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Investment Regulations in the Development of Tourism Services for Persons With Disabilities

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Abstract. Disabled tourists represent a significant market segment in the tourism industry due to their large numbers and growth potential. They face physical, mental, intellectual, or sensory limitations that hinder full participation in tourism activities. In this context, they are entitled to specific facilities, including accessible destinations, transportation, and accommodations. Law Number 10 of 2009 does not specifically regulate tourism as a service trade, but rather certain aspects such as transportation, accommodation, food services, and others. Although tourism services for persons with disabilities are available in Indonesia, current systems have yet to optimize this market's potential. Existing policies remain general and do not adequately address the specific needs of disabled tourists. Based on this, the study explores: (1) how investment in tourism services for disabled persons is currently regulated, and (2) how regulatory frameworks can be constructed to align with the characteristics of disabled tourists. This normative legal research applies statutory and conceptual approaches.

Keywords: Regulation; investment; disability tourism

INTRODUCTION

Tourists with disabilities have the potential to be a stable and sustainable source of tourism investment, especially compared to seasonal tourists who are vulnerable to economic fluctuations in their home countries. They generally have stable financial reserves and are less affected by economic pressures. However, Law Number 10 of 2009 does not yet regulate tourism as a comprehensive form of trade in services, but rather only covers certain service aspects such as transportation, accommodation, catering, information, and others.

Several policies, such as Law No. 17 of 2007 (RPJP 2005–2025), Law No. 25 of 2007 (Capital Investment), Law No. 10 of 2009 (Tourism), Law No. 9 of 1992 in conjunction with Law No. 6 of 2011 (Immigration), and Law No. 8 of 2016 and Law No. 4 of 1997 (Disability), demonstrate concern for easy access for people with disabilities, but have not specifically regulated the development of disability tourism services. This gap in norms is the focus of this research, particularly regarding the regulation of investment in the trade of tourism services aimed at disabled tourists.

The research questions from the above description are as follows: What are the current regulations for investment in tourism services for people with disabilities? And How can investment regulations be structured to develop tourism services for people with disabilities that are appropriate to the characteristics of tourists with disabilities?

METHOD

This research is normative in nature due to the gap in investment and tourism policies related to trade in tourism services for people with disabilities, necessitating the creation or construction of new norms. Legal sources include primary legal materials (laws, regulations, and administrative policies),

secondary legal materials (legal literature, treatises, legal journals, and other relevant publications), and tertiary legal materials (dictionaries, encyclopedias, and other explanatory references). Legal materials were collected through library research and document studies of relevant laws and regulations.

The analytical technique used is descriptive analysis, which describes legal conditions or propositions as they exist through an evaluation of the truth, validity, or appropriateness of a norm or decision. The analysis is conducted interpretively (legal interpretation) and constructively (forming legal constructions through analogy and propositional reversal).

DISCUSSION

Current Regulations on Investment in Tourism Services for Persons with Disabilities

Investing in the disability tourism services sector requires a long-term strategy, in-depth research, and discipline and patience. An approach emphasizing fundamental analysis, portfolio diversification, and a focus on corporate sustainability is essential

Tourism is defined as the movement of people outside their usual environment, whether for personal or business purposes, and disability refers to any limitation that affects a person's full participation in society. The state guarantees the rights of persons with disabilities, including access to education, employment, public facilities, and tourism services. The government is also obligated to create an inclusive and discrimination-free environment.

Accessible infrastructure, human resource training, provision of assistive devices, and oversight of services and social and environmental impacts. Developing this sector requires an understanding of regulatory frameworks and a legal approach based on public policy (Marzuki, 2005). The Constitution provides space for inclusive economic development, including through the tourism sector. (Asshiddiqie & Safa"at, 2006).

The National Long-Term Development Plan has directed tourism development that takes into account cultural potential and vulnerable groups such as people with disabilities. The investment legal system also provides legal certainty for business actors, both foreign and domestic investors. (Rahmadi Supancana, 2006).

In the tourism sector, national policies establish industrial, destination, marketing, and institutional development, including the development of custom- made tourism that is adaptable for people with disabilities. Immigration regulations also provide permanent residency permits for foreign investors, including those with disabilities. Furthermore, national regulations emphasize the importance of physical and non-physical accessibility, the provision of disability-friendly information, training for officers, and the provision of specialized services (Peraturan Presiden (Perpres) No. 67 Tahun 2020 tentang Syarat dan Tata Cara, Pemberian Penghargaan dalam Penghormatan, Pelindungan, dan Pemenuhan Hak Penyandang Disabilitas) The government is obliged to regulate, coordinate, and evaluate policies and their implementation on an ongoing basis. Public and industry participation is also crucial in creating an inclusive tourism ecosystem.

Several areas, such as Denpasar City, have implemented disability-friendly facilities in public and tourism spaces, such as guiding blocks, ramps, and easily accessible information services (Perda Provinsi Bali Nomor 9 Tahun 2015 tentang Perlindungan dan Pemenuhan Hak Penyandang Disabilitas). Regional regulations also strengthen protection of the rights of people with disabilities in the tourism sector.

Overall, the validity and effectiveness of regulations in the trade of disability tourism services are highly dependent on alignment with the legal principles and objectives stated in various sectoral regulations related to tourism, investment, health, the environment, and spatial planning (PP Nomor 50 Tahun 2011 Tentang Rencana Induk Pembangunan Kepariwisataan Nasional (RIPPARNAS). With a holistic and coordinated approach, this regulation can serve as an instrument that realizes inclusive and sustainable tourism for all parties.

Construction of Investment Regulations in the Development of Disability Tourism Services Trade that are in Accordance with the Characteristics of Disabled Tourists

Policy-oriented legal theory emphasizes that the formulation of legal norms must be based on the social context in which the law applies. Therefore, the formation of investment regulations in disability tourism needs to consider the needs and expectations of disabled tourists as part of the community targeted by the policy.

Disability tourism is a system consisting of internal and external systems. The internal system includes service providers, disabled tourists, and the transactions between them. Meanwhile, the external system encompasses the environment, surrounding communities, government, and other institutions that influence the internal system.

To support internal systems, certain standards are required, such as those for business institutions, human resources, transportation, accommodation, infrastructure, services, food and beverages, and tourist attractions. Meanwhile, external systems require standards for zoning, environmental safety, environmental health, public service facilities, and other public infrastructure.

The characteristics of the needs of tourists with disabilities have given rise to two service delivery models:

The Traditional Model, which utilizes existing systems with additional standards tailored to the needs of those with disabilities. In this model, transactions take place directly between tourists and service providers.

The Integrated Model, which provides comprehensive services within a specially designed area or resort connected to the public environment. This model also includes supporting facilities such as shopping centers, hospitals, and financial institutions. The integrated model is divided into Traditional Communities and Modern Communities.

Investment regulatory needs are divided into two policy approaches:

Policy changes, to adjust existing service delivery schemes.

New policy development, to develop integrated tourism areas that are more inclusive and tailored to the characteristics of tourists with disabilities

CONCLUSIONS

Controlling investment in the development of disability tourism services is key to creating an inclusive and sustainable tourism industry that benefits all parties, including tourists with disabilities. The current service delivery model has not yet optimized the potential of the disability tourism market, and therefore needs to be improved to generate greater economic benefits, including foreign exchange earnings through the health, environment, investment, and education sectors.

Investment and tourism laws can serve as the basis for regulating investment structures in the development of disability tourism services that are appropriate to their characteristics, encompassing both internal and external systems. The internal system encompasses service transactions between providers and tourists, while the external system encompasses the environment, community, government, and supporting institutions such as banking, health, and security. Both systems can be regulated through specific regulations in the form of laws or regional regulations.

The concept of developing disability tourism, both in conventional and integrated schemes, needs to be incorporated into national tourism industry development policies. The government needs to design policy changes to conventional service delivery schemes by developing standards, requirements, and a certification system for disability tourism service providers. Furthermore, new policies are needed for integrated supply schemes through the development of disability tourism areas or resorts, which encompass location advantages, area size, investment estimates, market potential, infrastructure planning, and investment opportunities.

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