

Actions of Tourism Business Actors Against Tourism Workers on Impact of Covid-19 Pandemic

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ABSTRACT

This paper discusses policies to reduce employment termination because of the affect of the Covid-19 pandemic in early 2020, made many tourists cancel their travel plans. Tourism business actors made efficiency efforts by reducing working days, including implementing the Work from Home system to reduce operational costs. The method used in this study is the normative legal. The actions taken by the tourism business actors in this study refer to all actions of tourism business actors related to the fulfillment of workers' rights. The study results show that the action taken by the tourism business actors is to terminate employment, which then requires them to realize the laws and regulations concerning employment, namely paying severance pay to employees who are subject to termination of employment, as workers' rights. If the tourism business actors do not reserve pension funds, they will not implement these laws and regulations. Based on the justice and legal protection theory, tourism business actors need to obtain justice and legal protection from the government as part of person or group of people influenced by the Covid-19 pandemic.

Keywords: *Tourism Business Actors, Legal Protection, Termination of Employment.*

1. INTRODUCTION

Management of tourist destinations in bali involves the community, government, entrepreneurs, and the private sector with various models of partnerships. This has resulted in the applied destination management having an emphasis on different aspects. several destination management models have been implemented, including tanah lot, west bali tourism park, and nusa dua, which tend to have different specifications. Differences in management models are caused by factors of resources, types, and locations of tourist attractions, and the essential factor is funding (government budget). differences in management models for tourist attractions will affect the performance of the related tourist destinations [1].

The worst situation was the spread of the virus outbreak in bali, which overall weakened the destination's image. The disease occurs due to infection with this virus is coronavirus disease 2019, which causes respiratory system disorders, severe lung infections, and death acceleration. transmission of the virus is very fast from human to human by accident through objects that are often touched by human hands, transmitted through coughing/sneezing or interaction with many people. Covid-19 is such a global outbreak that endanger the dimensions of human and social. The pandemic of Covid-

19 emerges as big shock to the global economy, like Indonesia [2]. The economy is in decline for at least the first half of the year and perhaps will take longer if the measures to deal with the Covid-19 outbreak are not effective.

Covid-19 has caused disruptions to global, domestic supply chains, financial market volatility, consumer demand shocks, and negative impacts in the critical sectors, like travel and also tourism. The impact of the Covid-19 outbreak will no doubt be felt along the tourism value chain. Small and medium-sized enterprises are expected to be affected. The pressure of tourism industry is most evident in the massive decline in the foreign tourist arrivals with the massive cancellations and drop in bookings. The decline also happened because of slowdown in domestic travel. The decline in the tourism and travel business give the impacts oon micro, small, and medium enterprises and also disrupts employment opportunities.

President of Indonesia, Joko Widodo, has requested employers not to round off the employment of the workers. The members of commission IX of the house of representatives of Indonesia (*dpr-ri*) on march 23rd, 2020, through online media, requested companies whose businesses were impacted by the pandemic not to end their employment, so that, the workers can continue to

get income to fulfill the needs; however, the request of the president and members of the house of representatives could not be fulfilled by the company. Companies still terminated the workers, cut their severance pay, and applied termination of employment to the workers without paying wages and severance pay. The worker's condition is like the one described in the proverb "rub salt into the wound," which means that the workers who are laid off without being paid will suffer more (double suffering). In addition, to their safety being threatened in the face of covid-19, the workers concerned also suffer from hunger that always haunts them and their families.

The preamble to the 1945 constitution (which is also known to the Indonesian people by the abbreviation of *uud nri tahun 1945*), namely article 27 paragraph (2), prescribes that "every citizen has the right to work and a decent living for humanity." This implies that work is a such basic need of every citizen. The goal is to support the stability of the necessities of life by obtaining the decent results to maintain the existence of their lives. Thus, the government's constitutional obligation is to give job opportunities for the citizens because work is a citizen's human right. It is the commitment of Indonesian people to respect, recognize, and also protect and uphold the human rights of every citizen.

The outbreak of this pandemic has impacted various fields, one of which due to various closures for business actors. During the ongoing pandemic, the world is experiencing many losses, and Indonesia is also experiencing the impact. As the result, problems arise in the business sector. In Indonesia, it has been noted that several business sectors have difficulty in maintaining companies, whether they are small, medium, or high-level entrepreneurs. the business sector has been most affected by this pandemic is the tourism sector. The business actors in the tourism sector experienced several problems, both with employees and with the government.

Based on the description of the background of the problem above, the formulation of the problem are: what are the impacts of the covid-19 pandemic on tourism business actors and their legal arrangements in Indonesia? how is legal protection against the inability of tourism business actors to fulfill the rights of tourism workers due to the impact of the covid-19 pandemic?

2. METHOD

This is normative legal research, which puts the law as the building system of norms. The building system of norms is about the principles, norms, rules of laws, and even regulations, court decisions, agreements, and doctrines (teachings) [3]. Law is as the norm that considered appropriate.

This research is devoted to the context of legal science to figure out legal events and legal processes, as well as the provisions of the legal regulations themselves. Thus, the legal procedure itself can be explored [4].

Legal research is used to find the solutions to legal issues that arise. Thus, it can be said that legal research is research within the framework of know-how in the legal science regarding guidance on what should be done on the issues [5].

3. RESULT AND DISCUSSION

3.1 The Impact of Covid-19 on Tourism Business Actors and Its Regulations in Indonesia

With the presence of law in social life, it is helpful to integrate and coordinate interests that usually conflict with one another. The spread of Covid-19 has decreased the number of tourists visiting in Indonesia. Tourism supporting sectors, such as hotels, restaurants, and retail entrepreneurs, also feel the impact of pandemic. The areas whose retail sector is most affected are Manado, Bali, Riau Islands, Bangka Belitung, Medan, and Jakarta. The impact on tourism is foreign tourist arrivals have fallen drastically along with the reducing international flights. Domestic tourists have also dropped since the pandemic and will worsen along with the implementation of social and physical distancing. The pandemic has hit not only Indonesian tourism, but also tourism at the global level. In the various parts of the world, the hotel business, aviation services, land and sea transportation recorded a drastic decline. These are the causing factors of the low number of tourism business actors.

Entrepreneurs feel the impact in the form of decrease in the sales and experience financial difficulties, so they are forced to do action by stopping or reducing their business activities which leads to the termination of employment. Employment termination due to the pandemic has different effect on the government because unemployment will intensify and cause social unrest. For the workers themselves, the pandemic can reduce and eliminate workers' financial resources because they are affected and subject to the termination of the employment. This condition resulted in various companies experiencing the decrease in revenue to the losses that led to the closure of company. The company's reason for their actions was because it was the last resort after they adopted a policy of reducing salaries and working hours and overtime, implementing shift work, and reducing facilities and laying off.

In fulfilling their obligations, employers must continue to fulfill workers' rights and realize the protection for the workers during this pandemic. The protection provided is the total payment of wages to workers in the form of basic wages and fixed allowances along the workers are laid off other than because it has been regulated in the work agreement, company regulations, or even collective work agreement, and the circular letter from the ministry of human resources. For the workers who have been terminated, the form of protection provided is based on the law. In that, employers must provide severance pay, service or even payment of service period, and the retribution for the

worker's rights. Severance pay is the retribution that the employer must pay in the event of termination of employment.

All actions of the tourism business actors must refer to the applicable laws and regulations, like the Constitution, Law Number 2 in 2004 regarding Settlement of Industrial Relations Disputes, Law Number 21 in 2000 concerning Trade Unions/Union Labor, Law Number 13 in 2003 with regard to Manpower, Law Number 11 in 2020 concerning Omnibus Law, Law Number 10 in 2009 concerning Tourism and Government Regulation Number 35 in 2021 with regard to Agreements on Working Time, Rest Time, Outsourcing, Working Time, and Termination of Employment. Until now, there are no regulations governing actions for the business actors in the tourism sector because of the impact of COVID-19.

3.2 Legal Protection for the Inability of Tourism Business Actors to Realize Workers' Rights Due to the Impact of Covid-19 Pandemic

In current pandemic conditions, all businesses experience a decline in performance, and even losses, including businesses in the tourism sector, even though efficiency efforts have been made, such as cutting workers' working days and implementing Work from Home (WFH) to reduce operational costs.

The Indonesian government plays a role as a worker protector, among others, in drafting various laws and regulations and circulars of the ministry of human resources as a complement and accompaniment. The government is a facilitator in resolving disputes between workers and employers in finding solutions to problems between the two parties and the rights as regulated in the law. Another role of the government is to oversee and monitor existing regulations. In supervising, the central government must be ready and be a good pioneer with local governments so that optimal supervision can be achieved because government regulations can protect and understand that workers have no meaning if their implementation is not addressed and supervised by experts.

Actions taken by business actors in the tourism sector are implementing termination of employment, thus requiring them to realize the laws and regulations in the field of employment, namely paying severance pay for terminated employees, as workers' rights. If the company has reserved pension funds for employees, problems will not occur. However, on the other hand, business actors do not reserve pension funds, and the companies experience operational losses, so they cannot implement the labor laws and regulations. As a result, the law is considered to have failed to respond to any problems in society [6].

Related theories used as the tool of analysis to examine the problems of the study are the theory of legal certainty, theory of justice, and theory of legal protection. Based on the theory of justice, law as a social order can

be declared fair if it can regulate human actions satisfactorily so that they can find happiness in it [7]. This protection is given to the community to enjoy all the rights granted by law [8]. As entrepreneurs, especially in the tourism sector, they need justice and legal protection because they are part of a group of people affected by the Covid-19 pandemic. In providing protection and justice for entrepreneurs in the tourism sector, the role of the government is required in seeking and providing justice and protection for the entire community, both business actors and workers as victims who feel the impact of the pandemic. Legal certainty refers to a legal umbrella that is consistent, consistent, fixed, and clear, and in its implementation, should not be influenced by a subjective group of people. Justice and certainty are not only moral demands, but factually they characterize the law. A law that will not be specific and fair results in a bad law [9].

Given that the pandemic causes all community activities to run not optimally and the implementation of lockdowns in various places, the company's termination of employment policy towards workers is the last decision that can be taken. This is because if it is forced, it can have a more dangerous impact on the survival of other workers and if the company is open as it usually is. Another impact for workers is that they do not receive wages during the pandemic. It is because workers prefer to resign. The government issued Circular Letter Number M/7/AS.02.02/V/2020 with regard to Business Continuity Plans in Facing the Pandemic. The Circular aims to protect the workers and business continuity from the impact of the pandemic. It also intends to prevent the spread of Covid-19 in the companies that still carry out business activities and producing by the provisions of the applicable laws and regulations, entrepreneurs, workers, and the government as much as possible to prevent layoffs by taking the systematic and practical steps as the act of readiness by preparing business continuity plans in the face of the Covid-19 pandemic.

Some of the policies issued by the government related to legal protection for workers are as follows. The Pre-Employment Card Program is the government's way of assisting communities that have experienced layoffs and micro, small, and medium enterprises affected. Temporary Income Program for those who have lost their income due to various social restrictions. Business Program in the form of Circular Letter of the Ministry of Manpower of Indonesia Number M/8/HK.04/V/2020 with regard to Protection of Workers in the Work Accident Insurance Program to affirm the provision of rights to workers who are at risk and exposed to Covid-19 and in the form of work accident insurance.

The policy, issued by the government amid the pandemic, actually needs to exist to protect every worker's rights and help ease the burden on companies because the rights to guarantee for every worker at work and the right to a decent life are needed. The government is present in enforcing and understanding justice in the impact of the business world during the ongoing pandemic. The normative rights of workers can be

granted if the parties in the employment contract, namely workers and employers, jointly accept and understand the current pandemic situation because both parties suffer losses. The normative fulfillment of workers' rights by the company must be adjusted to the entrepreneur's ability.

4. CONCLUSION

Business actors, especially in the tourism sector, need to obtain and accept a sense of justice and have a legal umbrella in legal protection, as recipients or people who feel the impact of the Covid-19. Government policies during the pandemic have protected every worker's rights and eased the burden on entrepreneurs because the rights to guarantee for every worker at work and the rights to a decent life are necessary. The government is present in enforcing and understanding justice in the impact of the business world during the ongoing pandemic. The normative rights of workers can be granted if the parties to the employment contract, workers and employers, jointly accept and understand the current pandemic situation because both parties suffer losses. The fulfillment of workers' normative rights inevitably needs to be adjusted to the ability of employers. In avoiding the impact of the pandemic, social negotiations must prioritize finding the best solution so that workers can be protected and do not harm the parties. The government needs to be urged to strengthen further supervision for employers who terminate employment and do not fulfill their obligations to workers or take arbitrary actions toward workers amid the Covid-19 pandemic.

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