

Strengthening Regulations to Improve Tourism in the Globalization Era

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ABSTRACT

The tourism business is one form of support for increasing state revenues. Due to the Covid-19 pandemic, countries in the world experienced a significant decline in the tourism sector. Therefore, more concentration is needed as a form of effort to increase the tourism business. The government and tourism business players must make various ways and efforts to develop the potential in the tourism sector, which is hampered by the Covid-19 pandemic. So, the interesting problem in this paper is how to strengthen regulations to increase tourism in the era of globalization. In this paper, the method used to examine the problems that are the focus of the study is the normative method of analysis or doctrinal research, which states that law is identical with written norms made and promulgated by official authorities, institutions, or officials. Through this research study, it is hoped that intensifying the tourism business in globalization era that is experiencing a decline, the government must do various ways, including how to increase the ability and support of the community, including business people. In addition, it is appropriate to strengthen regulations, especially in providing guarantees to business actors, to provide legal certainty and guarantees of justice. In addition, the use of high-tech technology will result in a high-tech strategy in increasing tourism and the role of digital multimedia nets.

Keywords: Business actors, Globalization, Strengthening regulations, Tourism.

1. INTRODUCTION

Tourism is as one of the sectors that encourage the economy of the country. An invaluable wealth with a strategic geographical location, diversity of languages and ethnic groups, natural potential, flora, fauna, and ancient relics, historical relics, arts, and culture, which are gifts from God Almighty owned by the Indonesian people and are sources of wealth. The sources and capital for the development of tourism to add on the prosperity of the people as in the Pancasila and Indonesia's Constitution are invaluable state assets. As a source of foreign exchange earnings, the tourism industry[1], both nationally and regionally, continues to make efforts to improve. For this reason, the Indonesian state continues to encourage the development of the tourism sector and tries to create innovations in order to maintain and improve competitiveness in a sustainable manner.[2]. The presence can see the increase in the tourism industry in Indonesia of tourism industries in areas that have the potential for natural beauty. [3]

Tourism is such an integral part of national development, which carried out in the systematic, planned, integrated, sustainable, and also responsible manner while still protecting religious and cultural values in the society, environmental sustainability, and quality, also national interests. Tourism development is necessary

to support the equal distribution of business chances, obtain benefits, and pass the challenges of changing local, national, and even global life. During the government's activities in carrying out development in the tourism sector, the global community experienced very unexpected conditions, namely the outbreak of the Coronavirus Disease due to the Severe Acute Respiratory Syndrome Coronavirus-2 (SARS-CoV-2) virus[4], the type of disease that attacks the respiratory system and lead to infection.

The policy orientation in the tourism sector, which the government is promoting, has been paralyzed due to the outbreak of the pandemic of Covid-19, which has also affected various other sectors. The Covid-19 pandemic has limited individual freedom in all corners of the world in carrying out various activities, including tourism activities to other countries. Therefore, to accommodate the development of tourism businesses and their effectiveness in implementing, fostering, monitoring, and controlling tourism businesses, including in the regions, the government implements improvements in various ways,[5] including by strengthening regulations related to tourism.

The era of globalization has forced all countries to compete to build and strengthen the economic system of their respective countries, including to get investors in building a national economic system to face the same

challenges during competition between countries. [6]. Therefore, the success of the tourism sector has a positive impact in the direction of the agricultural sector, the hotel and restaurant sector, and other sectors. Thus, it is necessary to improve the legislation to ensure and increase tourism in the globalization era.

Amid the pandemic, it has resulted in everyone not daring to travel or visit other countries. Countries have their policies restricting both tourism that will travel abroad and on tourism that will enter the territory of a country. Thus, in the context of increasing tourism in globalization era during the pandemic, the government and the DPR as regulators must prepare various laws and regulations supporting increasing tourism, especially in force majeure conditions.

Thus, the interesting problem in this paper is how to strengthen regulations to increase tourism in the era of globalization. This issue becomes interesting, considering that during non-natural disasters that are hitting almost all over the world, primarily due to the outbreak of the Covid-19 pandemic, how can the tourism industry not die and even continue to run well and get stronger. This simple article does not intend to justify that the existing laws and regulations are not good, but to choose other perspectives. However, it is unavoidable that thoughts intersect with each other. This paper will conduct a study to determine that strengthening regulations are needed to increase tourism in globalization.

2. METHODS

This study used normative method with post-positivism paradigm to add on tourism within the era of globalization, it is necessary to strengthen the rules. The government must take steps to strengthen guidelines through numerous policies, during the Covid-19 pandemic. Indeed, the conditions that should be faced are challenging, and on the only hand, they must enhance and advance the tourism sector. However, the circumstance of nations inside the world which are being hit by an international crisis because of the outbreak of pandemic makes people no longer dare to do and postpone travel to other nations. It takes a look at the usage of a normative juridical approach or, in keeping with Wignjosoebroto, is doctrinal research, namely a study that makes use of positivist legis, which states that regulation is identical to written norms made and promulgated by legal institutions or officials.

Similarly, on this concept, regulation is visible as a normative machine; this is self-sufficient, closed, and detached from humans' lives. Satjipto Rahardjo said that this angle is to peer the law as an abstract regulation. His attention may target a truly autonomous organization which can be mentioned as a separate concern, no matter its relation to subjects outside the law. According to the analytical discussion, the point of interest will lead to a normative approach, so this approach is known as normative analysis

3. RESULT AND DISCUSSION

Natural resources and capital owned by the Indonesian people must be utilized optimally through the implementation of tourism. In addition to being a source of national income, it can also expand and equalize business chances and give the employment of opportunities, encourage regional development, introduce and empower the tourist attractions and destinations in Indonesia, as well as fostering the sense of love for the homeland and strengthening friendships between nations. [7]

The tourism industry, which plays a central role, began to appear during World War II. In that era, a massive surge in tourism emerged as a new force in the economic and social fields. [8]. Along with the progress of civilization and the state administration system, the tourism industry continues to increase and requires improvement. In addition to increasing tourism objects, clear rules are also needed to regulate the tourism sector to provide legal certainty. Therefore, one of the efforts that the government must make to improve the tourism sector, especially in the era of globalization, is through strengthening regulations and government policies to improve the tourism sector. The strengthening of regulations that were initially implemented by the government, among others with the enactment of laws and regulations: Law Number 5 in 1960 with regard to Basic Regulations on Agrarian Principles (Including State Gazette No. 104 in 1960), Law Number 1 in 1967 concerning Foreign Investment (State Gazette of the Republic of Indonesia of 1967 Number 1, Supplement to the State Gazette of the Republic of Indonesia Number 2818, from now on referred to as Law 1/1967), which since the enactment of Law 1/1967, foreign investors have competed to invest in Indonesia, [9] including investing in the tourism sector.

3.1 History of Tourism Development

The history of western civilization starts from the 11th era to the 15th era. During this period, pilgrimages to special places for religious reasons became a new model in the expansion of tourism industry. [11]. While, the era of human travel around various countries and continents by moving from place to place started from the 17th century to the 20th century which later gave rise to a culture of migration, where people moved to live in new places as if they were an area. Their origin, while the upper class in that era stopped temporarily just for a vacation. The reason people travel is growing, apart from traveling, they also travel for religion, migration, study purposes, trade, and war. [12]

In 1740, Great Britain and Europe was the forerunner of the western era where young couples from the upper-middle-class went on long journeys with various goals, whether it was fun, education, or other purposes. Thomas Cook, in 1840 initiated a modern, inclusive tour package

for group travel. [13]. According to Adam Smith, the term tourists all have a negative image because they are considered only doing something that is not important; finally, in 1770, tourists gave a new influence with the start of travel using mass transportation modes. [14] The 20th century, especially 1960-1980, was the peak of the development of the world of tourism where the number of tourists increased rapidly from several surveys held in that era. [15]

In Indonesia itself, 1910 was the forerunner of the development of tourism with the establishment of VTV (Vereeneging Toeristen Verkeer) as a tour operator and travel agent formed by the Dutch in Batavia, who at that time was very active in promoting Java and Bali as the tourism destinations in Indonesia. [16] Tourism is not only related to economic issues, but also social, political, cultural, and the other issues. Tourism is such a multi-complex system by linking various aspects that affect other aspects where in recent times, tourism has played an essential role as the driving force for the community dynamics that affect sociocultural changes. [17]

3.2 Tourism Legislation

The development of tourism sector from year to year shows very rapid development. This is caused, among others, by changes in the socioeconomic structure of countries and the increasing number of people who have higher incomes. Tourism is increasingly developing into global phenomenon, becoming a basic need, refreshing, and part of human rights that must be upheld. The government (in this case, the central government and regional governments), the tourism business world, and the community are obliged to assure that the tourism activities as the right of everyone and can be enforced to encourage the achievement of increasing human dignity, increasing welfare, and also friendship between nations in realizing the peace of the world. [18]

In the face of global changes and the strengthening of people's privacy rights to enjoy the leisure time through traveling, is as the reason for the need for the development of tourism based on the diversity, uniqueness, [19] and also distinctiveness of the nation while still placing diversity as the essential thing within the framework of the Unitary State of the Republic of Indonesia. Tourism development must still pay attention to the population, which will be one of the main capitals in the tourism development in the present and the future with dual function [20]

With regard to the law to the tourism (UU 10/2009), problems are encountered in the implementation, including: [21]

1. Facilities and infrastructure in Law 10/2009 relate to the infrastructure development in the tourism. One of the efforts to evolve facilities and infrastructure in the tourism is through cross-sectoral coordination, where there must be synergy in the development of facilities and the infrastructure in the tourism sector as confirmed in the Article 33 of Law 10/2009 regarding

coordination. In the implementation, not all regions have experienced the effect of developing infrastructure facilities and infrastructure.

2. Law enforcement.
3. Investment
4. Tourism development.
5. Management and environmental preservation of tourist attractions.
6. Order and safety of tourist attractions.
7. Authority and coordination between tourism-related institutions.
8. Lack of budget for tourism funding.

Law 10/2009 intends to support small and medium enterprises to help creating Sustainable Tourism Industry. Thus, in Law 10/2009, craftsmen, tour guides, and small and medium-sized tourism actors can be fostered and developed by applicable regulations. [22]. Tourism is as the travel activity carried out by a person or even group of people by visiting certain places for the recreational purposes, personal development, or even studying the uniqueness of tourist attractions [23] visited in the temporary period, [24] with the increasingly attractive tourist destination objects to be visited. Tourists both from within the country and from abroad are interested in visiting the prepared tourist objects. Thus, the government is obliged to prepare the kinds of tourism activities and their facilities.

3.3 Tourism Development

According to Article 1 number 3 of Law 10/2009, various kinds of tourism activities and encouraged by various facilities and services given by the community, businessmen, the Government, [25] and Local Governments [26]. According to Karyono, tourism refers to overall activity of the government, the business world, and the community to regulate, manage, and also serve the needs of tourists. [27]. Thus, tourism activities are the series of activities carried out by humans within the territory of their own country and other countries. These activities are done using many kinds of facilities, services, and the other supporting factors to realize the wishes of the tourists. [28]

Thus, according to Isa Wahyudi, five essential things of the tourism activities, as follows: [30]

1. Responsible travel, meaning that all tourism actors must be responsible for the impacts of tourism activities on the natural and cultural environment;
2. Tourism activities are carried out to/in areas that are still natural (nature made) or in/to areas that are managed based on natural principles;
3. The goal is not only to enjoy the charm of nature but also to gain additional knowledge and understanding of various natural and cultural phenomena;
4. Provide support for nature conservation efforts;
5. Improving the welfare of the local community.

Concerning tourism development, it is necessary to arrange regulations, with the reasons: (1) too many regulations (hyper-regulation); (2) *conflicting*; (3) *overlapping*; (4) *multi interpretation*; (5) *inconsistency*; (6) not effective; (7) creating unnecessary burdens; (8) create a high-cost economy. In addition, in order to avoid a legal vacuum, the government carries out regulatory arrangements through:

4. CONCLUSION

Tourism development in the context of strengthening regulations in the era of globalization is needed, providing legal certainty and guarantees of justice for tourism industry players and avoiding overlapping or even contradictions between one regulation and another. Tourism development in the era of globalization, apart from strengthening regulations, can also be carried out through high-tech technology, which will produce high-tech strategies in increasing tourism and the role of digital multimedia nets. With a high-tech strategy, the tourism industry in the era of globalization can be empowered as a promotional event and create creative and innovative ideas in providing tourism services while maintaining local wisdom and positive mentality from each region.

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