



Juridical Review of Football Regulation as Sports Tourism in Indonesia

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Abstract. Tourism sports events that are very popular in the world is football. Matches of football teams are now used as objects of tourist attraction which are often visited by tourists and travelers. Regarding tourist visits, these travelers will certainly provide benefits for cities hosting a football match. Football can play a role in the development of cities, countries and the profile they have throughout the world, as well as provide a real boost to the economies of countries and their people. Football plays a key role in promoting countries or regions as a tourist and business destination worldwide. The great potential that Indonesia has in the field of sport tourism, especially football, however, still has many deficiencies related to legality and tourists and other parties involved in the implementation of sport tourism are legally protected. In this situation, the government is involved in creating and building by regulating and establishing rules regarding the implementation of sport tourism. At this time the government has accommodated sport tourism or sports tourism to DBON, or the National Sports Grand Design on the legal basis of Presidential Order 86 of 2021 Relating to the National Sports Grand Design State Gazette of the Republic of Indonesia of 2021 Number 212. The regulations regarding sports tourism sports are contained in Article 4 paragraph 2 which reads: The Sports Industry as referred to in paragraph (1) letter d includes sports tourism.

Keywords: Tourism, Sport Tourism, Legal Regulations

1 Introduction

1.1 Background to the Problem

Indonesia is a unitary state that is famous as a beautiful country and rich in natural resources. Indonesia has a strategic location that has a huge influence on culture, social, political, and economic and is rich in natural resources and diverse flora and fauna. Therefore, one of the most developed and profitable things is the field of tourism. Indonesia's environment consists of a wealth of resources in the form natural resources, artificial resources, and non-biological natural resources. The environment is a component of Natural Resources that has a great influence on the development of human life and other living things in a country. A well-maintained environment will have a positive impact on life. Humans have a reciprocal relationship with their envi-

ronment. Its activity affects the environment. Such a reciprocal relationship exists between man as an individual or group or society and his natural environment.

In addition to its natural beauty and cultural style, Indonesia in the eyes of the world is famous for the hospitality of its people. This is what makes Indonesia a country that is so unique and makes it one of the world's main tourist destinations. Call it Kuta (Bali), Lake Toba, Borobudur, Senggigi Beach, Bunaken, Ancol Dreamland, Raja Ampat, Pangandaran Beach, Tangkuban Perahu, Komodo Island and West Sumatra. These areas are Indonesia's Pride Tourism areas in the eyes of the world. For foreign tourists, Indonesia has its own characteristics that make them impressed, cannot forget it and come back again to visit or choose other destinations that they have never visited, because of the diversity of tourist destinations in Indonesia, be it natural tourism, cultural tourism, art or culinary.

A sector that could be developed as a source of local income is the tourist industry. The program for developing and utilizing regional tourist resources and potential is anticipated to contribute to economic growth in an endeavor to boost local original income. The activity of tourism is said to have a variety of dimensions and a number of developmental processes. The growth of the tourism industry is influenced by socio-cultural, economic, and political factors. The implementation of tourism is intended to increase national income in order to improve the welfare and prosperity of the people, according to Article 1 Paragraph 10 of Law Number 10 of 2009 Concerning Tourism (hereinafter Law 10/2009) increase and equalize job and business prospects, support regional development, market and use Indonesian tourism attractions, promote patriotism, and deepen international friendships.

The world is faced with economic recovery after the Covid-19 pandemic, including Indonesia. On March 2, 2020, President Joko Widodo announced the existence of Indonesian citizens confirmed with Covid-19 in Indonesia. The pandemic not only has an impact on the health sector but also devastates the global social and economic sectors. The economic situation has weakened with restrictions on community activities, the duration of the pandemic that lasts long enough to cause Indonesia's tourism performance to get worse after reduced social mobility and the Minister of Law and Human Rights' Order No. 11 of 2020, which temporarily prohibits foreigners from accessing Republic of Indonesian land. Seeing such conditions, in the recovery of tourism in the post-pandemic pandemic, breakthroughs are needed to support or revive the World of Tourism in Indonesia by focusing on special interest tourism.

One form of special interest tourism that has garnered special attention is travel related to sports tourism. One of the tourism industries with the quickest growth is sports tourism. Whether or not sports are the primary reason for a trip, more and more tourists are interested in participating in sporting events while they are away. One of the most popular types of sports event tourism in the world is football. Football team matches are now used as tourist attractions that are often visited by tourists and travelers. Regarding tourist visits, these travelers will certainly benefit the cities hosting a football match.

Football can play a major role in the development of a city, a country and its profile to all corners of the world, as well as provide a real boost to the economy. The promotion of the city as a tourist and economic destination on a global scale is signif-

icantly aided by football. For example, football in Indonesia is now followed by many professional teams, one of which is Bali United based in Bali, Arema in Malang, Persib in Bandung and others, which before the pandemic when there was a match could attract visits of up to thousands of tourists and tourists (sport tourism events). In addition, Indonesia was also chosen to host the U-20 world cup, although in the end it was canceled. However, behind some promising advantages of football event matches, it is undeniable that rivalry in football is common, even many big clubs in Europe as a parameter of world football also have a tradition of great and deep-rooted rivalry. In Indonesia, rivalries extend beyond stadiums. It even seems that rivalries outside the stadium have become too dominant so that in many situations they lead to actions beyond reasonable limits. Since the 1990s, 48 cases of violence in Indonesian football that resulted in serious injuries and claimed lives.

This requires Indonesia to have great potential in the field of sport tourism, but also still has many shortcomings related to legality, as well as legal protection for both tourists, and various organizations involved in the development of sport tourism. In this situation, the government is involved in creating and developing by regulating, and forming rules regarding the implementation of sports tourism. Based on things as described above, it is an impetus for the author to research on "Juridical Review Of Football Regulation As Sports Tourism In Indonesia"

1.2 Problem Statement

From the description of the background mentioned above, problems can be formulated:

1. How is the regulation of football as sports tourism in Indonesia?
2. What is the legal protection of sports tourism tourists in football match events in Indonesia?

2 Research Methods

Since the normative element of legal science is a distinguishing feature, this research employs normative legal research. In this kind of legal research, the law is frequently understood as what is stated in laws and regulations or as standards or norms that serve as a standard for what is deemed acceptable human behavior. It's common to refer to normative legal study as qualitative research. However, it is important to distinguish normative legal research from qualitative research. because law is a unique branch of science.

2.1 Regulation of Football as Sport Tourism in Indonesia

Even though it is included in trade qualifications, tourism services in Indonesia are not included in the policy object of the trade department but the object of the poli-

cy of the ministry of tourism, a special ministry formed by the Indonesian government to manage tourism as a whole, including tourism services.

Gammon & Robinson in Lupikawaty, an individual or organization who actively participates in sports tourism or passively in sports competitions or recreation. Sport is the main motivation for traveling, although the element of travel can strengthen the overall experience Law No. 3 of 2005 regarding the National Sports System states that "Recreational sports are those engaged in by those with interests and skills that develop in accordance with the circumstances and cultural norms of the local community for the sake of health, fitness, and enjoyment."

The Indonesian Ministry of Tourism claims that sports tourism is often referred to as sports and recreation tourism is a trip for people to visit certain places in a temporary time in which there are sports tourism attractions, both natural, cultural and artificial, aiming to participate both actively and passively to fulfill pleasure / satisfaction. In light of the foregoing concept, it may be said that sports tourism is any active or passive sporting activity that a person or group engages in for enjoyment or exercise.

Provisions regarding sports tourism in Indonesia are governed by Law 5 of 2005, relating to the National Sports System (hence Law 5/2005) which has been amended into Law Number 11 of 2022 concerning Sports (hereinafter Law 11/2022).

In Law 5/2005 regulated through the provisions of Article 1 Paragraph 12: "Recreational sports are those engaged in by the community for its own health, fitness, and enjoyment, and that grow and evolve in accordance with its conditions and cultural values."

The provisions of Law 11/22 Article 1 paragraph 17 states: "The Sports Industry is an economic activity in the field of sports in the form of goods and/or services that provide added value or higher benefits and have an impact on the economy of society and sports"

Arrangements regarding Sports Tourism or sports tourism in Indonesia have been arranged through the National Sports Grand Design (DBON). DBON has a legal basis through The Grand Design of National Sports is addressed in Presidential Regulation Number 86 of 2021. (hereinafter Presidential Regulation 86/2021). In Presidential Regulation 86/2021, the provisions regarding sports tourism have regulations in article 4 paragraph 2: "The Sports Industry such as described in paragraph (1) letter d includes Sports tourism".

Bali, which is a favorite tourism destination in Indonesia, through the Regional Regulations of Bali Province has accommodated Sports Tourism through the provisions of Article 1 paragraph 30 of the Regional Regulation of Bali Province Number 5 of 2018 concerning Sports. Article 1 paragraph 30 states: "Sports Tourism is a combination of sports and travel activities aimed at exercising, watching sports, and doing sports attractions".

The sport tourism industry, particularly football, has the potential to grow as a source of revenue for the state and the region. Economic development is anticipated to be aided by the growth and use of tourism-related resources and potential in each region in an effort to boost revenue. The activity of tourism is said to have a variety of dimensions and a number of developmental processes. The growth of the tourism

industry is influenced by sociocultural, economic, and political factors. This is consistent with what Law 10/2009's Article 3 states, which reads as follows:

"In order to improve the welfare and prosperity of the populace, expand and equalize business opportunities and employment, promote regional development, introduce and utilize tourist objects and attractions in Indonesia, foster a sense of pride in one's country, and strengthen international friendships, tourism is being implemented."

With the regulation of sports tourism through Presidential Regulation 86/2021, football, which is one of the sports that is much loved by the Indonesian people, must develop its great potential into an industry to play an active role in driving the economy, including providing jobs and bringing foreign exchange for the State.

Football seems to create its own world, the massive turnover of money in it, will certainly be more than enough to move the economy of a country and region. As happened in the FIFA match Indonesia against Argentina, the Indonesia vs Argentina friendly match not only increases the potential of Indonesian football, but also moves the economic wheels of MSME players who trade around Senayan, Jakarta," Erick Thohir wrote in his Instagram upload, Wednesday (21/6/2023).

2.2 Legal protection of sports tourism tourists in football matches in Indonesia

Tourists are subjects that play a very important role in the world of tourism. It is tourists who determine the back and forth or success of the world of tourism. To succeed in the field of tourism, efforts or steps are needed that lead to the protection of the rights of tourists, especially sports tourism tourists in football match events. Currently, Indonesia is working to build infrastructure and amenities for the travel industry. However, these efforts will be meaningless if a country cannot create a sense of security and comfort for tourists. Insecurity and inconvenience for tourists will be felt when their rights as tourists are not protected in the country they are visiting.

Law No. 10 of 2009 and Law No. 8 of 1999 can be used as references to safeguard and enforce the duties placed on travelers who use tourism services. Protection of tourists must be maintained, because without it tourists tend not to choose Indonesia as a tourist destination. If this happens, it will have a negative impact on the development of tourism in the country.

Article 20 of Law 10/2009, which outlines the legal protections for travelers, states that "Every traveler has the right to obtain; a) Accurate information about tourist attractions; b) Tourism services that adhere to standards; c) Legal protection and security; d) Health services; e) Protection of personal rights; and f) Insurance coverage for risky tourist activities. According to Law 10/2009's article 20 letters (c) and (f), tourists have the right to security insurance and legal protection for high-risk travel industry activities that are intended to pay tourists' cases if something untoward occurs during their trip with high-risk travel industry activities.

Additionally, Law 10/2009's Article 23, Paragraph 1, Letter (a), confirms that the Federal Government and Regional Governments are obligated to provide travelers with tourism-related information, legal protection, and security and safety. Of course, the law's provisions can serve as a legal safety net for visitors to sporting events or

other tourist destinations that are deemed high-risk or that facilitate high-risk activities. Which tourist attractions are categorized as high-risk locations or which tourist activities contain high-risk tourism activities are not explicitly regulated.

Law Number 8 of 1999 Concerning Consumer Protection (hereafter Law 8/1999) also regulates the legal protection of tourist rights, in addition to Law 10/2009. This is considering that tourists purchase things of tourism business service users. To be more explicit, it is regulated in Law 8/1999, namely; Article 4 number (1) specifies that the right to comfort, security, and safety when consuming products and/or services is a component of consumer rights; And then in article 4 number (5) specifies that consumer rights are the right to get advocacy, protection, and efforts to resolve consumer protection disputes appropriately.

Tourists have the right to get legal certainty in enjoying sports tourism football events. Also for sports tourism event organizers who carry out football events, they must be equipped with clear SOPs and frameworks that can ensure the safety and welfare of tourists. With guaranteed security and legal protection for tourists, football match events in Indonesia are expected to be able to boost foreign tourist visits to Indonesia.

3 Conclusion

1. Football, which is one of the sports that is much loved by the Indonesian people, must develop its great potential into an industry to play an active role in driving the economy, including providing jobs and bringing foreign exchange for the State, because currently sports tourism has been regulated through Presidential Regulation 86/2021.
2. Tourists have the right to get legal certainty in enjoying sports tourism football events. In order to ensure the safety and welfare of tourists, in addition to being regulated in Law Number 8 of 1999 Concerning Consumer Protection and Law Number 10 of 2009 Concerning Tourism both regulate the legal protection of tourists' rights.

Reading List

1. Ida Bagus Wyasa Putra, et al. ,2003, *Tourism Business Law*, Refika Aditama, Bandung
2. I Putu Gelgel, 2009, *Indonesian Tourism Industry in the Globalization of Service Trade (GATSWTO) Legal Implications and Legal Implementation*, Refika Aditama, Bandung
3. Nyoman Pendit S, 2003, *Tourism Science A First Introduction*, Pradnya Paramitha, Jakarta
4. Philipus M. Hadjon and Tatiek Sri Djatmiati, 2005, *Legal Argumentation*, Gadjah Mada University, Yogyakarta
5. N Widiastari, AAS Indrawati, 2013, *Pengaturan Perlindungan Hukum Terhadap Wisatawan*, Kertha Semaya: *Journal Ilmu Hukum*, ojs.unud.ac.id
6. Rindi Nuris Velarosdela, 2021, *Flashback to the Chronology of the Emergence of Indonesian Cases*, Kompas.com

Internet:

7. <http://eprints.polsri.ac.id/4972/3/BAB%20II.pdf>,

8. <https://money.kompas.com/read/2023/06/22/104000526/erick-thohir-sebut-laga-indonesia-vs-argentina-untungkan-umkm>

Legislation:

9. Constitution of the Republic of Indonesia Year 1945
10. Civil Code.
11. Law Number 3 of 2005 concerning the National Sports System
12. Law Number 11 of 2022 concerning Sports
13. Law number 10 of 2009 concerning Tourism
14. Law Number 8 of 1999 concerning Consumer Protection
15. Presidential Regulation Number 86 of 2021 concerning the Grand Design of National Sports

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