



Implementation of the Indonesian Tourism Economic Development Strategy through the Job Creation Law

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Abstract. Economic development post happen the Covid-19 pandemic has become priority main Indonesian government. For reach objective this, the government do changes, replacements and improvements a number of Constitution related investment and capital investment, as well apply Constitution Create Work as a development strategy economy Indonesian tourism. Study This aim for analyze implementation Constitution Create Work in give convenience and attractive investor interest in investing in Indonesia, as step in development strategy economy Indonesian tourism. Method research used is study law normative with approach legislation, concepts, and approaches philosophical. Study This use material primary and secondary law, as well material law supporters. Research results show that Constitution Create Work and Capital Investment provide ease and simplification of the licensing process business for investors who wish invest in Indonesia, with hope that action This will impact positive on development economy Indonesian tourism.

Keywords: Economic Development, Tourism, Investment, Creation Work.

1 Introduction

1.1 Background of the Study

Every country in the world always emphasizes the importance of economic development, especially Indonesia. After COVID-19, the government focused on developing its economy on a massive scale by attracting investors to invest in Indonesia. Investment for a country is a necessity because investment is one of the driving forces of the economy so that a country can encourage the development of its economic development in line with the demands of the development of its society. According to the Indonesian Dictionary, investment is defined as investing money or capital in a company or project with the aim of making a profit. Investment is constructed as a tool in an effort to increase a country's economic development which can be carried out by domestic investors and foreign investors [4]. In Indonesia, one area of activity that can be used to attract investors to invest is tourism.

Tourism is a total of related elements, such as tourists, tourist destinations, travel, industry and so on. Tourism has a broad scope that concerns the interests of society as a whole, so it must be implemented in an integrated manner between the

government, business entities and society so that they can complement each other, be related and support each other. Indonesian tourism is the center of attention of local and foreign investors, because Indonesia has abundant natural and human resources. Indonesia as an archipelagic country has beautiful beaches, seas, mountains, lakes, forests and others, which are attractive for investors to invest and have great potential in helping economic development. Tourism is one of the productive sectors that can spur economic growth in a country, such as creating jobs and expanding business opportunities in the form of providing accommodation, restaurants, souvenir shops and transportation providers.

However, behind all that, what investors often experience is the difficulty of investing in Indonesia. In terms of investment in the tourism sector, things such as the complexity of business permits, the many requirements and documents from different agencies that must be fulfilled are separate considerations for investors when starting a business. This is certainly very tiring and takes a lot of time and money. One example is that in order to fulfill permits, apart from having to fulfill the rules or requirements of the Central Government, there are also regulations from each Regional Government which sometimes overlap, for example a permit has been issued by the Central Government, the Regional Government still requires it to be processed. requirements/permits are in accordance with the Regional Regulations of each region.

Instability regulations in the field frequent tourism _ happen moment replacement leader, along with interest them, as well exists autonomy causing area _ change rule without consider consequence for perpetrator business and society get involved, become factor important thing to do considered by investors before do investment in Indonesia. Investment in a country will walk smooth and give significant benefits _ for the country and its people if the country is able implement policy investment in accordance with trustworthy its constitutional. In context of this, Govt committed To finish problems and searches solution related with issue the through publishing Constitution Republic of Indonesia No. 11 of 2020 Concerning Create Work, that's later revoked through *Perppu* No. 2 of 2022, Concerning Create Work. Moment this, determination Constitution No. 6 of 2023 Concerning Determination Regulation Government Replacement Constitution No. 2 of 2022 Concerning Create Work become the basis applied. The formation of policies by the government through this regulation is expected to be a solution to the problems and obstacles that arise in investment in tourism to increase Indonesia's economic development. Based on the above, it is an interesting matter to discuss further regarding "Implementation of the Indonesian Tourism Economic Development Strategy Through the Job Creation Law."

1.2 Purpose of Writing

The purpose of this writing is to:

1. Know Draft Constitution Create Possible work _ support Investment as form of strategy for Indonesian Tourism Economic Development.
2. Understanding the Simplification of the Job Creation Law as a form of Implementing the Indonesian Tourism Economic Development Strategy.

3. Know the conveniences provided by the Job Creation Law to make it easier for investors to invest in Indonesian Tourism Economic Development efforts.

2 Methodology

A normative legal research method was employed in this study. A conceptual approach as well as a statutory approach are employed. Primary, secondary, and tertiary legal resources are the types of legal materials that are employed. Using investigation methods and methodologies as well as recording items relevant to the subject of study, the legal materials were gathered. After that, qualitative analysis techniques are applied to the gathered legal materials.

3 Discussion

3.1 Concept of Job Creation Law as a Form of Indonesian Tourism Economic Development Strategy

In order to boost investment and enable the creation of jobs, the notion of the omnibus bill is applied in the drafting of job creation legislation. The goal of job creation is to increase employment by supporting, defending, and empowering cooperatives and micro, small, and medium-sized businesses; enhancing the investment ecosystem and ease of doing business; increasing central government investment; and expediting national strategic projects [2]. In its implementation, the Job Creation Law uses the Omnibus Law Concept as an effort to increase investment development in Indonesia.

The idea behind omnibus law is to combine multiple themes, resources, topics, and statutory laws from each distinct industry into a single, comprehensive legal product. The omnibus law is a step toward creating a single law that can enhance the several rules that have been thought to overlap and impede the convenience of conducting business [1]. Throughout Indonesia, the idea of Omnibus Law The Job Creation Law provides a quick fix for conflicting rules and regulations on both a vertical and horizontal level by bringing together central and regional policies to enhance the investment climate.

Economic development is a process that involves altering the structure of production, how production resources are allocated among economic sectors, how wealth and income are distributed among economic actors and groups, and how life's institutional framework is changed overall. Economic development will affect a society's or economy's output or wealth. Aside from that, when economic progress expands access to more options, people will be happier and generally feel better off. Ensuring the wellbeing of the Indonesian people is one of the state's objectives, as stated in the Preamble to the 1945 Constitution. Because of this, the fundamentals of the Indonesian economy must be reinforced, and one way to do this is by encouraging investors to make as much of an investment as they can in Indonesia [5].

One strategy to encourage investors to make investments aimed at enhancing Indonesia's societal welfare is the implementation of the Job Creation Law. Because there are many intricate regulations governing investments, there is a direct relationship between increasing investment and community welfare. It is strongly tied to a number of factors, including employment, infrastructure, fiscal and non-fiscal incentives, and so forth. It is not just a matter of investors coming in and investing their capital. This problem's complexity is one that hasn't been addressed by earlier legislation.

3.2 Simplification of Job Creation to Support Investment for Investors

Theoretically, Law No. 6 of 2023 concerning Stipulation of Government Regulations in Lieu of Law No. 2 of 2022 concerning Job Creation used by the government as an instrument to support increased investment development in Indonesia. Conflicts arising from laws and regulations may be swiftly, effectively, and efficiently resolved through job creation. But it's important to be aware of the *lex posterior derogat legi priori* principle, which governs Indonesian law and states that recently established laws may still supersede employment creation if their contents differ. Regulations pertaining to job creation must be implemented, revoked, and changed with great care, attention to detail, and meticulousness.

Every law has a unique philosophical, sociological, and legal foundation, so it is important to carefully consider the philosophical, sociological, and legal aspects of the regulations that need to be repealed, especially those that deal with citizens' constitutional rights. Socially, economically, and environmentally, licensing simplification aims to eliminate several significant environmental sector provisions (such as the combination of business and environmental permits) and transfer licensing authority from the regions to the central government, which is thought to undermine the spirit of decentralization. Simplifying the fundamental requirements for business licenses, sector-specific company licenses, and investment requirements are some ways to streamline the system for job creation and encourage investors to invest [3]:

a. Implementation of risk-based Business Licensing

According to Law No. 6 of 2023's Article 7, risk-based business licensing is determined by assessing the degree of danger and potential for danger associated with various business activities. This assessment is based on a number of factors, including resource management, health, safety, and the environment. Depending on the nature of the business activity, the hazard level evaluation for some activities may include additional factors by considering the risks, resource constraints, geography, kind of business activity, and business activity criteria. Thus, the risk level and business scale ranking of business activities are established as low risk, medium risk, or high risk business activities based on this prospective assessment.

Business licensing is the legal authorization to conduct low-risk business operations. It takes the form of granting a business identification number (NIB). The NIB is always valid as identification for Business Actors when conducting activities and as documentation of registration or enrollment. Under the prior rules, business actors had to register and obtain a Company Registration Certificate (TDP), which needed to be

updated every five years. By eliminating the TDP and replacing it with the NIB, it is enough to help business actors in simplifying the licensing process they have to go through. And what's more special is that NIB can be done online by accessing the Online Single Submission Business Licensing System, hereinafter called the OSS System. The OSS system is an integrated electronic system managed and organized by the OSS institution to carry out Risk-Based Business Licensing. As stated in Article 1 No. 21 PP No. 5 of 2021.

The licensing of businesses for medium-risk activities can be classified into two categories: For medium-low risk activities, business license is provided in the form of a standard certificate and business identity number, which states that business actors must follow certain guidelines in order to carry out their operations; and standard certificate (a business standard certificate issued by the Central Government or Regional Government in accordance with its authority based on the results of verification of compliance with business activity implementation standards by Business Actors) for medium-high risk activities, as well as business licensing, which takes the form of a number holding company. The Central Government issues a product standard certificate based on the findings of standard compliance verification, which Business Actors must fulfill before beginning product commercialization operations, in the event that medium-risk business activities call for product standardization.

business licensing in the form of a permit and business identification number for high-risk business operations. The permit in question is an authorization granted by the Central Government or a Regional Government to carry out business operations; business actors are required to complete this requirement prior to initiating their company operations. The Central Government or Regional Government issues business standard certifications and product standard certificates based on the findings of standard compliance verification in the event that high-risk business activities need compliance with business standards and product standards.

b. Simplification of Basic Business Licensing Requirements

Article 13 part III (three) of Law No. 6 of 2023 states that the basic requirements for Business Licensing include compatibility of space utilization activities, environmental approval, and Building Approval and certificate of functional suitability. Suitability of space utilization activities is the suitability of the activity and/or business location plan with the RDTR. Regional governments are required to create and make available the RDTR in a digital format that complies with standards, making it simple for the general public to receive information about the suitability of their business location and activity plans. The digital integration of RDTR into the electronic business licensing system is mandated by the Central Government.

Law No. 32 of 2009 concerning Environmental Protection and Management contains regulations pertaining to Environmental Impact Analysis (AMDAL). The implementing regulations, namely Government Regulation No. 22 of 2021 concerning the Implementation of Environmental Protection and Management, demonstrate how the AMDAL regulations have been improved with reference to job creation. An environmental feasibility decision letter (SKKL) will be given once only high-risk environmental documents need to be reviewed and approved by Amdal. Only UKL-UPL and an environmental approval known as the Environmental Management Capability

Statement (PKPLH) are necessary for medium risk documents. Low-risk documents, on the other hand, just need the business identification number (NIB).

Permits for building construction have also been refined. In Government Regulation No. 36 of 2005 concerning Implementing Regulations of Law No. 28 of 2002 concerning Buildings, to construct a building an IMB (Building Construction Permit) is required, while in Government Regulation No. 16 of 2021 concerning Implementing Regulations of Law No. 28 of 2002 concerning Building construction which is a derivative of the Job Creation Law, IMB is removed and replaced with Building Construction Approval (PBG) where the processing process is also made easier. In Article 14 paragraph (1) PP No. 36 of 2005, a building construction permit (IMB) is the only permit permitted in building operations, which is a means of controlling building operations. In Article 1 No. 17 PP No. 16 of 2021, the definition of Building Approval (PBG) is explained, namely permits to build new, change, expand, reduce and maintain buildings in accordance with building technical standards.

c. Simplification of Sector Business Licensing and Ease of Investment Requirements

The Job Creation Law's Section III (3) and Part IV (4) include a list of streamlined sector business licensing procedures and investment requirements. This portion of the law covers a wide range of topics and includes Articles 26 to 75. Then we have the shipping and fishing sectors; postal services; broadcasting; telecommunications and energy; nuclear power; industry; trade; legal medicine; assurances for halal products; standardization of conformity assessments; public works and public housing; transportation; health, medicine, and food; education and culture; tourism; religion; public works and public housing; defense and security.

d. Simplification of Investment Requirements in Certain Sectors

Articles 76 through 79 of Chapter III, Part Five of the Job Creation Regulation govern the Simplification of Investment Requirements in Specific Sectors and deal with capital investment, banking, and sharia banking. Article 12, paragraphs (1) and (2), regarding capital investment, declare that all business domains are accessible for investment activities, with the exception of those that are designated as closed to investment or those that can only be executed by the Central Government. As stated in paragraph (1), for closed business fields.

According to Article 13, paragraphs (1) and (2), cooperatives and micro, small, and medium-sized businesses are given convenience, protection, and empowerment by the Central Government or Regional Governments, in accordance with their authority, to implement capital investment based on the norms, standards, procedures, and criteria established by the Central Government. The protection and empowerment mentioned in paragraph (1) is achieved by supporting and growing cooperatives and micro, small, and medium-sized businesses through partnership initiatives, training programs for human resources, boosting competitiveness, encouraging innovation and market expansion, granting access to capital, and disseminating pertinent information as broadly as feasible.

3.3 Ease of Job Creation in Efforts to Increase Investment

Apart from simplification, the government also makes it easier for investors to make investments easier through Job Creation by changing, deleting or establishing new arrangements for several provisions such as:

a. Immigration

Law No. 6 of 2011 concerning Immigration which was amended and simplified by the Job Creation Law in article 106 Chapter VI includes, among other things, Visit Visas are also given for pre-investment activities and Limited Stay Visas (VITAS) are also given to Foreigners as a second home. This is implemented as an effort by the government to make it easier for foreign investors to invest in Indonesia. This rule is also confirmed in Government Regulation No. 48 of 2021 concerning the Third Amendment to Government Regulation No. 31 of 2013 concerning Implementing Regulations of Law No. 6 of 2011 concerning Immigration.

b. Brand

Regarding trademarks, Article 108 of the Job Creation Law adds one more relative reason why a trademark cannot be registered, namely if the trademark contains a functional form. Likewise, with the initial period for substantive trademark examination, if there are no objections, it will take a period of 150 days, accelerated to only need a period of 30 days. Meanwhile, if there are objections during the announcement, previously the substantive examination would be carried out for 150 days, now it only takes 90 days. The Job Creation Law also removes the provisions of Article 25 of the Trademark Law which states that if a Mark certificate is not taken within 18 months, the registered Mark is deemed to be withdrawn and abolished. By removing this provision, brand protection remains even if the certificate is not taken. Retrieval of brand certificates can also be done electronically.

c. Limited liability company

Article 109 of the Job Creation Law regulates adjustments to the Limited Liability Company requirements, specifically for Micro and Small Enterprises (UMK), as explained below. It is now possible for a Limited Liability Company to be formed by just one person, particularly for Micro and Small Businesses, as opposed to the traditional need of at least two individuals. A Limited Liability Company's minimum capital was previously set at 50.000.000; however, as of right now, the founder of the company determines the amount of allowed capital. All that is needed to form a Limited Liability Company for Micro Business is to electronically register with the Minister and submit a statement of establishment in Indonesian. Individuals may only form one (1) Limited Liability Company in a calendar year as shareholders. Government Regulation No. 8 of 2021, which addresses authorized capital for companies and the registration of their establishment, modifications, and dissolution for companies that meet the requirements for micro and small businesses, confirms this.

4 Conclusion

Based on the discussion above, it can be concluded that the Omnibus Law was the basis for the government to issue Law No. 11 of 2020 which was then replaced by

Law No. 6 of 2023 concerning Stipulation of Government Regulations in Lieu of Law No. 2 of 2022 concerning Job Creation. The Job Creation issued by the government aims to improve the flow of investment in Indonesian Tourism for the better, both for Domestic Investors and Foreign Investors. This can be seen from several changes and improvements to previous regulations which could hinder investment. With the issuance of Job Creation, it is hoped that it will increase the ease of investment and also significantly attract investors, both domestic and foreign investors, to invest in Indonesia, especially in Bali. Theoretically, in its implementation, Job Creation has simplified and also provided convenience for investors as an implementation of Tourism Economic Development in Bali.

5 Suggestions

In implementing regulations there needs to be synchronization between the central government and regional government systems in issuing business permits for investors. This is related to regional government spatial planning, so that many business actors have business registration numbers but do not meet the requirements for basic business location permits. Apart from that, there needs to be supervision over the implementation of granting regional business permits to investors so that it will have an impact on the quality of investors who will enter Indonesia, especially in the tourism sector in Bali. By synchronizing and monitoring its implementation, of course it will have a positive impact on legal clarity and certainty both in terms of job creation regulations, investors, society and the government. Because no matter how good the rules are, if they are not implemented with OK, then No will walk with effective.

References

1. Antoni Putra, Implementation of Omnibus Law in Regulatory Reform Efforts, *Journal Indonesian Legislation*, Vol 17 No 1 2020, p. 222.
2. Article 1 Regulations Government Replacement Constitution Number 2 of 2022 Concerning Create Work
3. Constitution Republic of Indonesia Number 6 of 2023 Concerning Determination Regulation Government Replacement Constitution Number 2 of 2022 Concerning Create Work.
4. Drafting Team Language Center Dictionary, 2008, *Indonesian Language Dictionary*, Jakarta: Language Center, Department of National Education, p. 562.
5. Kurniati, PN (2018). The Urgency of Bureaucratic Reform and Regulatory Reform in Building Economic Governance in Indonesia. *Journal Analyst Policy*, 2 (1).
6. Regulation Government number 5 of 2021 About Maintenance Licensing Try Based Risk.

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