed around six main dimensions: clarity of tourists' rights, safety and security, liability of tourism business operators, transparency of information and contracts, access to complaints and dispute resolution, and remedies for losses. These dimensions assess the clarity of tourists' rights; obligations concerning risk prevention and emergency response; the parties responsible for losses; transparency regarding prices and service terms; the accessibility of complaint mechanisms; and the availability of refunds, compensation, or damages (Galasintu & Loveera, 2021). The analysis of each dimension should be supported by relevant legal provisions and academic literature, including studies on tourist safety, business liability, transaction transparency, and consumer protection (Chusnida, 2023). The Online Dispute Resolution guidelines issued by the ASEAN Committee on Consumer Protection (2022) may also serve as a reference for examining access to online dispute resolution mechanisms.

The study proposes the use of semi-structured interviews to explore understanding of

tourists' rights, safety, service transparency, service providers' liability, complaint handling, and remedies for losses. Interview data can be analyzed through coding and thematic categorization and then compared with official regulations and academic literature. However, the responses from informants coded I-01 to I-03, T-01 to T-03, S-01 to S-03, and V-01 to V-03, which were prepared for illustrative purposes, are simulations rather than actual interview findings. Therefore, these responses may only be used as preliminary examples for coding and cannot serve as empirical evidence of tourists' experiences or the effectiveness of the legal systems in the four countries. Further development of the index requires verification of relevant legislation, the preparation of a comparative matrix, analysis of actual data where available, cross-checking among sources, and validation of indicators through expert assessment and consistency testing (Raditya & Astari, 2025).

The implementation of the ASEAN Tourist Legal Security Index should proceed in stages using measurable indicators and transparent assessment categories, such as "clearly regulated," "regulated but requiring further clarification," "not identified in the legal materials examined," or "unable to be assessed." The use of numerical scores and weights for each dimension must be based on a clear methodology and subjected to consistency testing to ensure that the results are academically defensible. The index is expected to help researchers and policymakers identify strengths and gaps in legal protection, encourage greater compliance among tourism business operators, and support discussions on minimum standards for tourist protection and regional cooperation within ASEAN. Nevertheless, the index is not intended to replace national laws or standardize the legal systems of member states. Rather, it is a conceptual instrument that requires further refinement, validation, and testing before it can be used for cross-country assessment or ranking.

CONCLUSION

Indonesia, Thailand, Singapore, and Vietnam have established relevant legal frameworks to provide legal protection and legal certainty for tourists through tourism regulations and consumer protection laws, although their regulatory structures and approaches differ. The four countries share common ground in regulating tourists' rights, safety and security, business operators' liability, information transparency, access to complaint mechanisms, and remedies for losses. However, their differences are reflected in the focus and legal instruments adopted by each country. Further improvements are needed in clarifying tourists' rights, establishing safety standards, ensuring certainty regarding business operators' liability, enhancing transaction transparency, facilitating access to dispute resolution, and strengthening mechanisms for remedies for losses. Therefore, the proposed ASEAN Tourist Legal Security Index is designed as a comparative assessment framework based on six key dimensions: clarity of tourists' rights, safety and security, liability of tourism business operators, transparency of information and contracts, access to complaints and dispute resolution, and remedies for losses. This index is expected to help identify gaps in legal protection and formulate recommendations for improvement to strengthen legal protection and legal certainty for tourists throughout

the ASEAN region. Nevertheless, further refinement and validation are required before the index can be implemented as an assessment instrument

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