



The Ideal Concept for Fulfilling the Rights of Tourism Sector Workers Based on Local Wisdom in the Special Region of Yogyakarta, Adaptive to Indonesian Labor Law

Fithriatus Shalihah¹, Amriana Amri²

¹ Faculty of Law, Ahmad Dahlan University, E-mail: fithriatus.shalihah@law.uad.ac.id

² Faculty of Law, Ahmad Dahlan University, E-mail : amrianaamri386@gmail.com

Article Info	Abstract
Submitted: 9th December 2025 Accepted: 28th July 2026 Published: 31st July 2026 Keywords: Informal Tourism Workers; Local Wisdom; Legal Protection Corresponding Author: Fithriatus Shalihah E-mail: fithriatus.shalihah@law.uad.ac.id DOI: 10.24843/JMHU.2026.v15.i02.p02	<i>The tourism sector in the Special Region of Yogyakarta (DIY) is dominated by an increasing number of informal workers, whose legal status remains ambiguous and is not explicitly regulated by national labor law. This situation creates a legal vacuum, as Law No. 13 of 2003 only recognizes formal employment relationships, thus neglecting the guarantee of protection and fulfillment of the rights of informal tourism workers. This research aims to formulate an ideal concept for fulfilling the rights of tourism sector workers based on local wisdom that is adaptive to the law. Employing a juridical-empirical research method, the study finds that the practice of fulfilling workers' rights in DIY heavily relies on informal work patterns without written contracts, which creates flexibility but simultaneously causes job and income uncertainty. Amidst the weak intervention of formal regulation, local wisdom values such as gotong royong (mutual cooperation), tepo sliro (empathy/tolerance), and ngajeni (mutual respect) function as a "social umbrella" that maintains solidarity and harmony. As a solution, this research proposes a hybrid model that integrates formal protection with local cultural values. This concept includes four main elements: legal recognition of informal workers, implementation of a flexible social security scheme, establishment of minimum protection standards for wages and occupational safety, and empowerment of local communities as government partners. This model is expected to ensure the welfare of workers justly and sustainably without eliminating the cultural character that defines Yogyakarta's tourism identity.</i>

1. Introduction

National development is aimed at improving the standard of living for citizens, where the tourism sector makes a significant contribution to labor absorption and state revenue¹. The Special Region of Yogyakarta (DIY), as one of Indonesia's cultural tourism

¹ Kementerian Pariwisata dan Ekonomi, "Siaran Pers: Menparekraf Sampaikan Lanskap Ekonomi Digital Indonesia Dalam IAF 2024. (n.D.).," 2024, <https://kemenpar.go.id/berita/siaran-pers-menparekraf-sampaikan-lanskap-ekonomi-digital-indonesia-dalam-iaf-2024>.

hubs, holds a constitutionally recognized special status under Law No. 13 of 2012 on the Special Status of the Special Region of Yogyakarta. This law affirms that DIY possesses special authority in governance, encompassing the appointment of the governor and vice governor, local government institutions, culture, land affairs, and spatial planning. These special privileges stem from the long history of the roles played by the Sultanate of Yogyakarta and the Pakualaman Principality in the formation of the Unitary State of the Republic of Indonesia, which were subsequently recognized within the national legal framework. However, amidst this special status, DIY faces a development paradox. On one hand, the tourism sector is the backbone of the regional economy; on the other hand, the majority of its workers are in vulnerable conditions. Most of them are Informal workers². Who face various forms of vulnerability such as substandard wages, excessive working hours, a lack of social security, and minimal legal protection³.

This social reality creates a crucial regulatory vacuum. The national labor law umbrella, encapsulated in Law No. 13 of 2003 on Manpower⁴ uncto Law No. 6 of 2023 on Job Creation⁵, fundamentally only recognizes formal employment relationships. A formal employment relationship is defined by the existence of a work agreement containing the elements of command, wages, and work, which implicitly assumes that the employer is a business owner or company. This definition blurs the status of informal workers in the tourism sector, such as freelance tour guides, souvenir vendors, tourist transport drivers, and homestay managers, because they are often not formally employed by a company. Consequently, they fall outside the scope of legal protection, which contradicts the mandate of Article 27 paragraph (2) and Article 28D paragraph (2) of the 1945 Constitution, guaranteeing every citizen's right to work, a decent livelihood, and fair treatment in employment relations.⁶

Local wisdom in the Special Region of Yogyakarta not only exists as a social practice (living law), but also has a normative basis in various legal instruments and regional policies. Formally, recognition of local values is reflected in Law No. 13 of 2012 on the Special Status of the Special Region of Yogyakarta, particularly in the authority over cultural affairs, which provides space for the preservation and development of values such as "gotong royong, tepo sliro, and hamemayu hayuning bawana" as the foundation of community life. Furthermore, these values are also incorporated into derivative policies such as the Special Region of Yogyakarta on the Preservation and Development of Culture as well as various culture-based local government programs. However, in practice, most of these local wisdom values continue to operate as social norms that are not fully codified in a rigid manner through written legal regulations, but rather live on in the daily practices of the community and working relationships, including within the tourism sector. In other words, local wisdom in DIY possesses a hybrid character: on the one hand, it is formally recognized within the legal framework of special status, but on the other hand, it continues to function as flexible and contextual "living norms" in regulating the socio-economic relationships of the community.

² "Persentase Tenaga Kerja Informal Di Provinsi DI Yogyakarta - Tabel Statistik - Badan Pusat Statistik Provinsi DI Yogyakarta," n.d.

³ Fahri Sibagariang et al., "Informal Workers and Its Determinants in Indonesia 2022: An Overview," *Seminar Nasional Official Statistics 2023*, no. 1 SE-Official Statistics (October 2023), <https://doi.org/10.34123/semnasoffstat.v2023i1.1892>.

⁴ "UU No. 13 Tahun 2003," n.d.

⁵ "UU No. 6 Tahun 2023," n.d.

⁶ Pasal 27 Ayat (2) Undang-Undang Dasar Negara Republik Indonesia Tahun 1945. "*Tiap-tiap warga negara berhak atas pekerjaan dan penghidupan yang layak bagi kemanusiaan*"

An ideal policy framework that integrates local wisdom from DIY with national labor laws as a solution to existing disparities. While previous research has tended to focus on analyzing the gap between law and practice in the field, this study goes a step further by formulating social phenomena and local wisdom values into a concrete and adaptive policy model. Previous studies have largely addressed normative gaps or inconsistencies between *das sollen* (what should be according to the law) and *das sein* (what actually occurs in practice).⁷ Normatively, national labor regulations such as the principle of employment relationships based on written employment contracts, compliance with minimum wage standards, social security for workers, and protections regarding working hours and leave entitlements have been designed to ensure workers' justice and well-being. However, in practice within the tourism sector in DIY, employment relationships are instead dominated by informal arrangements based on trust, verbal agreements, and high work flexibility without adequate protective standards.

Therefore, the objective of this study is to formulate an ideal concept for the enforcement of workers' rights in the tourism sector based on local wisdom.^{8 9} More specifically, this objective is divided into two parts: first, to examine existing practices in the enforcement of tourism sector workers' rights in DIY based on local wisdom; and second, to design an ideal concept for the enforcement of tourism sector workers' rights in DIY based on local wisdom that is consistent with Indonesian labor laws.

2. Research Methods

This research employs a juridical-empirical approach, which is a legal research method that examines the interaction between positive law and social reality in the community. The research is descriptive analytical with a qualitative approach to gain an in-depth understanding of the phenomenon of workers' rights fulfillment in the DIY tourism sector. The data sources in this study consist of primary data and secondary data. Primary data was obtained directly through in-depth interviews and Focus Group Discussions (FGD) with various stakeholders. Research participants/informants include 10 government agencies, consisting of the Department of Manpower and Transmigration (Dinas Ketenagakerjaan dan Transmigrasi) and the Department of Tourism (Dinas Pariwisata) at the Provincial DIY level and its four districts; tourism business actors such as Sate Ratu and Kopiklotok; as well as direct workers such as *delman* (horse-drawn carriage) drivers, *becak* (pedicab) drivers, homestay managers, and souvenir vendors. In addition, FGDs were also conducted involving 2 tourism awareness groups (*kelompok sadar wisata* or *pokdarwis*), local guides, and small business actors to enrich the data. Secondary data was collected from various literature, scientific journals, and relevant laws and regulations related to the research issue.

⁷ Rosidin, U., Nurfurkon, A., & Uang, D. P. (2024). Fulfilling the Rights of Social Workers: Aspects of Social Security in Indonesia. *Khazanah Hukum*, 6(2), 113-122. <https://doi.org/10.15575/kh.v6i2.33937>.

⁸ Uswatun Kamila and Suhermi Suhermi, "Perlindungan Hukum Hak Pekerja Usaha Mikro Kedai Kopi," *Zaaken: Journal of Civil and Business Law* 4, no. 1 SE-Articles (February 2023): 18-36, <https://doi.org/10.22437/zaaken.v4i1.22347>.

⁹ Adnan Hamid, "Tantangan Dan Peluang Dalam Perlindungan Hukum Bagi Pekerja Sektor Informal Dalam Pembangunan Ketenagakerjaan Di Indonesia," *Pancasila Law Review* 1, no. 2 (2024).

3. Result and Discussion

3.1 Practice Of Fulfilling the Rights of Tourism Sector Workers Baseds on Local Wisdom in DIY

The research reveals that the practice of fulfilling the rights of tourism workers in DIY is significantly influenced by the dominance of the informal sector, seasonal dynamics, and local wisdom values that serve as the foundation for social solidarity. An in-depth analysis indicates four crucial aspects that shape the reality of work in the field.

3.1.1 Work Pattern and Employment Relationship

The work pattern in the DIY tourism sector is dominated by an informal employment relationship that differs significantly from national labor law provisions. Most workers are recruited without a written contract and based only on verbal agreement rooted in mutual trust. This pattern creates legal ambiguity because it does not meet the elements of a formal employment relationship as required in Law No. 13 of 2003, namely the existence of command, wages, and work ¹⁰. Consequently, informal workers lack the legal instrument to demand their basic rights, such as decent wages or social security, even though their contribution is vital.

Flexibility of working hours is a characteristic that simultaneously creates structural vulnerability. For example, travel agents tend to recruit seasonal contract staff to handle surges in demand during holidays, but when the low season hits, these workers lose job certainty. Similarly, city guides or tour guides only earn income when there are tourists, without any guarantee of a fixed income. During the busy season, workers can work more than 12 hours a day with higher earnings, but in the low season, their income can plummet drastically. This phenomenon aligns with Chen's view that flexibility in the informal sector is often the reason why workers rarely obtain job certainty and access to social security.

Formal business actors, such as large hotels and restaurants, generally implement a dual work model. Core employees are recruited through formal contracts with more guaranteed rights, while seasonal workers are recruited through an informal mechanism without strong legal protection. This dualism in the labor market, as explained by ¹¹, creates structural 2injustice where workers in the same industry receive vastly different treatment merely because of their contract status.

Thus, it can be concluded that the current labor law framework is not yet adapted to the characteristics of informal work in the tourism sector, and therefore fails to reach and protect the very group of workers that is most prevalent. This situation calls for a more inclusive reconceptualization of the employment relationship.

¹⁰ "UU No. 13 Tahun 2003."

¹¹ Mohammad Zulfan Tadjoeuddin, "Inequality and Exclusion in Indonesia," *Journal of Southeast Asian Economies* 36, no. 3 (2019): 284–303.

3.1.2 Compensation Practices in Informal Tourism Employment

The compensation system in the informal tourism sector lacks a standard benchmark. The majority of workers receive daily wages or are paid per trip according to agreement, making their income highly volatile and dependent on the number of tourists. During holidays, income can increase, but in the low season, income can be lost entirely, placing workers in economic uncertainty. Tourist transport workers, for instance, are generally paid with a lump-sum system (*sistem borongan*) which already includes operational costs, but risks such as vehicle damage or rising fuel prices are often borne solely by the worker. Meanwhile, workers in culinary tourism businesses more often receive daily wages with uncertain additional incentives. Communities of tour guides or other service providers often use a revenue-sharing system based on internal agreements. Although this system maintains solidarity, it does not address the fundamental problem of a minimum income guarantee. According to the ¹², revenue-sharing mechanisms in the informal sector tend to reinforce dependence on the market without providing adequate instruments of protection.

3.1.3 The Role of Local Wisdom in Employment Relationships.

In the midst of the formal legal vacuum, local wisdom plays a central role in maintaining harmony and the sustainability of work practices. These values are rooted in the cultural system of Javanese society, which has evolved since the era of the kingdoms, particularly within the social traditions of the Yogyakarta Sultanate, which emphasize the principles of harmony (*rukun*), balance, and collectivity in social life. Clifford Geertz explains that values such as *gotong royong* and *tepo sliro* are part of the Javanese moral economy an ethical system that maintains social order through solidarity and empathy. In line with this, from the perspective of customary law as articulated by Soepomo, these values can be understood as “living law” that is, unwritten norms that are alive and observed by the community through mechanisms of social control, rather than through formal sanctions.

Javanese cultural values such as *gotong royong* (mutual cooperation), *tepo sliro* (empathy/tolerance), *ngajeni* (mutual respect), and *sepi ing pamrih rame ing gawe* (working diligently without expecting personal gain) function as a strong, unwritten social regulation. These values manifest in concrete forms of social solidarity. When a worker is sick or experiencing difficulties, other workers are willing to substitute their duties or provide financial support through voluntary contributions.

Internal conflicts are resolved not through formal channels, but through a family-based consultative mechanism (*musyawarah*), which aligns with the Javanese cultural orientation that emphasizes social harmony ¹³. At the level of business actors, local wisdom is translated into a work ethic that emphasizes togetherness and sincere service, which ultimately increases worker loyalty. For communities like *pokdarwis*, the principles of *guyub* (togetherness) and *hamemayu hayuning bawana* (preserving the harmony of the world) become the ethical foundation for working, where they maintain the collective image of Yogyakarta tourism as a shared responsibility.

¹² Ÿ ILO, “Extending Social Security to Workers in the Informal Economy: Lessons from International Experience,” 2021.

¹³ *Kebudayaan Jawa*, Seri Etnografi Indonesia (Balai Pustaka, 1984).

3.1.4 Legal Protection, Safety, and Social Security.

Legal protection, occupational safety, and social security for tourism workers in DIY are still very weak. The majority of informal workers are not registered in social security programs such as BPJS Ketenagakerjaan (Employment Social Security) or BPJS Kesehatan (Health Social Security) due to cost limitations, income uncertainty, and lack of information. Consequently, when facing the risk of work accidents or illness, they must bear the costs independently or rely on community solidarity, which is uncertain.

The aspect of Occupational Safety and Health (OSH/K3) is also minimal. Nature tour guides (local guides) or ride workers often face high work risks without adequate OSH standards or insurance protection.¹⁴ This weak protection is rooted in national regulations that focus on formal workers and have not been able to accommodate the reality of informal workers. Furthermore, the lack of accurate data on the number of informal tourism workers is a major obstacle for the government in designing targeted protection programs.

Labor practices in the tourism sector of DIY reveal a discrepancy between formal labor laws and the empirical reality, which is dominated by informal work patterns, fluctuating compensation systems, reliance on local wisdom as “living law,” and weak social protection and occupational safety. These conditions reflect a legal gap which, from a legal pluralism perspective, reveals the coexistence of state law and social law that are not integrated, while within a socio-legal framework, it affirms that law is understood not only as written norms but also as living social practices. However, local wisdom as living law has not yet been able to guarantee distributive justice as emphasized in social justice theory, so the state still has an obligation to provide protection.

3.2 The Ideal Concept for Fulfilling Workers’ Rights: A Local Wisdom Based Hybrid Model.

To bridge the gap between rigid formal regulations and dynamic field realities, this research proposes a Hybrid Model for Fulfilling the Rights of Tourism Sector Workers Based on Local Wisdom that is Adaptive to National Labor Law. The urgency of this model stems from the fact that formal law has failed to address the reality of informal employment relationships in the tourism sector. Within the framework of legal effectiveness theory, as emphasized by Soerjono Soekanto, the success of the law is determined not only by legal norms but also by its alignment with social and cultural structures and the needs of society.¹⁵ When national labor laws require formal employment relationships, while practices on the ground are based on flexibility and trust, legal dysfunction occurs. It is at this point that the hybrid model becomes urgent, because it does not impose rigid formalization, but adapts legal norms to align with empirical conditions. The model consists of four main elements:

¹⁴ “Protecting Workers’ Health,”⁸ n.d.

3.2.1 Legal Recognition of Informal Workers

The first fundamental step is to provide legal recognition to informal tourism workers through regional regulation. This recognition will give them a clear legal status, which allows the government to conduct accurate data collection. With valid data, social protection programs, training, and economic assistance can be channeled effectively. This legal status is not just a formality but an acknowledgment of their real contribution to the economy and image of DIY tourism. It will also give them a stronger bargaining position, open access to professional certification programs, and reduce exploitative practices.

3.2.2 Flexible Social Security Scheme.

The current social security system with fixed monthly contributions is inconsistent with the fluctuating and seasonal income patterns of tourism workers. Therefore, a more flexible social security scheme is proposed, for example, with options for daily or weekly contributions. This scheme allows workers who are only active during certain periods to remain registered without being burdened by contribution obligations when they have no income. This model can be supported by a cross-subsidy mechanism or a special contribution fund from tourism business actors to ensure all workers, including informal ones, receive protection for health, work accidents, and old age.

3.2.3 Flexible Social Security Scheme.

One of the main weaknesses in the informal sector is the lack of minimum protection standards. This ideal concept emphasizes the importance of establishing professional wage standards at the regional level, such as a minimum tariff for tour guides or tourist transport drivers. This standard not only protects workers from exploitation but also enhances the professionalism of the tourism sector as a whole. In addition to wages, minimum protection must also cover Occupational Safety and Health (OSH/K3) aspects, especially for workers facing high risks. With clear OSH standards, workers will gain the right to a safe working environment and adequate protection procedures.

3.2.4 Empowerment of Local Communities

Local communities such as pokdarwis, cooperatives, and community associations (paguyuban) have a strategic role and must be empowered as official government partners. They can be involved in the process of worker data collection, social security program socialization, and the facilitation of skills and safety training. This involvement ensures that the formulated policies are not top-down but are based on community participation. Cultural values such as gotong royong can be utilized as a mechanism for internal supervision and dispute mediation at the community level. Thus, local communities do not only play a role in preserving culture but also become active actors in ensuring the fulfillment of workers' rights.

Based on the above explanation, the proposed hybrid model is a conceptual response to the ineffectiveness of formal labor laws in addressing the realities of informal employment relationships in the tourism sector of DIY. Drawing on Soerjono Soekanto's theory of legal effectiveness, the law will only function optimally if it is aligned with social and cultural conditions and the needs of society. Therefore, this model does not

impose rigid formalization but rather integrates legal recognition for informal workers, flexible social security schemes, the establishment of minimum labor protection standards, and the empowerment of local communities as key actors. This approach not only strengthens legal protection and worker welfare but also preserves the sustainability of local wisdom values as the foundation for adaptive, participatory, and equitable labor relations.

4. Conclusion

The practice of fulfilling the rights of tourism sector workers in the Special Region of Yogyakarta is still dominated by informal work patterns based on trust, without written contracts. This condition creates work flexibility, but on the other hand, it causes income uncertainty and limited access to formal legal protection and social security. Amidst the weak regulatory intervention, local wisdom values such as *gotong royong*, *tepo sliro*, and *ngajeni* act as an effective "social umbrella" in strengthening solidarity, maintaining harmony, and sustaining employment relationships. In other words, the current practice heavily relies on socio-cultural mechanisms, although it has not been able to guarantee protection equivalent to national labor law standards.

The ideal concept to overcome this problem can be realized through a hybrid model that integrates formal protection with the strengthening of local cultural values. The main recommendation of this research is the implementation of a model that includes four pillars: legal recognition of informal workers, the development of a flexible social security scheme, the establishment of minimum protection standards (wages and OSH), and the empowerment of local communities as strategic government partners. By integrating local wisdom into formal policy, the resulting regulation will be more contextual, acceptable to the community, and possess strong social legitimacy. However, this research has limitations, including the conceptual difficulty in defining an objective "ideal concept" for all stakeholders, limited secondary data on labor practices based on local wisdom, and methodological challenges in obtaining a representative sample due to the diversity of worker types in the tourism sector.

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