

LEGAL PROTECTION OF CONSUMERS IN TOURISM DIGITAL MARKETING STRATEGIES IN THE DIGITAL ECONOMY ERA

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Abstract

This research aims to examine the legal protection of consumers in tourism digital marketing strategies in the digital economy era. As the tourism industry develops to utilize digital platforms for marketing, new challenges related to consumer protection arise, such as information transparency, misuse of personal data, and potential fraud in digital transactions. Therefore, it is important to evaluate existing legal protection mechanisms to safeguard consumer rights and ensure the sustainability of the tourism industry. This research uses a qualitative approach with a case study method, collecting data through document analysis, legal literature, and interviews with industry players and consumers. Legal analysis was conducted by comparing the prevailing practices in the tourism sector with legal provisions in Indonesia, such as the Consumer Protection Law (Law No. 8/1999) and the Personal Data Protection Law (Law No. 27/2022). The results show that while there is a strong legal basis for consumer protection, its implementation in the digital tourism sector still faces challenges. Some of the main issues are the lack of information transparency and the potential misuse of personal data. Many consumers feel uninformed about the products they purchase and are concerned about the leakage of their personal data. The conclusion of this study is that Indonesia's tourism sector needs to strengthen consumer protection, especially in terms of information transparency and personal data management. It is recommended that the government and tourism industry players raise awareness and strengthen regulations and supervision of digital marketing practices. Translated with DeepL.com (free version).

Keywords: Legal Protection, Digital Marketing, Tourism, Personal Data

INTRODUCTION

The tourism industry is undergoing a significant transformation along with the development of digital technology that drives changes in marketing strategies. Digital marketing has become the main tool for tourism industry players in attracting tourists, both domestic and international, through various platforms such as social media, websites, and artificial intelligence-based applications (Rosianna and Made, 2024). However, this change also presents new challenges, especially in the aspect of legal protection for consumers. Consumers conducting digital transactions often face various risks, such as misleading information, misuse of personal data, and non-transparent transactions. Therefore, a comprehensive study on the legal protection of consumers in the context of digital marketing strategies in the tourism sector is needed, especially in the increasingly dynamic digital economy era.

A number of previous studies have discussed consumer protection in digital transactions, including in the tourism industry. Artanto and Bhakti (2021) examined aspects of the responsibility of travel agencies in guaranteeing consumer rights, such as the certainty of travel safety and the validity of electronic transactions. Their research highlights that existing regulations still have shortcomings in dealing with problems that arise due to the development of digital technology. In addition, research by Hidayaturrochma and Syufaat (2022) examined aspects of consumer protection in digital marketing and emphasized that regulations in the Consumer Protection Law (UUPK) have not fully covered issues related to the digital economy.

Although previous studies have made meaningful contributions to understanding aspects of consumer protection, there is still a gap in more specific discussions related to digital marketing strategies in the tourism industry. Most studies focus on general aspects of consumer protection in electronic transactions without highlighting how digital marketing strategies affect consumer rights in the tourism industry. In the context of a rapidly evolving digital economy, tourism industry players are increasingly aggressive in using data-driven marketing techniques and artificial intelligence technologies to attract consumers. However, the use of these technologies also increases the potential for consumer rights violations, especially in aspects of personal data privacy and security.

This gap shows that although consumer protection regulations have evolved, there are still gaps in the implementation of laws that specifically regulate digital marketing strategies in the tourism sector. Existing regulations, such as the GCPL and Ministerial Regulations related to electronic commerce, have not specifically accommodated the impact of aggressive digital marketing strategies on consumer protection (Stefany and Yuwono, 2024). Therefore, this research aims to fill this gap by exploring how digital marketing strategies in the tourism sector can be legally controlled to ensure consumer protection is ensured.

The uniqueness of this research lies in its focus on examining consumer protection in the context of digital marketing strategies in the tourism industry in the digital economy era. In contrast to previous studies that have highlighted the general aspects of electronic transactions in tourism, this research will explore in more detail the impact of digital marketing strategies on the protection of consumer rights. Thus, the results of this research are expected to contribute to the development of regulations that are more adaptive to the new challenges arising from the evolution of digital marketing in the tourism industry. Based on the above description, this research departs from the hypothesis that digital marketing strategies in the tourism industry have significant legal implications for consumer protection. Therefore, a more comprehensive legal approach is needed to ensure that consumer rights remain protected amid the evolving dynamics of the digital economy. Through this research, it is hoped that policy recommendations can be produced that can support the implementation of a more ethical and responsible digital marketing strategy in the tourism industry.

RESEARCH METHOD

This study employs a qualitative approach with a juridical-normative method (Syafrida & Alamsyah, 2021). The research framework is based on consumer protection theory, electronic commerce law, and regulations related to digital marketing and the tourism sector. The scope of the study includes the legal aspects of digital marketing strategies used by tourism businesses and the forms of legal protection for consumers in digital transactions. The research focuses on the Indonesian legal jurisdiction, analyzing national-level regulations governing the tourism and digital marketing sectors. The time frame centers on legal policies in the digital economy era, examining regulatory developments in recent years, particularly after the enactment and subsequent amendments of the Law No. 11 of 2008 on Electronic Information and Transactions (ITE), including the Second Amendment under Law No. 1 of 2024, as well as other regulations related to consumer protection in digital transactions.

The research relies on secondary data collected from legal sources, including legislation, court decisions, and relevant official documents, as well as books, scholarly journals, and academic articles discussing legal issues in digital marketing and consumer protection in the tourism industry. Data collection is conducted through document studies from accessible online sources such as government websites, legal journals, and academic publications. The collected data are analyzed qualitatively and descriptively by examining applicable legal provisions and comparing them with digital marketing practices in the tourism sector. This analysis aims to assess the effectiveness of existing regulations in protecting consumers and to propose legal policy recommendations that are more adaptive to the rapid development of digital technology.

RESULTS AND DISCUSSION

a. Result

Based on the performance report of the Ministry of Tourism and Creative Economy/Tourism and Creative Economy Agency (Kemenparekraf/Baparekraf) in 2023, the data presented shows that the tourism sector has experienced very positive achievements in its contribution to Indonesia's economic resilience. One important indicator to note is the value of foreign exchange generated by the tourism sector. In 2023, the tourism sector managed to achieve a very ambitious target, even exceeding the pessimistic target that had been set. This achievement illustrates the significant recovery and growth in this sector, which supports Indonesia's economic stability.

Table 1. Comparison of Tourism Foreign Exchange in 2022 and 2024

Year	Creative Economy Added Value (Trillion IDR)	Target Achievement (%)	Actual Achievement (%)	Growth (%)
2022	6,78	6,78	-	-
2024	14,00	14,00	197,74	106,49

Source. *Laporan Kinerja Kemenparekraf/Baparekraf Tahun 2023*

In 2023, Indonesia's tourism sector demonstrated remarkable growth, achieving foreign exchange earnings of USD 14.00 billion. This figure not only met but exceeded the initial target, which was set at USD 7.08 billion, representing an achievement rate of 197.74%. When compared to the foreign exchange realization in 2022, which stood at USD 6.78 billion, the sector recorded an impressive growth rate of 106.49% within a year. This surge indicates a robust recovery following the challenges faced in previous years, highlighting Indonesia's ability to reinvigorate its tourism industry amid global uncertainties. The performance of the tourism sector in 2023 showcases its strategic role in driving economic growth and strengthening Indonesia's global competitiveness in the tourism market.

The substantial increase in foreign exchange from tourism also signifies the sector's expanding contribution

to Indonesia's overall economic stability. As one of the country's key revenue-generating industries, tourism plays a crucial role in diversifying Indonesia's income sources, reducing reliance on more volatile sectors such as commodities and manufacturing. A thriving tourism industry stimulates demand across various related sectors, including hospitality, transportation, retail, and the creative economy. This intersectoral link fosters broader economic resilience, ensuring that Indonesia remains adaptive to external economic fluctuations and geopolitical uncertainties that may affect global trade and investment flows.

Another critical aspect of the tourism sector's resurgence is its role in job creation and local economic empowerment. The rapid growth of tourist arrivals and spending has provided employment opportunities for millions of Indonesians, particularly in small and medium enterprises (SMEs) operating in tourism-dependent areas. Local communities have benefited from increased demand for accommodations, culinary experiences, cultural performances, and travel services. Furthermore, the government's focus on sustainable tourism development, such as ecotourism and cultural heritage preservation, enhances long-term economic benefits while maintaining Indonesia's natural and cultural assets for future generations.

Parallel to the success of the tourism sector, Indonesia's creative economy has also shown encouraging development in 2023. Based on preliminary data up to the third quarter of the year, the added value of the creative economy was recorded at IDR 1,414.77 trillion, surpassing the target with an achievement rate of 110.44%. This represents a significant increase of 7.25% compared to the previous year, when the sector generated an added value of IDR 1,280.42 trillion. Although final and official data from the Central Statistics Agency (BPS) will be published later, these preliminary figures underscore the dynamic growth and increasing significance of the creative economy in Indonesia's broader economic landscape.

The creative economy sector encompasses a diverse range of industries, including fashion, crafts, film, digital content, advertising, and performing arts. These industries not only contribute to economic output but also foster innovation, cultural preservation, and digital transformation. The strong growth in this sector reflects Indonesia's ability to capitalize on its rich cultural heritage and creative talent, translating them into high-value products and services with both domestic and international market appeal. Moreover, the digitalization of the creative economy has opened new opportunities for entrepreneurs and businesses, expanding their reach to global audiences and attracting foreign investments.

The positive trajectory of both the tourism and creative economy sectors underscores the effectiveness of government policies and strategic initiatives aimed at enhancing economic diversification. Programs such as "Wonderful Indonesia" and "Proudly Made in Indonesia" (Bangga Buatan Indonesia) have significantly contributed to promoting local tourism and creative industries. Additionally, infrastructure development, digital transformation, and regulatory support for creative entrepreneurs have further strengthened Indonesia's position as a leading player in these sectors. Continued investment in these areas will be crucial for maintaining momentum and ensuring long-term sustainability.

Looking ahead, Indonesia must continue to leverage its tourism and creative economy sectors as engines of growth while addressing challenges such as environmental sustainability, workforce skills development, and global competition. Strengthening infrastructure, enhancing digital literacy, and fostering innovation-driven entrepreneurship will be key factors in sustaining growth in these sectors. By building on its achievements in 2023 and implementing forward-looking policies, Indonesia can position itself as a global leader in tourism and the creative economy, further enhancing its economic resilience and international competitiveness.

Table 2. National Creative Economy Value Added in 2022 and 2024

Year	Creative Economy Added Value (Trillion IDR)	Target Achievement (%)	Actual Achievement (%)	Growth (%)
2022	1.280,42	-	-	-
2024	1.414,77	110,44	110,44	7,25

Source: *Laporan Kinerja Kemenparekraf/Baparekraf Tahun 2023*

In 2023, Indonesia's creative economy sector experienced an encouraging achievement with an added value of IDR 1,414.77 trillion, which exceeded the set target by 110.44%. Although the data presented is still provisional and BPS will publish the official data after the fourth quarter, this achievement shows a positive development in the creative economy sector. This achievement of 110.44% means that Indonesia's creative economy sector managed to exceed the projections expected by the government, giving an idea of the strength and potential of this sector. When compared to the 2022 realization of IDR 1,280.42 trillion, the creative economy sector in 2023 showed a significant growth of 7.25%. This increase reflects the sustainable and stable development of the creative economy sector, which includes various subsectors such as film, music, design, and culinary, which contribute greatly to the national economy. Overall, this achievement indicates that Indonesia's creative economy sector is growing and has

the potential to contribute more to the national GDP. In addition, this sector also plays a role in creating new jobs and strengthening Indonesia's economic resilience, especially in the face of global challenges. With sustained growth, the creative economy sector has the potential to become one of the main pillars of the Indonesian economy in the future.

b. Discussion

In today's digital economy, the tourism sector is undergoing a major transformation thanks to technological advancements, especially in digital marketing strategies. Digital marketing in the tourism sector offers various conveniences, such as marketing through digital platforms, introduction of tourism products, and faster interaction with consumers. However, this progress brings new challenges, especially in terms of consumer protection. In this context, it is important to understand how legal protection of consumers is applied in tourism digital marketing strategies, given that many business practices conducted through digital platforms are sometimes less transparent (Suryani, 2019)..

Indonesia's tourism sector, based on the performance report of the Ministry of Tourism and Creative Economy/Tourism and Creative Economy Agency (Kemenparekraf/Baparekraf) in 2023, experienced a significant increase. Indonesia's tourism foreign exchange was recorded at 14.00 billion USD in 2023, a figure that exceeded the set target and showed a growth of 106.49% compared to 2022 (Kemenparekraf/Baparekraf, 2023). This illustrates the importance of the tourism sector in supporting Indonesia's economic resilience. As the sector grows, the use of digital marketing becomes more widespread, making it important to ensure that consumers are well protected from potential risks or abuse in digital transactions..

In addition to information transparency, another crucial aspect of consumer protection in digital marketing for the tourism sector is transaction security. Consumers often make payments online through various platforms, including e-wallets, credit cards, or bank transfers. However, there are still risks of fraud, personal data theft, and misuse of financial information that can harm consumers. Therefore, regulations related to digital transaction security must be strengthened to ensure that digital platforms used by tourism businesses have met adequate cybersecurity standards. The implementation of technologies such as data encryption, two-factor authentication, and strict privacy policies are important steps in protecting consumer rights from potential cybercrime risks (Rudianto, 2021).

Furthermore, consumer digital literacy is also a key factor in improving their protection in the digital tourism sector. Consumers who have a good understanding of their rights in digital transactions will be more aware of potential abuse or unethical business practices. Therefore, educational efforts through digital literacy campaigns, whether conducted by the government, tourism industry players, or consumer protection organizations, must be further enhanced. With increased consumer awareness, they can be more proactive in evaluating information, choosing trusted service providers, and utilizing available protection mechanisms (Kristiyanti, 2022).

On the other hand, supervision of digital marketing practices in the tourism sector must be stricter to avoid misleading marketing practices or consumer exploitation. Some tourism service providers use aggressive marketing strategies, including excessive advertising or information that is not fully accurate to attract consumers. This has the potential to mislead consumers in making decisions, so stricter regulations are needed to oversee digital marketing practices to remain ethical and in accordance with applicable legal provisions. In this context, the Electronic Information and Transaction Law (UU ITE) also has an important role in ensuring that information conveyed through digital platforms does not contain elements of fraud or misrepresentation (Hidayaturrochma & Syufaat, 2022).

Along with the rapid development of digital technology, consumer protection in the tourism sector must also adapt to existing innovations. One innovation that can be utilized is the use of blockchain technology and smart contracts, which allow digital transactions to be more transparent and secure. With this technology, information about transactions can be recorded permanently and cannot be manipulated, so consumers have valid digital evidence in the event of a dispute. The implementation of artificial intelligence in customer service can also improve the consumer experience by providing more accurate recommendations and faster and more efficient services (Damayanti & Tongat, 2025)..

At the global level, many countries have adopted stricter consumer protection policies in digital transactions, including in the tourism sector. The European Union, for example, implemented the General Data Protection Regulation (GDPR) which provides strict protection of consumers' personal data in digital transactions. Similar policies can be a reference for Indonesia in strengthening regulations related to consumer protection in tourism digital marketing. Harmonization of regulations between various countries is also important, considering that the tourism sector is cross-border and often involves international transactions. With clearer global standards, consumers can feel safer when making transactions with digital tourism service providers from various countries (Suryani, 2019).

Legal protection for consumers in the tourism sector must cover several aspects, one of which is information transparency. In a digital marketing strategy, tourism service providers are required to provide clear information

regarding prices, facilities, cancellation policies, and applicable terms and conditions. Consumers who purchase tourism products or services through digital channels are entitled to accurate and non-misleading information in order to make informed decisions. Indonesia's Consumer Protection Law, as laid out in Law No. 8/1999 on Consumer Protection, provides a strong legal foundation for protecting consumer rights in the digital marketplace.

However, major challenges arise in relation to the protection of consumers' personal data in digital transactions. The collection of consumers' personal data through digital platforms such as tourism websites or mobile applications has become an integral part of digital marketing (Ridwan, 2019). Therefore, tourism service providers must comply with regulations related to personal data protection, as stated in Law No. 27 of 2022 on Personal Data Protection. Personal data collected must be kept confidential and used only for legitimate purposes and with the consent of consumers. In the event of data leakage or misuse of personal information, consumers are entitled to compensation in accordance with applicable regulations.

In addition to personal data protection, another aspect that needs to be considered in tourism digital marketing is consumer rights to the services provided. In this case, companies offering tour packages or other services must ensure that the products sold match what is promised in the advertisement or promotion (Rudianto, 2021). If there is a mismatch between promotion and reality, consumers have the right to file a claim or cancellation in accordance with existing regulations (Sutrisno, 2018). The law governing this issue includes the provisions regarding the sale and purchase of goods and services contained in the Civil Code (KUHPerdata), which gives consumers the right to request compensation or cancellation.

Not only that, the risk of fraud is also a serious concern in tourism digital marketing strategies. In practice, there are many sites or applications that offer tour packages that seem attractive but in reality there are no products provided or not as promised (Nurwati, & Syamsudin 2020). In this case, consumers need to be protected by ensuring that tourism service providers can be held legally accountable if proven to commit fraud. Service providers must register themselves and obtain official licenses from authorized institutions, such as the Ministry of Tourism and Creative Economy (Kemenparekraf), which ensures that they operate legally and do not harm consumers.

Consumer protection in tourism digital marketing also includes sustainability and corporate social responsibility. Tourism service providers that market digitally need to demonstrate a commitment to sustainability and good business ethics (Artanto & Bhakti, 2021). For example, they must ensure that the tourism products offered do not damage the environment or exploit local communities. In this case, regulations governing sustainable tourism, such as those contained in Government Regulation No. 50 of 2011 concerning the National Tourism Development Master Plan, must be applied in every marketing strategy carried out.

On the other hand, digital marketing strategies must also support consumers in making informed decisions while being protected from fraud (Febriani & Dewi, 2019). Therefore, consumers should have easy access to verify information about the products or services they intend to purchase, such as through previous user reviews or a transparent rating system. By ensuring this accessibility, businesses not only safeguard consumer rights but also enhance their credibility and reputation in the marketplace. A transparent marketing approach fosters consumer trust, encouraging long-term engagement and loyalty in the tourism sector.

In the digital era, technological advancements have also enabled the use of artificial intelligence (AI) to enhance customer experiences in the tourism sector. AI-driven algorithms can personalize offers, streamline booking processes, and optimize customer service interactions. However, this technology also introduces new challenges concerning consumer protection, particularly in terms of algorithmic influence on pricing and product recommendations (Damayanti & Tongat, 2025). Without proper oversight, AI-driven pricing models could lead to unfair pricing discrimination or biased promotional strategies. Therefore, more detailed regulations on AI utilization in digital tourism marketing are essential to ensure consumers are protected from potential biases and inequities in the selection process of travel products and services..

Government intervention plays a crucial role in ensuring that consumer protection laws in the tourism sector's digital marketing are effectively enforced. Authorities must actively monitor and implement existing regulations to guarantee that all businesses within the tourism industry adhere to established consumer protection guidelines. Stringent enforcement against violations—such as misleading advertisements, hidden charges, and data privacy breaches—will reinforce consumer confidence and foster a fairer digital marketplace (Syafrida & Alamsyah, 2021). Furthermore, regulatory bodies should collaborate with industry stakeholders to establish clear guidelines that encourage ethical marketing practices and fair business competition.

Consumer protection in digital tourism marketing is a vital aspect of maintaining fairness and sustainability in the industry. With clear regulations, strong digital literacy initiatives, and commitment from all stakeholders, the digital tourism sector can grow in a responsible manner that benefits consumers, businesses, and society as a whole. As the tourism industry continues to evolve in the digital age, fostering a consumer-centric approach will be key to ensuring long-term success and trust in the marketplace.

In the digital era, consumer education and digital literacy are fundamental aspects of consumer protection in the tourism digital marketing sector. Consumers must be equipped with sufficient knowledge about their rights and the ability to identify potential fraud or misleading information in digital marketing. Many consumers, especially

those unfamiliar with digital transactions, are vulnerable to deceptive advertising tactics, fake reviews, or even cybersecurity threats. Therefore, raising awareness and educating consumers about responsible digital consumption is crucial.

Educational programs involving governments, academic institutions, and industry players can play a significant role in enhancing consumer awareness. By implementing structured digital literacy initiatives, consumers can be better prepared to critically assess travel deals, verify the credibility of service providers, and recognize warning signs of fraudulent activities. Public campaigns, webinars, and workshops focusing on responsible digital tourism consumption can help travelers make more informed decisions. Moreover, integrating digital literacy courses into formal education systems can prepare future generations to navigate the complexities of digital transactions with greater confidence.

On the other hand, the role of digital platforms in tourism marketing cannot be underestimated. Platforms such as online booking sites, social media channels, and travel marketplaces are now central to tourism marketing strategies. These platforms must implement strict policies that protect consumers from unethical marketing practices, ensuring transparency and accountability in the tourism sector.

One effective measure is the verification system for tourism service providers. Digital platforms should require businesses to undergo a validation process to ensure legitimacy, thereby reducing the risk of fraudulent operators scamming travelers. Furthermore, responsive consumer complaint channels must be established to address consumer concerns efficiently. When consumers have accessible and effective means to report misleading advertisements or poor service, digital platforms can promptly take corrective action, maintaining the integrity of their ecosystem. By implementing these safeguards, online travel platforms can enhance consumer trust and establish themselves as reliable intermediaries in the tourism industry.

Personal data security is another critical issue in consumer protection within tourism digital marketing. Consumers frequently provide sensitive information, such as personal identification details and payment methods, during digital transactions. Ensuring the safety of this data is a fundamental responsibility of service providers. Regulations such as the Personal Data Protection Law (UU PDP) must be strictly enforced to prevent data misuse, identity theft, or unauthorized data sharing that could harm consumers.

To enhance data security, businesses should implement robust encryption technologies, two-factor authentication systems, and clear privacy policies to reassure consumers that their information is well-protected. Transparency in data handling practices is also crucial—businesses should clearly communicate how consumer data is collected, stored, and used. With growing concerns over cybersecurity threats, trust in digital transactions becomes a key determinant of consumer confidence. Furthermore, price transparency in digital tourism marketing is another factor that requires attention.

CONCLUSION

This study shows that although Indonesia's tourism sector has made significant progress in implementing digital marketing, consumer legal protection still faces major challenges. The main issues identified include a lack of information transparency and the potential misuse of personal data, which can harm consumers. Therefore, it is essential for both the government and tourism industry players to raise awareness of consumer protection and strengthen existing regulations. Stricter supervision and education on ethical standards in digital marketing are crucial to ensure that the sector develops sustainably, while safeguarding consumer rights and enhancing public trust in the tourism industry.

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