



Legal Reconstruction in Government Policies in the Post-covid-19 Tourism Sector that Supports Economic Recovery in Indonesia

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Abstract. Changes in the pattern of people's lives are faster than changes in law, considering the function of law as community renewal that can provide benefits. Since the Covid-19 virus entered Indonesia 2 years ago, the pattern of people's lives changed, and the government provided policies through rule of law in Indonesia to deal with the negative impacts caused by the virus, namely health impacts, social impacts, and economic impacts, especially the tourism industry. Many tourism industries are closed and empty of visitors, which causes the economy in the tourism sector to die. It becomes a legal problem when government policies that are taken do not support economic recovery and there is a legal conflict between laws and regulations and there is no preventive and repressive legal reconstruction that supports economic recovery. The goal of this study is to comprehend the legal reconstruction of legislation and orders pertaining to post-covid-19 tourist strategies for economic recovery. This study employs a normative research strategy with a legal approach and a case approach. The study concluded that government policies enacted through law must be consistent with legal principles and the contemporary demands of the tourist industry. To stimulate effective economic recovery, the tourist sector requires repressive and preventative legal restructuring.

Keywords: Legal Reconstruction · Government Policy · Tourism · Economy

1 Introduction

There is a lot of discussion in the society about the new normal or new life order that the government is developing to adapt to the economy as a result of the Covid-19 epidemic. According to the government, people must now prepare for a new normal in order to coexist with Covid-19. One of them is the tourism industry, which will become a new standard by building tourist resorts and implementing new tourism-specific norms. Tourism is predicted to be Indonesia's second greatest source of foreign currency. This epidemic, on the other hand, transformed everything. Initially, the Covid-19 epidemic merely produced a health problem. The crisis, however, expanded to the social and economic spheres. This is characterized by the stoppage of economic activity, which employs a large number of people. Recently, as the new standard age has begun, the Central Government has been attempting to revitalize the tourism and commercial sectors

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that were nearly destroyed by the Covid-19 epidemic. Tourists changed when the WHO labeled Covid-19 a global epidemic.

Tourists are more cautious and limit their travel to various places in order to protect themselves from the threat of Covid 19 by keeping good health. As a result, the tourist industry has suffered the most from the epidemic. International tourist visitation to several countries, including Indonesia, has decreased. It declined 7.62% from 1.37 million to 1.27 million international tourists at the end of January 2020 when compared to December 2019. (from one month to the next) As a result, the tourist industry has been the worst damaged by the epidemic. The number of international tourists visiting various nations, including Indonesia, has fallen. It declined 7.62% from December 2019 to January 2020, from 1.37 million to 1.27 million international tourists (month to month) [1]. With the increasing number of Covid-19 cases, numerous nations maintain cross-border movement of persons in order to mitigate the detrimental impact of viral transmission. As a result, international tourist arrivals in a number of countries, including Indonesia, have fallen.

Tourism as an industry is an important contributor to Indonesia's economic growth. Tourism, according to Isdarmanto, is a transitory travel from one location to another, carried either individually or in groups, to discover balance or harmony and satisfaction with the surroundings in the social, cultural, natural, and scientific domains [2]. *Tourism is a voluntary activity that involves visiting and enjoying tourist attractions. Furthermore, tourism development may give welfare and profit to the inhabitants as well as improve the quality of the environment while maintaining local culture.* In addition, the importance of tourism can contribute to economic equity in rural areas with tourist attractions, especially foreign tourists. With the large number of foreign tourists entering a tourist destination, it can bring in foreign exchange for the area so that the economy in the area grows well.

The Covid-19 virus has caused havoc not just in the health sector, but in almost every other facet of life, including the economy. To mitigate the effects of the Covid-19 epidemic, the government developed the Large-Scale Social Restrictions (PSBB) project, which is controlled by Government Regulation 21 of 2020 Large-Scale Social Restrictions. The regulation includes criteria such as reporting the number of Covid-19 cases/deaths, which has been on the rise in recent years. Furthermore, the PSBB guidelines are governed by Minister of Health Regulation Number 9 of 2020 regarding PSBB Guidelines, which takes effect on April 3, 2020 and governs, among other things, 1) school holidays and workplaces; 2) religious activity restrictions; 3) activities in public places or facilities restrictions; 4) socio-cultural activity restrictions; 5) transportation models restrictions; and 6) other defense-related activities. These legislation adhered to World Health Organization recommendations (WHO).

The Ministry of Transportation issued Ministerial Regulation No. 41 of 2020 Concerning Amendment to Ministerial Regulation No. 18 of 2020 Concerning Transportation Management [4] to fight the spread of the Covid-19 virus. With the introduction of Covid-19 instances in Indonesia, several limitations were lifted. This law is seen to be crucial in facilitating a seamless transition from the closed tourism industry to its reopening.

According to the above description, the government's pandemic crisis strategy plan can limit the spread of the Covid-19 virus; nevertheless, changing regulations frequently result in legal uncertainty. To restore tourism and the post-pandemic economy, an environment that greatly supports the development of investment and the mobility of supporting sectors in all industries is necessary. As a result, not only is a favorable environment and monetary stability required, but also rules that "spoil" tourist users and economic activists, making it difficult for the government to develop policies with effective and efficient regulations without sacrificing legal values.

2 Method

In scientific writing, the research technique is a tool or approach for investigating and determining an answer. A scientific document must contain scientifically justified truths so that the scientific work's outcomes might approach absolute truth [5]. This study employs a normative juridical research technique. Normative juridical studies examines the rules or norms in positive law [6]. In this study, the author explores several rules and literature relevant to the issue covered, which is connected to legal reconstruction in government policies in the tourist industry. This study employs both a legislative and a conceptual approach that is pertinent to the concerns presented. The statute approach, case approach, historical approach, and conceptual approach are the methodologies utilized in legal study. This study takes a statute method, looking at laws and regulations connected to the legal concerns being explored, and a case approach, looking at instances related to this subject.

3 Result and Discussion

Indonesia, a country with natural wealth and extraordinary beauty, is an attraction for foreign tourists. The tourism industry is an important sector of the Indonesian economy. Foreign tourists who come to Indonesia and enjoy tourist destinations in various regions in Indonesia can provide high foreign exchange income and creative entrepreneurs in the local community. Even the tourism industry is the primary income for people living in areas with tourist attractions. The tourism sector is predicted to become the largest industry in the world as it grows. According to the World Travel and Tourist Council (WTTC), the gross production of tourism travel was close to US\$. 4.15 trillion in 1997 and is expected to climb to US\$. 7.95 trillion in 2007. This figure has the greatest impact on the world's gross national product. This figure is expected to continue to increase in line with globalization [7]. The peak of tourism growth is estimated when free trade begins to be applied intensively. Moreover, investment in tourism is huge in the world economy, and it is estimated that in 2005 it was 11.8% of all world investment. Revenue from tourism taxes totals US\$1.4 trillion. However, the growth and development of the tourism industry suddenly fell drastically due to the emergence of the Covid-19 virus in early 2020 that entered Indonesia. Even before the pandemic, the tourism industry had experienced several obstacles. The following factors can identify some of the problems faced in tourism development [8]. First is the weakness of pioneering to open and build new tourist attractions in tourism destinations per market trends. Second,

the weak management of potential tourist attractions in tourism destinations competes with other destinations to attract interest and loyalty to existing tourist market segments. Third, product management innovation and tourist attraction capacity, especially those oriented towards environmental conservation efforts. Fourth, the lack of diversity in the value of tourist attractions in various themes by utilizing and elevating the uniqueness and local characteristics of the region. Fifth, there is no integrated effort to deal with the revitalization of tourist attractions in destinations experiencing environmental, socio-cultural, and economic degradation: sixth, poor quality of human resources and support for public infrastructure and tourism facilities. And then, since the Covid-19 pandemic, the tourism industry has become increasingly difficult.

The Covid-19 outbreak has had a considerable economic impact, particularly on tourism. The administration has taken many actions to counteract the Covid-19 outbreak. In the economic area, for example, the government provides social assistance, but in the transportation sector, the community's mobility is limited to not leaving the house. In numerous tourist industry sectors, the government's response to the Covid-19 pandemic resulted in a loss of income. Furthermore, the falling number of tourists visiting tourist spots in various locations has caused the tourism sector and small companies to fail. Many hotels in vacation areas went bankrupt and lay off workers. Almost 100% of the entire sample also stated that working as a manager of a tourism business unit is the most significant job in terms of meeting daily needs, and that the business unit is the principal source of revenue for the local community. As a result, people are forced to suffer with the COVID-19 pandemic while waiting for government legislation to encourage tourist businesses.

The Government's response to the COVID-19 epidemic is a public policy idea. A policy is a decision made by an organization or government body that is legally binding on the persons involved. At the same time, public policy is a decision made by the Government or government agency to overcome specific problems, carry out certain activities, or achieve certain goals regarding the interests and benefits of the people. Policy responses to COVID-19 may be broadly classified into four categories: fiscal, monetary, macroprudential, and emergency liquidity interventions. The policy objectives are likewise quite wide, encompassing households, firms, MSMEs, and even municipal governments, as well as numerous economic sectors [9]. To carry out this strategy, the government developed legislative instruments to serve as a legal foundation for dealing with the spread of the Covid-19 virus. These legal instruments include:

1. Government Regulation No. 21 of 2020 of the Republic of Indonesia Concerning Large-Scale Social Restrictions in the Context of Accelerating the Handling of the 2019 Corona Virus (COVID-19).
2. Minister of Finance Regulation No. 28/PMK.03/2020 Concerning the Provision of Tax Benefits on Goods and Services Needed to Handle the 2019 Corona Virus Pandemic Disease
3. Minister of Finance Regulation No. 38/PMK.02/2020 Concerning the Implementation of State Financial Policies to Deal with the 2019 Corona Virus Pandemic (COVID-19) and/or Threats to the National Economy and/or Financial System Stability

4. Budget Arrangements for the State Budget Burden in Handling the 2019 Corona Virus Pandemic, Minister of Finance Regulation No. 43/PMK.05/2020.
5. Regulation of the Minister of Transportation of the Republic of Indonesia No. PM 25 of 2020 on Transportation Control During the Eid Al-Fitr Homecoming Period of 1441 Hijriyah in the Context of Preventing the Spread of Corona Virus Disease 2019 (COVID-19).
6. Minister of Health Regulation (Permenkes) No. 9 of 2020 pertaining to PSBB Guidelines in the Context of Corona Virus Diseases 2019 (Covid-19).

Following the prior legislative instruments, more institutions issued circulars to curb the spread of the Covid-19 virus. This means that, unlike a number of other countries, the Indonesian government supports Large-Scale Social Restrictions (PSBB). PSBB is a restriction on specified activities placed on people in areas suspected of being infected with the Covid-19 virus in order to keep the disease from spreading further. The PSBB status is characterized by two conditions: a rise in the number of cases or fatalities caused by COVID-19 infection in a specific location, as well as the existence of the same pattern produced by infectious illnesses in other regions or nations.

PSBB is abbreviated by the government as the Enforcement of Community Activity Restrictions (PPKM). The Minister of Home Affairs issued Regulation No. 1 of 2021 about the Implementation of Activity Restrictions to Control the Spread of Corona Virus Disease 2019 (covid-19) in Java and Bali on the basis of cities and regencies. The PPKM is executed by producing Covid-19 instances in locations where the PPKM has a validity period, which might be once per week, twice per week, or once per month. The Government updates the policy every time the PPKM period has expired. As a result of this policy, Business actors, especially the tourism industry sector, have suffered many losses, and some have even laid off employees because they cannot bear the burden. Confusing legal instruments from the Government due to the absence of legal institutions can harm economic actors in running their businesses. Such legal uncertainty can increase the level of risk of increased losses. Therefore, paying attention to legal principles in making legal instructions is essential. The legislation is essential in order for state and federal policies to be established, legally enforceable, and publically enforced. Because exceptional law is required when developing policies to engineer, dynamize, stimulate, and even direct the achievement of the objective of living together within the unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution. Indonesia's economic recovery strategies.

4 Conclusion

Legal rebuilding in government policies is required as a kind of support from state administrators for certain sectors that require assistance in order to recover fast from the epidemic and return to supporting the nation's economy as a foreign exchange earner. Reconstruction is an absorbing phrase for rebuilding. As a result, legal reconstruction may be viewed as an endeavor to adapt the law to specific conditions so that the law governs a pattern of human conduct that is also appropriate for the average context. Many government policies must be changed in order to boost the economy through tourism.

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