



## Preparation of Investment Opportunity Map for Halal Tourism Sector (Juridical Analysis: Suraya Likupang Beach Study)

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**Abstract** - The target and area to be achieved for the juridical analysis of the investment opportunity map for the halal tourism sector is the availability of a Juridical Analysis document for the preparation of a strategic priority investment opportunity map that is ready to be offered in the tourism sector which provides a comprehensive and detailed description (pre-feasibility study/pre-Feasibility Study) to investors and related stakeholders regarding the feasibility of an investment. Analyzing the feasibility of investment in the regional development sector, industry integrated with the region, and regional supporting infrastructure that will be encouraged and developed by the Government in the next 5 (five) years, taking into account the competitive advantages and comparative advantages of each region (province) in order to support equitable distribution economy to all competitive regions. Formulate proposed policy recommendations and special incentives to related Ministries/Institutions for the development of investment in strategic priority projects in the regional development sector, industry integrated with the region, and regional supporting infrastructure in Indonesia. Prepare spatial-based strategic priority project information (Geographical Information System) that is ready to be offered to investors and other related information/content that is integrated with the information system already available at BKPM. This document will become material that can be used by the Central Government and the relevant Regional Governments in offering investment projects that are truly ready to potential investors as a reliable reference in regional development, industry integrated with the region, and supporting infrastructure for Halal Tourism Areas.

**Keywords:** Juridical Analysis, Investment, Halal Tourism.

### I. INTRODUCTION

The government encourages the Indonesian economy to transform from dependence on natural resources to products with high economical added value based on modern manufacturing and services. One of the sectors that is the fulcrum to realizing these ideals is the tourism sector. For Indonesia, tourism has a significant contribution to national economic development as an instrument for contributing to the country's foreign exchange, equitable development, and improving people's quality of life. The role of tourism is increasingly crucial because in addition to contributing directly to the economy and employment, it also creates a multiplier effect (domino effect) on the growth of other related sectors such as hospital services, agriculture and plantations, technology, educational facilities, banking, and others. The Government's high hopes for the tourism sector have also been expressed through a number of achievement targets in 2024, including: (1) an increase in the value of tourism foreign exchange by USD 30 billion; (2) tourism GDP contribution of 5.5%; (3) the number of tourism workers is 15 million workers; (4) the number of foreign tourists is 22.3 million visits; and (5) the number of trips by domestic tourists is 350-400 million trips.

In addition, one of the Development Agendas mentioned in RPJMN IV 2020-2024 is strengthening infrastructure to support economic development and essential services. The

agenda aims to support economic activity and promote equitable distribution of national development. As it is known that Indonesia's economic growth tends to stagnate at around 5.0 percent in the last four years. One of the factors that need to be improved is the quality of infrastructure, especially connectivity between regions and sustainable energy. The infrastructure development plan is also based on the needs and advantages of the region as a reference to determine the infrastructure needs of the region so that it is right on target.

Investment is also expected to overcome the problem of regional inequality, where economic growth in 34 provinces in Indonesia is expected to go hand in hand with national economic growth. The 2020-2024 RPJMN makes this possible by establishing 41 Strategic Priority Projects (Major Projects) spread across various regions in Indonesia and covering many sectors ranging from manufacturing (downstream) and manufacturing, energy, infrastructure, fisheries, agriculture, tourism, and the environment to the education sector. Major projects have strategic value and high leverage to achieve development priority targets and will involve not only the government, in this case the technical ministries/institutions, but also state-owned enterprises and the national private sector in realizing their investment projects. The policies in each region are expected to be in line with policies at the national level, while taking into account competitive advantages and unique problems with the characteristics of each region, so that in the next 5 (five) years, economic growth will not only focus on Java and Sumatra. Areas outside Java and Sumatra are estimated to be able to become new centers of economic growth as per the projected economic growth per island above, one of which is the Halal tourism sector.

Tourism in recent decades is a very important sector in the economic development of nations in the world. The tourism sector is expected to become an important industry or sector that the Government can rely on in the future to become the main pillar of national economic development. Since the era of regional autonomy, it has given authority to regions to plan, develop and manage tourism in the regions. Decision-making processes and mechanisms become simpler and faster. Opportunities to involve local communities in the tourism development process are also becoming more open.

Tourism is the main source of foreign exchange because Indonesia is one of the countries that has various types of tourism, such as natural, social and cultural tourism which spread from Sabang to Merauke. In addition to storing millions of natural tourist charms that are so beautiful, Indonesia is also rich in cultural tourism as evidenced by so many historical relics and the diversity of arts and cultural customs of the local community that attracts both local and foreign tourists, so that with the many potentials it has, it makes Indonesia as a place to be a tourist destination has made Indonesia as a tourist destination.

Various efforts can be made to promote tourism in tourist destinations. The government has a very important role in tourism development. The government's role in developing tourism in outline is providing infrastructure, expanding various facilities, coordinating activities between government officials and the private sector, regulation and promotion. The Investment Coordinating Board (BKPM) as a Government Institution that plays a role in coordinating investment activities in Indonesia, has an interest in encouraging the development of strategic investment projects (including tourism) in various regions in Indonesia in the context of competitive equitable development. In this regard and in line with BKPM's function in assessing & proposing national investment plans and making investment maps in Indonesia, it is necessary to have a juridical analysis related to investment opportunities in the halal tourism sector in Likupang, North Sulawesi, which will be offered to investors in the regional development sector, industry that is integrated with the region, and regional supporting infrastructure as well as analysis of appropriate policies and incentives as recommendation material to the relevant Ministries/Institutions. This activity has an important role in an effort to overcome the obstacles faced in promoting investment opportunities so far, namely the unavailability of a complete project profile information picture according to the needs of potential investors.

## **II. Problem Solution**

The purpose of this activity is to encourage the realization of the development of investment in priority/strategic projects in Indonesia, with the following objectives:

- a. Provide a comprehensive and detailed picture (pre-feasibility study) to investors and related stakeholders regarding the feasibility of a project
- b. Analyzing the feasibility of investing in a project in the tourism sector, especially in the Priority Tourism Destination (DPP) Likupang, which will be encouraged and developed by the Government in the next 5 (five) years, taking into account the competitive advantage and comparative advantage of the region (province) in order to support equitable distribution economy to all competitive regions.
- c. Formulate proposed policy recommendations and special incentives to relevant Ministries/Agencies to develop investment in strategic priority projects for the tourism sector in DPP Likupang.
- d. Prepare spatial-based strategic priority project information (Geographical Information System), which is ready to be offered to investors and other related information/content that is integrated with the information system already available at BKPM.

The scope of activities includes:

- a. Identify and assess priorities for development that have high urgency that are attractive to investors in each, namely the type of business field to be developed which is included in 6 activities in the tourism development sector.
- b. Observing, mapping potential locations, surveying locations, and exploring the potential for the development of strategic priority investments that are linked to the advantages and characteristics of each region.
- c. Identify obstacles and problems that may occur in developing strategic priority investments to identify and mitigate risks.
- d. Analyzing the feasibility of investing in the development of strategic priority investment in the tourism sector in Indonesia, which includes several aspects in the pre-feasibility study of a legian as follows; Legal and Administrative Aspects, including analysis of central and local government regulations and policies related to tourism development, licensing and non-licensing, and spatial planning suitability.
- e. Formulate policy proposals and their implications for the development of strategic priority investment projects in the industrial estate development sector which is integrated with the Region, and the regional supporting infrastructure in the future, including the strategy and priority action plans that are integrated with the information system already available at BKPM.

## **III. Implementation Pre-Study Method**

In this pre-study, a legal study will be conducted with the aim of:

1. Ensure that the Activities are carried out in accordance with the applicable laws and regulations;
2. Determine legal risks and their mitigation strategies;
3. Reviewing the possibility of improving laws and regulations or issuing new laws and regulations;
  - a) Determine the type of permit required;
  - b) Prepare plans and schedules to meet regulatory and legal requirements.

In preparing the Legislation Analysis report on the proposed activities, the approach and methodology used is divided into several stages, that is:

1. Review of applicable laws and regulations and analysis of any existing documents in connection with the plan to organize activities;
2. Identification of legal gaps (regulatory gaps) related to laws and regulations that need to be perfected for the purpose of implementing activities;

3. Identification of risks that may arise and determination of risk allocation to the party most able to bear the risk;
4. Hearings and consultations held with each related party to obtain input as needed; and
5. Compilation of the Legislation Analysis report which is carried out in parallel with the consultation activities with relevant Stakeholders and other consultants in formulating the conclusions and recommendations of the Legislative Analysis.

### **3.1. Analysis of Legislation for Strategic Priority Projects in the Halal Tourism Sector**

The purpose of conducting an analysis of legislation is to formulate the following matters:

1. Provisions of laws and regulations in the activity of preparing a Map of Investment Opportunities for Strategic Priority Projects in the Halal Tourism Sector. The pre-study will present an analysis of the suitability of laws and regulations with this project, including about:
  - a) Establishment of a Business Entity;
  - b) Capital investment;
  - c) Business competition;
  - d) Environment;
  - e) Work safety;
  - f) Land Procurement;
  - g) Use of assets owned by BKPM for Project implementation;
  - h) Licensing;
  - i) Incentives and Taxation;
  - j) Form of Government Business Entity Cooperation;
  - k) Government Support;
  - l) Government Guarantees; and
  - m) Government Assignment.

The results of the identification and analysis of laws and regulations will be a reference for related parties in carrying out activities, especially to ensure that their implementation is in accordance with the provisions of laws and regulations.

#### **2. Legal Risks and Mitigation Strategies**

Legal risks in the implementation of the project will be described in this section which will describe the identification of all types of legal risks that may arise in the transaction phase. In addition, for the purpose of implementing the sustainability of the project, it is necessary to prevent risks involving the identification of all risks and actions that need to be taken by BKPM to avoid or minimize the consequences of these risks.

#### **3. Analysis of Completion of Legislations or Issuance of New Legislations**

This section will outline the laws and regulations that need to be refined to implement the Activities. The scope of the regulations that will be analyzed for refinement will be related to aspects of the regulation of the tourism sector, more specifically, which is held in Likupang Manado, Central Sulawesi Province.

#### **4. Types of Permits/Approval Required**

The explanation in this section will identify all material permits and approvals required to implement activities and how the provisions and processes must be carried out to obtain such permits and approvals. Plan and Schedule to Fulfill Legal Requirements based on Analysis Results point (4).

### **3.2. Analysis of Legislation for developing tourism**

One of the crucial aspects that need to be considered in developing tourism areas is the juridical or legal aspect. Likupang has several attractions for tourists, so that is the reason Likupang was chosen as one of the super-priority destinations, but the attractiveness of the area is still quite low. Analysis of this juridical aspect is very important as a consideration for

investors in investing. Likewise, in the development of the Likupang SEZ, which focuses on natural tourism, especially marine tourism, the juridical/legal aspect is a crucial consideration. The development of an area to become a tourism area needs to refer to and comply with applicable laws and regulations, both related to development, investment, tourism, and spatial planning.

The laws and regulations that form the legal basis for the development of the SEZ Scope include:

### **3.2.1. Law Number 17 of 2007 concerning the National Long-Term Development Plan of 2005 – 2025**

The national long-term development goal for 2005-2025 as stated in Law Number 17 of 2007 concerning the National Long-Term Development Plan of 2005-2025 (UU RPJPN) is to realize an advanced, independent, and just nation as the basis for the next stage of development. Towards a just and prosperous society within the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution of the Republic of Indonesia.

One of the long-term directions of national development is to strengthen the domestic economy based on excellence in each region towards competitive advantage by building linkages in the domestic production, distribution and service systems and building advanced infrastructure. One of the strategies to strengthen the national and domestic economy is through investment.

Investments in the RPJPN are directed to support the realization of a fairly high economic growth in a sustainable and quality manner by creating an attractive investment climate. In addition, foreign investment is needed to increase the competitiveness of the national economy and increase the capacity of adequate physical and supporting infrastructure. Investments developed in the context of implementing economic democracy will be used as much as possible for the achievement of prosperity for the people.

Tourism development is one of the efforts to strengthen the domestic economy with a global orientation and competitiveness. Tourism is developed to encourage economic activity and improve the image of Indonesia, improve the welfare of local communities, and provide expansion of job opportunities. Tourism development utilizes the diverse charm of natural beauty and national potential as the largest marine tourism area in the world wisely and sustainably, as well as encouraging economic activities related to the development of the nation's culture.

Thus, the Likupang SEZ development plan must refer to and under the direction of the national development policy, namely by utilizing the diversity and development of the nation's culture.

### **3.2.2. Law Number 10 of 2009 concerning Tourism**

The Tourism Law as the legal basis for the implementation of tourism includes matters relating to the principles, functions and objectives of tourism, regulation of the principles of tourism implementation and tourism development. In addition, it also includes alignment with regulations regarding tourism businesses, as well as standardization and tourism human resources in order to support the creation of good destination/regional management.

The Indonesian National Standard includes elements of attractions, amenities and accessibility, which include furniture, tourism equipment, tourism safety equipment to enjoy tourist attractions, as well as equipment/furniture for tourism-related kitchens, accommodation etc. to support the process of implementing a sustainable tourism area. In addition, it also examines infrastructure standards related to attractions, amenities and accessibility elements which include land area, space area, area of sports and play facilities, which are needed to support sustainable tourism activities.

### **3.2.3. Law Number 32 of 2009 Environmental Protection and Management**

This law requires the Government and local governments to make a strategic environmental study (KLHS) to ensure that the principles of sustainable development have become the basis and are integrated with the development of an area and policies, plans, and programs. In other words, the results of the KLHS must be used as the basis for policies, plans and/or development programs in an area. If the results of the KLHS state that the carrying capacity and capacity have been exceeded, the policy, plan, and/or development program must be corrected by the recommendations of the KLHS and all businesses and/or activities that have exceeded the carrying capacity and carrying capacity of the environment are no longer allowed.

Products that are beneficial to society, industrialization also has an impact, among others, the production of hazardous and toxic waste materials, which when disposed of in environmental media can threaten the environment, health, and survival of humans and other living creatures. By realizing this, hazardous and toxic materials and their waste need to be protected and managed properly. The territory of the Unitary State of the Republic of Indonesia must be free from hazardous and toxic waste disposal from outside the territory of Indonesia. Recognizing the potential negative impacts that may arise due to development, efforts to control early impacts are continuously developed. Environmental impact analysis (AMDAL) is one of the preventive environmental management tools that continues to be strengthened through increasing accountability in the implementation of Amdal preparation by requiring licenses for amdal assessors and implementing certification for Amdal document drafters, as well as by clarifying legal sanctions for violators in the amdal field. Amdal is also one of the main requirements in obtaining an environmental permit which is absolutely necessary before obtaining a business permit in the tourism sector.

### **3.2.3. Government Regulation Number 101 of 2014 concerning Hazardous Waste Management B3**

B3 waste that is disposed of directly into the environment can pose a hazard to the environment and the health of humans and other living creatures. In view of these risks, it is necessary to strive so that every business and/or activity produces a minimum of B3 Waste and prevents the entry of B3 Waste from outside the territory of the Unitary State of the Republic of Indonesia. Management of B3 Waste is intended so that the B3 waste produced by each production unit is as minimal as possible and even managed to zero, by seeking reduction at the source by processing materials, substitution of materials, regulation of activity operations, and the use of clean technology. If B3 Waste is still generated, then efforts are made to utilize B3 Waste.

### **3.2.4. Government Regulation Number 81 of 2001 concerning Water Pollution Control**

Water is a natural resource that fulfills the needs of many people, so it needs to be protected so that it can continue to be useful for human life and life and other living creatures. To maintain or achieve water quality so that it can be used sustainably in accordance with the desired level of water quality, it is necessary to conserve and/or control it. Preservation of water quality to maintain the function of water so that its quality remains in its natural condition.

There are several provisions related to the obligation of the company/person in charge of an activity that disposes of waste water into water or water sources that are obliged to prevent and overcome water pollution. Every business and or activity that will utilize wastewater to the ground for land application must obtain written permission from the Regent/Mayor. In addition, every business and/or activity is required to make a plan to control water pollution in an emergency and/or other unforeseen situation.

### **3.2.5. Presidential Regulation of the Republic of Indonesia Number 18 of 2020 concerning the National Medium-Term Development Plan for 2020-2024**

The vision and mission of the President and Vice President for 2020-2024, which were prepared based on the direction of the 2020-2025 RPJPN which was carried out during the leadership period of President JokoWidodo and Vice President K.H. Ma'ruf Amin is "The Realization of an Advanced Indonesia that is Sovereign, Independent, and Has a Personality Based on Mutual Cooperation".

This vision is realized through 9 (nine) Missions or known as the Second Nawacita, namely: (1). Improving the Quality of Indonesian Humans; (2) Productive, Independent, and Competitive Economic Structure; (3). Equitable and Equitable Development; (4). Achieving a Sustainable Environment; (5). Cultural Progress that Reflects the National Personality; (6). Enforcement of a Corruption-Free, Dignified, and Reliable Legal System; (7). Protection for All Nations and Providing Security for All Citizens; (8). Clean, Effective, and Reliable Government Management; and (9). Regional Government Synergy within the Framework of the Unitary State.

In implementing the Nawacita mission, the President has set 5 (five) main directions as a strategy in implementing the Nawacita mission and achieving the targets of Indonesia's Vision 2045. The five directives include Human Resources Development, Infrastructure Development, Regulatory Simplification, Bureaucracy Simplification, and Economic Transformation. One of the President's directives related to tourism development is economic transformation. The strategy to implement the President's directive is to develop superior destinations through improving accessibility, attractions, and amenities at Priority Tourism Destinations. The 2020-2024 RPJMN has decided on ten (10) Priority Tourism Destinations, namely: Lake Toba, Borobudur and its surroundings, Lombok-Mandalika, Labuan Bajo, Manado Likupang, Wakatobi, Raja Ampat, Bromo Tengger-Semeru, Bangka Belitung, and Morotai. The President targets that in the next five years, there will be an increase in tourism added value in the form of an increase in length of stay and tourist spending as a result of improving accessibility, attractions and amenities.

The development of the 10 Tourism Destinations will be facilitated to increase the contribution of added value and tourism foreign exchange according to its potential. Types of tourism to be improved include: 1) nature tourism (ecotourism, marine tourism, adventure tourism); 2) cultural tourism (heritage tourism, historical tourism, culinary tourism, city tourism focused on Cultural Heritage Regeneration, and village tourism); and 3) artificial tourism (meeting-incentive-convention exhibition/MICE, yacht and cruise, fitness tourism/wellness tourism, health tourism/medical tourism, and sports tourism). The development of the three types of tourism also opens up opportunities for tourists to be involved in knowledge development, education and volunteering activities that are integrated with tourism activities. Based on the 2020-2024 RPJMN, the development of the Likupang SEZ is a manifestation of the President's direction in the tourism sector, namely the development of superior destinations through improving accessibility, attractions and amenities.

### **3.2.6. North Sulawesi Provincial Regulation No. 3 of 2011 concerning the Long-Term Development Plan of North Sulawesi Province for 2005-2025.**

Whereas North Sulawesi Province requires long-term development planning as a comprehensive development direction and priority which will be carried out in stages to create a just and prosperous society as mandated by the 1945 Constitution of the Republic of Indonesia, the National development system mandates the Regional Long-Term Development Plan which contains the vision, mission and direction of regional development referring to the National RPJP.

### **3.2.7. North Sulawesi Provincial Regulation No. 3 of 2016 concerning the Mid-Term Development Plan of North Sulawesi Province for 2005-2025.**

Changed Regional Medium-Term Development Plan 2016-2021, after this abbreviated as RPJMD Amendment, is a regional development planning document for a period of 5 (five)

years from 2016 to 2021 which has been harmonized with Regional Regulation number 4 of 2016 concerning the Establishment and The composition of the Regional Apparatus of the Province of North Sulawesi;

The National Development Planning System is a unified development planning procedure to produce long-term, medium-term and annual development plans implemented by elements of state administrators and the community at the Central and Regional levels; Regional Annual Development Plans, hereinafter referred to as Regional Government Work Plans (RKPD), are regional planning documents for a period of 1 (one) year;

The Regional Development of North Sulawesi Province for the 2016-2021 period is carried out by the vision, mission, objectives and targets of the RPJMD that have been agreed in the Musrenbang of the RPJ Amendments as stated in CHAPTER V and CHAPTER VI Attachments to Regional Regulations Strategy, general policy directions and performance indicators of the RPJMD Changes are adjusted to the main tasks and functions of regional apparatus are under the Regional Regulation of the Province of Sulawesi U Number 4 of 2016 concerning the Formation and Composition of the Regional Apparatus of the Province of North Sulawesi as stated in Chapter 1, Chapter III, Chapter IV, CHAPTER V and CHAPTER VI Attached to this Regional Regulation. Details of the Development Program, performance targets and indicative ceilings of the RPJ Amendments are adjusted to the main tasks and functions of regional apparatus as mandated in the Regional Regulation of the Province of North Sulawesi Number 4 of 2016 concerning the Formation and Composition of the Regional Apparatus of the Province of North Sulawesi as stated in Chapter VII Attachment to this Regional Regulation.

So the changes to the RPJMD as referred to in Article 2 in the attached regional regulations become an inseparable unit, while the performance targets and funding needs are indicative and occur every year in the implementation of the RPJMD which are submitted by the governor to the provincial DPRD for approval.

### **3.2.8. Government Regulation No. 84 of 2019 concerning the Likupang Special Economic Zone (SEZ).**

Likupang is a tourist area that is included in the Special Economic Zone (SEZ) as stipulated in Government Regulation no. 84 of 2019. The development of the Likupang Special Economic Zone (SEZ) is one of the super-priority destinations. The Likupang SEZ can already be promoted in early 2021. The construction of this destination is expected to increase the number of tourists in North Sulawesi up to six times the current achievement. The development policies include:

1. In 2020-2021, the terminal expansion of SAM Ratulangi Airport will be carried out from the original 26,480 square meters to 55,790 square meters with a completion target of 2021. Meanwhile, for the extension of the Sam Ratulangi Airport runway from 2,650 square meters to 2800 square meters in 2020-2022.
2. Construction of the Bypass Road and Toll road from the airport to the Likupang Tourism SEZ 31.5 km. Construction of 39 km Manado Bitung toll road, target for completion in 2020
3. The rehabilitation of the Likupang ferry port and the Lembeh crossing, as well as the construction of the Likupang seaport floating dock for tourist boats, is expected to increase the number of tourist visits, especially foreign tourists to North Sulawesi six times. Likewise, the movement of domestic tourists (wisnus) from around 2 million to 4 million or doubled, 200%, whereas in other areas it is only about 5 to 10%. This optimism is based on the fact that Likupang has many attractions for tourists. So, it is natural that the area in North Sulawesi is designated as one of the super-priority destinations that must be completed in 2020. Starting from the Marina Area for super yachts with international standards. Then there is the cultural village, and the Wallace Conservation and Marine Tourism Park which are the reasons tourists come to Likupang.



4. In terms of lodging, the local government will map the potential of tourist lodges or homestays in some Likupang areas, namely in Marinsow Village, Pulisan Village, Kinunang Village, Bahoi Village and PulauGangga Village.
5. Meanwhile, in terms of supporting facilities, the Lepeh and Likupang piers will be built, and will continue to repair the Tangkoko Type A Bus Terminal, Bitung. And for accommodation facilities, resorts, entertainment and MICE will be developed, while outside the area the Wallace Conservation Center and Yacht Marina will be developed. North Sulawesi, which is partly an archipelago and has several KSPNs such as the Likupang Tourism SEZ, can be optimized. In this way, the development of transportation networks within and between islands is directed at integrating and combining modes of transportation according to the potential of the area, such as connectivity between land, air, sea, river and lake transportation, as well as crossings.

Some inputs from the community, especially the Indonesian Tourism Intellectuals Association (ICPI) are that the government should not only focus on nature tourism. This will lead to low attractiveness for tourists, especially foreign tourists. Currently, the trend of tourist characters has begun to shift from being sun-sand-sea oriented to serenity-spirituality-sustainability or known as the 'TERR' motto, namely travel, enjoy respect and responsibility.

The attraction developer must focus on the uniqueness and authenticity of the destination, if it is the same as the others, it certainly does not have the uniqueness and authenticity of the destination, the Regional Government as the beneficiary of this SEZ is also expected to balance with the commitment to provide facilities and ease of investment in the Likupang tourist area. These facilities and conveniences include reduction of Regional Levies Tax and simplification of business licensing in SEZ. Meanwhile, in the field of employment, if this area is operational, it is estimated at 65,300 people.

The Likupang SEZ is planned to be developed in three stages of development. The first phase covering an area of 92.89 ha in the period between 2020 and 2023 will build resorts, commercial areas, lakes, culture villages and green open spaces (RTH) with a total investment target of Rp. 164 billion, and an investment target of business actors of Rp. Rp. 750 billion. The objectives to be achieved with the enactment of the Regional Regulation of the RPJP North Sulawesi 2005–2025 are to:

1. Support coordination between development actors in achieving regional goals,
2. Ensure the creation of integration, synchronization and synergy between regions, between spaces, between times, between government functions as well as between the Center and the Regions,
3. Ensure linkages and consistency between planning, budgeting, implementation and monitoring, ensure the achievement of efficient, effective, equitable and sustainable use of resources.
4. Optimize community participation.

### **3.2.9. Government Regulation No. 50 of 2011 concerning the 2010-2025 National Tourism Development Master Plan.**

The National Tourism Development Master Plan 2010-2025 is stipulated in the form of Government Regulation no. 50 of 2011 concerning the 2010-2025 National Tourism Development Master Plan (RIPPNAS). RIPPNAS contains the vision, mission, goals and objectives of national tourism development. The national vision of national tourism development is the realization of Indonesia as a world-class tourism destination, competitive, sustainable, able to encourage regional development and people's welfare. In realizing the vision of national tourism development, 4 (four) missions have been set, namely:

1. Tourism destinations that are safe, comfortable, attractive, easily accessible, environmentally friendly, increase national, regional and community income; b.

Synergic, superior, and responsible Tourism Marketing to increase domestic and foreign tourist visits;

2. Tourism industry that is competitive, credible, drives business partnerships, and is responsible for the natural and socio-cultural environment; and
3. Government organizations, local governments, private and community, human resources, regulations, and operational mechanisms that are effective and efficient in order to encourage the realization of sustainable tourism development.

The objectives of national tourism development as contained in the RIPPNAS include:

1. improve the quality and quantity of Tourism Destinations;
2. communicating Indonesian Tourism Destinations by using marketing media effectively, efficiently and responsibly;
3. realize the Tourism Industry that is able to drive the national economy; and
4. develop Tourism Institutions and tourism governance that can synergize the Development of Tourism Destinations, Tourism Marketing, and the Tourism Industry in a professional, effective and efficient manner.
5. While the targets to be achieved from the development of national tourism are to increase the number of foreign tourist visits, the number of movements of domestic tourists, the amount of foreign exchange receipts from foreign tourists, the amount of expenditure of domestic tourists; and gross domestic product in tourism.

To support tourism development, RIPPNAS also provides directions for the development of investment in tourism which includes:

1. increasing the provision of investment incentives in the tourism sector in accordance with the provisions of the legislation; increasing the ease of investment in the tourism sector; and increasing investment promotion in tourism.
2. The investment development strategy is provided through the provision of investment incentives in the tourism sector including: develop a fiscal relief mechanism to attract foreign investment in the tourism sector in accordance with the provisions of laws and regulations in the financial sector; and develop a fiscal relief mechanism to encourage domestic investment in tourism in accordance with the provisions of laws and regulations in the financial sector.

Meanwhile, strategies to increase investment ease include:

1. carry out debureaucratization of investment in the tourism sector; and
2. implement deregulation of regulations that hinder licensing.

Strategies for enhanced investment promotion include:

1. providing information on investment opportunities in Tourism Destinations;
2. increase the promotion of investment in tourism in the country and abroad; and
3. increase the synergy of investment promotion in tourism with related sectors.

### **3.2.10. Regional Regulation of North Minahasa Regency Number 01 of 2013 concerning Spatial Planning of North Minahasa Regency of 2013-2033**

Artificial tourism areas include agro tourism areas and resort tourism areas, consisting of:

1. Agro tourism areas include hybrid coconut plantations in Wori District, Balitka, ATP in Talawaan District, East Likupang District and West Likupang District, rambutan garden areas in Dimembe District and Talawaan District, South Likupang District and Talawaan District, carp and tilapia ponds in Dimembe District, Talawaan and Kauditan District, Kuwil City Forest (zoo plan), Talise City Forest (Kolongan Village), Kaki Dian City Forest, and Kenangan Forest City Forest; and
2. The resort tourism areas include Gangga Resort in West Likupang District, Pulisan Jungle Resort, Dream Indah Resort, Sampiran Resort, Paradise Hotel in East Likupang District, KimaBajo Resort, Cocotinus Resort in Word District, the Pimpim endangered animal sanctuary in Kema District.

### **3.3. Direction of RUPM (Investment Plan)**

Investment policy directives as stated in Presidential Regulation Number 16 of 2012 concerning General Investment Plans consist of:

1. Investment Climate Improvement;
2. Investment Distribution;
3. Focus on Food, Infrastructure and Energy Development;
4. Green Investment;
5. Empowerment of Micro, Small, Medium Enterprises, and Cooperatives (UMKMK);
6. Provision of Investment Facilities, Eases, and/or Incentives; and
7. Investment Promotion.

RUPM also contains a roadmap consisting of 4 phases of RUPM implementation, namely: 1) Investment Development Phase which is Relatively Easy and Quick to Produce; Infrastructure and Energy Development Acceleration Phase; Large-Scale Industrial Development Phase; and the Knowledge-Based Economy Development Phase. The RUPM also stipulates that the direction of investment development policy must be towards a green economy development program, which is in line with environmental development issues which include climate change, controlling the destruction of biodiversity, and environmental pollution, as well as the use of new and renewable energy.

#### **3.3.1. Province General Planting Plan Directions**

The vision of North Sulawesi investment contained in the RUPM of North Sulawesi Province is "Towards a prosperous North Sulawesi with the attractiveness of sustainable investment." To achieve this vision, 6 (six) missions are set, namely as follows:

1. Creating a conducive investment climate marked by the creation of a sense of security and comfort in investment activities which is reflected in the low number of investment security disturbances, harmonious relations between employers and employees/labor and the surrounding environment, the resolution of problems related to industrial relations properly and the absence of illegal fees by government officials, law enforcers, and the public;
2. Realizing adequate investment infrastructure both in quality and quantity as indicated by the increase in supporting infrastructure for proper and adequate investment such as roads, ports, airports, hotels, hospitals, and other facilities of international standard;
3. Ensuring legal certainty and business certainty as indicated by the existence of regulations in the investment sector that are pro-investment while guaranteeing workers' rights, consistent and non-selective law enforcement and equal treatment of foreign and domestic investors;
4. Realizing a balanced partnership between large, medium, small and micro-businesses which is characterized by mutually beneficial partnerships/cooperation between large, medium, small and micro business actors both through facilitation carried out by the government and the private sector;
5. Realizing the utilization of the potential of local resources as indicated by the use of local raw materials, the use of local labor and other local resources through increasing the competitiveness of local resources at international standards; and
6. Encouraging the growth of community entrepreneurship which is marked by the emergence of new entrepreneurs who are creative, innovative, and productive by maximizing the potential of existing human resources.

To support the implementation of Phase II and support the following Phases, the investment policy steps are as follows:

1. Priority for increasing investment activities is focused on accelerating infrastructure and energy development through Public-Private Partnership (PPP) schemes, including toll road construction, road transportation
2. liaison between regional areas, railways, airports, ports, power plants, oil and gas, irrigation, waste management, as well as improving the quality of human resources needed. Infrastructure development also needs to include the soft infrastructure sector, especially in education and health.
3. Make improvements/revisions to regional regulations related to investment in accelerating infrastructure and energy development.
4. Providing investment facilities and/or incentives for investment activities that focus on priority sector development, including investment activities in the electricity sector to support energy security, labor-intensive industries, agricultural industries to support food security and agricultural product processing industries to increase value. added exports, substitute industries for imports of raw materials and domestic consumption, industrial estates, airports and roads.
5. Preparation of supporting policies in the context of developing priority sectors of the North Sulawesi Investment Annual Plan in the investment sector including electricity to support energy security, labor-intensive industries, agricultural industries to support food security and agricultural product processing industries to increase export value-added, substitute industries imports of raw materials and domestic consumption, mining product processing industry to provide added value for exports, tourism industry, industrial estates, airports and roads.

### **3.3.2. Completion of Legislation**

Government Regulations, Presidential Regulations and Regional Regulations are laws and regulations in Indonesia which are stipulated to carry out the law as it should. Government Regulations or known by the abbreviation PP are under the Act. Government Regulations contain material for implementing laws, in the Law of the Republic of Indonesia Number 12 of 2011 concerning the Establishment of Legislations it is stated that Government Regulations as "organic" rules rather than laws according to their hierarchy must not overlap or contradict, Regulations The government is signed by the President. The Omnibuslaw method is an alternative to collect various overlapping and irregular regulations into one for all, of course, by equating clusters with uniform patterns and legal paradigms related to investment opportunities in Likupang Manado. The need for a rule that also refers to the provisions of the Act Number 11 of 2020 concerning Job Creation, with adjustments listed in Article 4 of the Job Creation Law which states that one of the scopes states; Improvement of the investment ecosystem and business activities, furthermore Article 6 states that the improvement of the investment ecosystem and business activities includes; implementation of risk-based business licensing, simplification of the basic requirements for business licensing; simplification of business sectors and simplification of investment requirements.

Furthermore, in Article 13 of the Job Creation Law, the simplification of the basic requirements for business licensing covers three aspects, namely: the suitability of space utilization activities; environmental approvals; and building approvals and function-worthy certificates. What is integrated into business licensing includes approval flow, ownership legality, Regional Role, RDTR Validation Readiness, environmental approval, building approval, sectoral approval which is forwarded to the ASN procession in charge of PTSP in the area, electronic licensing adapted to PP 24 of 2020 through a Regional Regulation.

Thus, all regulations related to the Investment Opportunity Map refer to Article 6 of the UUCK regarding the investment ecosystem and business activities that require derivative regulations in the form of Draft Government Regulations (PP), Presidential Regulations (Perpres) and Regional Regulations (Perda) in the near future.

### **3.3.3. Types of Licensing**

Implementation of one-stop integrated services in the tourism sector at the Investment Coordinating Board, as a basis for implementation and alignment with business licenses/business registrations, which implicitly guarantees alignment with other regulations related to the management of tourism area businesses;

1. Tourism Law Number 10 of 2009 concerning Types of Tourism Business. (Article 14)
2. Business of managing cultural tourism attractions, and/or man-made/man-made tourist attractions.
3. Tourism Area Business: The business of developing and/or managing the area to meet tourism needs in accordance with statutory regulations.
4. Tourism Transportation Service Business: The business of providing transportation for tourism needs and activities, not regular/public transportation.
5. Travel Services Business: travel service businesses are divided into 2 types, namely Travel Bureaus and Travel Agents. Travel Bureau is a business providing travel planning services and/or tourism services and organization, including the organization of religious trips. Meanwhile, travel agents are business services for booking ticket booking facilities and booking accommodation as well as managing travel documents.
6. Food and Beverage Service Business: business of providing food and beverages equipped with equipment and supplies for the process of making, storing and/or serving them in the form of cafes, restaurants, restaurants, bars/drinking houses, and catering services.
7. Accommodation Provision Business: the business of providing lodging services for tourists which can be complemented by tourism services in the form of hotels, campgrounds, and villas.
8. Business of Organizing Entertainment and Recreational Activities: business of organizing activities in the form of performing arts businesses, game arenas, karaoke, as well as other entertainment and recreational activities aimed at tourism, but not including water and spa tourism.
9. Business Services for Organizing Meetings, Intensive Travels, Conferences and Exhibitions: providing services for a meeting of a group of people, organizing trips for employees and business partners as a reward for their achievements, as well as organizing exhibitions in the context of disseminating information and promoting goods and services on a national, regional scale , and international.
10. Tourism Information Services Business: business of providing data, news, features, photos, videos, and research results on tourism which are distributed in the form of printed and/or electronic materials.
11. Tourism Consulting Service Business: business of providing advice and recommendations regarding feasibility studies, planning, business management, research, and marketing in the tourism sector.
12. Tour Guide Services Business: the business of providing and/or coordinating tour guides to meet the needs of tourists and/or the needs of travel agencies.
13. Tirta Tourism Business, hereinafter referred to as tourism business, is the business of organizing tourism and water sports, including the provision of facilities and infrastructure as well as other services that are managed commercially in sea waters, beaches, rivers, lakes and reservoirs.
14. Minister of Tourism and Creative Economy Regulation 10 of 2018 Electronically Integrated Business Licensing Services for the Tourism Sector
15. Minister of Tourism and Creative Economy Regulation Number 3 of 2020 concerning Delegation of Authority for Business Licensing in the Tourism Sector to the Head of the Investment Coordinating Board
16. Minister of Tourism and Creative Economy Regulation No. 10 of 2018 concerning Electronically Integrated Business Licensing Services for the Tourism Sector

17. North Minahasa Regency Regional Regulation Number 01 of 2013 concerning Spatial Planning for North Minahasa Regency 2013-2033 Article 72 and Article 73 concerning development permits.

Control of physical development in cultivation areas is carried out through the authority for space utilization permits set by the Regent, space utilization permits for development activities in cultivation areas with an area of more than or equal to 25 ha. refers to the district spatial plan, space utilization permit for development activities in cultivation areas with an area of 1.5-25 hectares refers to a detailed sub-district spatial plan with an accuracy scale of 1: 25,000, space utilization permit for development activities in strategic areas with the area between 2,500 – 15,000 m<sup>2</sup> refers to the spatial plan for the strategic area of the Regency with a scale of accuracy of 1: 10,000, the permit for the use of regional space for development activities in urban areas with an area of less than 2,500 m<sup>2</sup> refers to the spatial plan for the strategic area of the Regency with an accuracy scale of 1: 5,000.

Space utilization permits are administratively carried out through a one-stop integrated licensing service unit by taking into account the recommendations of the BKPRD and related SKPD technical recommendations.

Types of permits related to space utilization in North Minahasa Regency consist of: principle permits, location permits, land use permits, building construction permits, and land-use change permits. The licensing mechanism as referred to in letters a–d is further regulated by a Regent Regulation.

Types of Business Permits in the Tourism Sector consist of: Business Permits, in the form of TDUP (Tourism Business Registration Certificate); and Commercial or Operational Permits, in the form of Tourism Business Certificates. TDUP is issued by the OSS Institution based on Commitment, and Tourism Business Certificates are issued by LSU in the Tourism Sector after Business Actors carry out Tourism Business Certification. Applicants for Business Permits in the Tourism Sector consist of: individual business actors; and non-individual business actors.

The Business Actors as intended shall register through the OSS system to obtain NIB in accordance with the provisions of the laws and regulations. Business Permit in the form of TDUP must be owned by Business Actors who have obtained NIB, TDUP is valid as long as the Business Actor runs its business and/or activities, TDUP as referred to in Article 8 is issued by the OSS Institution for and on behalf of: the Minister; Governor; or Regent/Mayor.

The issuance of TDUP for and on behalf of the Minister as referred to in Article 9 letter a is carried out on businesses that have foreign capital, domestic investment whose scope is cross-provincial in accordance with the provisions of laws and regulations, TDUP issuance for and on behalf of the Governor is carried out on businesses whose business or office location is in more than 1 (one) regency/city within 1 (one) provincial area, TDUP issuance for and on behalf of the regent/mayor is carried out for businesses whose business or office location is in a regency/city area, TDUP issuance for and on behalf of the Governor as referred to in paragraph (2) also applies to tourism businesses whose business locations or offices are in the Special Capital Region of Jakarta. 1 (one) management, TDUP can be given in one TDUP document for the whole business. TDUP is issued by the OSS Institution based on Commitment to Business Actors who do not require infrastructure to run a business and/or activity; and Business Actor that requires infrastructure to run a business and/or activity, and already owns or controls the infrastructure. Then the commitment is in the form of a statement by Business Actor to fulfill, among others, a Location Permit; Environmental Permit; IMB; and Water Location Permits and Water Management Permits which are regulated by the minister in charge of government affairs in the marine sector, specifically for tourism businesses that use sea space permanently.

In addition, the TDUP is issued by the OSS Institution to Business Actors who need infrastructure to run a business and/or activity but do not yet own or control the infrastructure, after the OSS Institution has issued it; Location Permit, Environmental Permit, IMB; and Water Location Permits and Water Management Permits regulated by the minister

who carries out government affairs in the marine sector, specifically for tourism businesses that use sea space permanently.

Article 13 of the Job Creation Law Environmental approval as referred to in Article 9 letter b includes documents, environmental impact analysis for high-risk business activities, other than those excluded in the provisions of the legislation regarding NSPK; environmental management efforts and environmental monitoring efforts for medium-risk business activities; and a statement of ability to manage and monitor the environment for low-risk business activities.

**Table 3.3. Plan and Schedule for Compliance with Legislation**

No	Direction of the Regulatory Framework and/or Regulatory Needs	Urgency of Establishment Based on Evaluation of Existing Regulations, Studies and Research	Responsible Unit	Related Units/ Institutions
1	RPP derived from UUCK regarding Improving the Investment Ecosystem and Business Activities	Stipulation of RPP derived from the CK Law regarding Improving the Investment and Business Activity Ecosystem	Central government	Relevant ministries/agencies in the tourism sector
2	Standards and Guidelines for Investment Opportunity Map Documents in the Tourism Sector	Guidelines for Procurement of Opportunity Maps for Investment Opportunities in the Tourism Sector	Directorate of Implementation of Tourism Infrastructure Financing	LKPP, Organizational Unit at the Ministry of Tourism and Creative Economy
3	Standards and Guidelines for Investment Cooperation Agreements in the Tourism Sector	Guidelines for the Implementation of the Tourism Sector Investment Cooperation Agreement	Directorate of Implementation of Tourism Infrastructure Financing	Organizational Unit at the Ministry of Tourism and Creative Economy
4	Guidelines for the Management of Tourism Infrastructure Investment Assets	Investment Asset Management Procedure	Directorate of Implementation of Tourism Infrastructure Financing	Bappenas, Ministry of Finance, Directorate General of Tourism, and Investors/BU
5	Minimum Service Standards (SPM) for Financing Tourism Infrastructure	Permen No. 11 of 2017 concerning the Organization and Work Procedures of the Ministry of Tourism and Creative Economy	Directorate of Implementation of Tourism Infrastructure Financing	Directorate General of Tourism, Secretariat General of PIPR, DJPI
6	Criteria for Proposing Tourism Sector Cooperation Model	Guidelines for the Preparation of Public Cooperation and Investors/Business in the Tourism Sector	Directorate of Implementation of Tourism Infrastructure Financing	Directorate General of Tourism, Secretariat General of PIPR, DJPI, PT PII
7	Guidelines for the Implementation of the Tourism Sector Infrastructure Merger Program	Guidelines for the preparation of the implementation of the tourism sector infrastructure integration program	Directorate of Implementation of Tourism Infrastructure Financing	Bappenas, Directorate General of Natural Resources, Directorate General of Human Settlements, Secretariat General

				Kemendag, DJPI, PT PII
8	Guidelines for Guarantee Agreements and Regress Agreements for the Public and Investors/Business of the Tourism Sector	Guidelines for Implementing Guarantee Agreements and Regress Agreements for the Public and Investors/Business of the Tourism Sector	Directorate of Implementation of Tourism Infrastructure Financing	PT PII, Organizational Unit at the Ministry of Tourism and Creative Economy
9	Draft Regulation of the Minister of Tourism concerning Procedures for Implementing Business Entities in the Provision of Tourism Infrastructure	Procedures for the Implementation of the Procurement of Business Entities in the Provision of Tourism Infrastructure	Directorate of Implementation of Tourism Infrastructure Financing	Organizational Unit at the Ministry of Tourism and Creative Economy

No	Direction of the Regulatory Framework and/or Regulatory Needs	Urgency of Establishment Based on Evaluation of Existing Regulations, Studies and Research	Responsible Unit	Related Units/ Institutions
10	Investment service standard guidelines/ documents	Improving investment services in the tourism sector, mandated by the Minister of Tourism No. 10 Years 2018	BKPM	BKPM
11	Guidelines/Documents on investment development plans in services and areas	Improving the quality of priority tourism destination mapping	BKPM	BKPM
12	Tourism Destination Marketing Guidelines	Increasing awareness, interest and investment plans for tourism destinations	BKPM	BKPM
13	Revision of the Minister of Tourism Regulation Number 10 of 2018 concerning Electronically Integrated Business Licensing Services for the Tourism Sector	The need for standardization of requirements and timing of licensing issuance to provide business certainty for business actors in the tourism sector.	BKPM	BKPM

#### **IV. Conclusion**

The government's role in developing tourism in outline is providing infrastructure, expanding various facilities, coordinating activities between government officials and the private sector, regulation and promotion. The Investment Coordinating Board (BKPM) as a Government Institution that plays a role in coordinating investment activities in Indonesia, has an interest in encouraging the development of strategic investment projects (including tourism) in various regions in Indonesia in the context of equitable development.



Likupang was chosen as one of the super priority destinations, but the attractiveness of the area is still quite low. Analysis of this juridical aspect is very important, as a consideration for investors in investing. Likewise, in the development of the Likupang SEZ, which focuses on natural tourism, especially marine tourism, the juridical/legal aspect is a very important consideration. The development of an area to become a tourism area needs to refer to and comply with applicable laws and regulations, both related to development, investment, tourism, and spatial planning.

## **V. Acknowledgement**

Authors would like to thank those who contributed directly to the research process and the writing of the journal: Dr. xxxx as head of Biology Department, and The research funding of Faculty of Science and Technology, Maulana Malik Ibrahim Islamic State University of Malang.

Conflict of Interest

None.

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