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 Kaligawe Rd KM 4, Central java

# THE 2ND INTERNATIONAL CONFERENCE AND CALL FOR PAPER



## Our Speaker



Prof. Henning Glasser  
 Thammasat University



Prof. Yuzuru Shimada  
 Nagoya University



Melissa Crouch  
 UNSW Australia



Prof. Henk Adding  
 Utrecht University



Assoc. Prof. Dr. Hj. Sri Kusriyah  
 Sultan Agung Islamic University

*Democracy In Digital Era : Law,  
 Governance, Sosial And Economic  
 Perspective In Asia, Australia And  
 Dutch*



September 23-24, 2020  
 Imam Assafel Buiding, Faculty of Law, Unissula  
 Kaligawe Rd KM 4 Semarang, Central Java

**THE 2<sup>ND</sup> INTERNATIONAL CONFERENCE AND CALL FOR PAPER**

**THEME : DEMOCRACY IN DIGITAL ERA: LAW, GOVERNANCE, SOCIAL AND ECONOMIC PERSPECTIVE IN ASIA, AUSTRALIA AND DUTCH**

**Keywords:** *Digital Media, Political and Governance Institutions, Electoral Processes, People Representation, Digital Disinformation, Democracy, Digital Economic, Social issue*



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Melissa Crouch  
UNSW Australia



Prof Henk Adding  
Utrecht University



Prof. Henning Glaser  
Thammasat University



Prof. Yuzuru Shimada  
Nagoya University



Assoc. Prof. Dr. Hj. Sri Kusriyah  
Sultan Agung Islamic University

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This agenda aims to provide insights in theory and practice:

1. To exchange and discuss views on the most important issues on Democracy in Digital Era: Law, Governance, Social and Economic Perspective in Asia, Australia and Dutch and its consequences to Law in countries.
2. To discuss the challenges and practical aspect of Democracy and Governance in a Digital Era.

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## KATA PENGANTAR

*Bismillahirrohmanirrohim*

*Assalamu'alaikum Wr. Wb.*

Puji syukur kehadiran Allah S.W.T, Tuhan Semesta Alam Yang Maha Esa. Alhamdulillah, sebagai ucapan syukur kehadiran Allah Subhanahu Wata'ala kami dapat menyelenggarakan The 6nd Proceeding International Conference And Call Paper dengan tema "*Democracy In Digital Era : Law, Governance, Sosial And Economic Perspective In Asia, Australia And Dutch*" terselenggara dengan baik. Pemilihan tema tersebut dipilih karena pada era searang ini kita dihadapkan dengan era industri 4.0, dimana para kandidat doktor dituntut untuk bisa menyesuaikan dengan perkembangan global dan meningkatkan kompetensi keilmuan serta kemampuan.

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# Prohibition While Entrepreneuring Foreigns Of The State In The Tourism And Manpower Sectors

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## *Abstract*

*The restriction on the entry of foreign tourists aims to prevent the spread of Covid 19 in Indonesian territory, prevent the entry of the Covid 19 virus abroad, as well as to monitor foreign citizens who were in Indonesia during the Covid 19 pandemic. This is because Indonesia is still a magnet for many foreign citizens. in various countries to visit both for tourism purposes, business affairs, and education and other matters. This article attempts to answer question bHow is the impact analysis on the implementation of Permenkumham No.11 of 2020 on the country's tourism sector, how is the impact analysis on the enactment of Permenkumham Number 11 of 2020 on the country's labor sector.*

**Keywords:** *prohibition, foreigners, country territory, tourism, employment*

## **A. Introduction**

At the end of 2019 the world was shocked by the discovery of the Corona Virus Disease (Covid-19). The beginning of the emergence of this virus came from the city of Wuhan, China. The spread of Corona Virus Disease-19 (COVID-19) continues to increase in numbers worldwide. One of the reasons for the massive spread of Covid 19 throughout the world is the flow of human mobility from one country to another. In early March 2020, for the first time the government announced two positive patient cases of Covid 19 in Indonesia. Experts have begun to identify that the first cases were only local transmissions and not imported cases. Even though the entry of the virus is very likely to occur through the gates in several regions in Indonesia. The faster transmission of Covid-19 in the territory of the Republic of Indonesia is partly due to the large influx of foreigners into Indonesian territory. The government immediately moved by taking various anticipatory steps, including using a Health Alert Card or Yellow Card, as well as a Thermal Scanner to check body temperature above 38.5 degrees Celsius at the entrances and exits of the Republic of Indonesia.

Immigration as a “guard” for the entry and exit of foreigners from and to Indonesian territory, under the Ministry of Law and Human Rights of the Republic of Indonesia issued various policies to reduce the flow of mobility in and out of this. Before issuing Permenkumham Number 11 of 2020, the Ministry of Law and Human Rights issued a Regulation of the Minister of Law and Human Rights Number 7 of 2020 concerning Granting visas and residence permits in an effort to prevent the entry of the corona virus.

With this Permenkumham, the granting of free visit visas and visit visas on arrival is initially temporarily suspended for foreigners who have lived and / or visited the territory of the People's Republic of China within 14 days before entering Indonesian territory. However, with the issuance of Permenkumham

Number 11 of 2020 concerning the Temporary Prohibition of Foreigners from Entering the Territory of the Republic of Indonesia, it has prohibited all foreigners from entering or transiting Indonesian territory to prevent the spread of COVID-19 in the country. However, in this Permenkumham there are several exceptions to the prohibition. And the requirements that must be met by foreign citizens who wish to enter the territory of the Republic of Indonesia.

The discussion regarding the policy analysis of Permenkumham No.11 of 2020 on the tourism sector and the employment sector was chosen by the author because these two sectors are the fields that absorb the most visits of foreign citizens in the country. So it requires a comprehensive analysis of the implementation of this Permenkumham.

In writing this paper, the authors formulated several problem formulations including: How to analyze the impact of the implementation of Permenkumham Number 11 of 2020 on the country's tourism sector, How to analyze the impact of the implementation of Permenkumham Number 11 of 2020 on the country's labor sector.

## **B. DISCUSSION**

According to the Minister of Law and Human Rights of the Republic of Indonesia, the visits of foreign nationals to Indonesia each year continue to increase. Until the end of 2019, the largest number of Indonesian nationals were Chinese citizens with 3,701,088 people, with details of 1,828,582 arrivals and 1,872,506 departures. The second largest number of foreign nationals are from Australia with 1,374,680 arrivals and 1,194,509 departures. Then, the number of Malaysian citizens who came to Indonesia was 1,073,954 people and 1,077,451 departures. After that, respectively India (total passing in and out (1,064,995 people), Japan (1,019,902 people), South Korea (736,888 people), United States (731,378 people), United Kingdom (683,607 people), and France (511,611 people)<sup>1</sup>.

The formation of Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 7 of 2020 was preceded by an announcement from the Ministry of Foreign Affairs through Minister of Foreign Affairs Retno Marsudi who said that all visits and transits of foreign nationals to the territory of the Republic of Indonesia were decided until an indefinite time<sup>2</sup>. This announcement from the Ministry of Foreign Affairs was then followed by the formation of the Minister of Law and Human Rights Regulation (Permenkumham) Number 11 of 2020 which revoked Permenkumham Number 7 of 2020 concerning the Granting of Visas and Stay Permits in Efforts to Prevent the Entry of Corona Virus (State Gazette of the Republic of Indonesia Year 2020 Number 191) and Permenkumham Number 8 Year 2020 concerning Temporary Cessation of Visit Visa and Visit Visa on Arrival, as well as Granting of a Stay Permit in a Forced State (State Gazette of the Republic of Indonesia Year 2020 Number 271).

The basic things that prompted the formation of this Permenkumham were to prevent the spread of Covid 19 in Indonesian territory, prevent the entry of the Covid 19 virus abroad, and to monitor foreign citizens who were in Indonesia during the Covid 19 pandemic. This is because Indonesia is still a magnet for many foreign nationals in various countries to visit either for tourism purposes, business affairs, and education or other matters. Ministerial Regulation Number consists of 9 Articles and was stipulated in Jakarta on March 31, 2020 and came into effect on April 2, 2020 at 00.00 WIB.

Article 2 of this Permenkumham states that it temporarily prohibits foreigners from entering / transiting Indonesian Territory. The temporary phrase in this Article has the meaning of a time limit, in the

1. Fathurrohman, December 28,2019. <https://fin.co.id/2019/12/28/23-juta-wna-masuk-indonesia/>

2. BBC News, 05 March 2020, <https://www.bbc.com/indonesia/indonesia-51749229>

sense that this Permenkumham is deemed to remain in effect until there is an equivalent / higher regulation that revokes this Permenkumham. In this Article there is also the phrase foreigner, foreigner according to this Permenkumham is defined as a person who is not an Indonesian citizen. This means that anyone who is not an Indonesian citizen is prohibited from entering / transiting the Indonesian Territory. However, in Article 3 there are exceptions to the prohibition as mentioned in Article 2, while the contents of Article 3 reads:

### **Article 3**

- (1) The prohibition as intended in Article 2 is exempted from:
  - a. Foreigners holding Limited Stay Permits and Permanent Stay Permits;
  - b. Foreigners holding Diplomatic Visas and Service Visas;
  - c. Foreigners holding Diplomatic Stay Permits and Official Stay Permits;
  - d. Medical, food and humanitarian aid and support personnel;
  - e. Conveyance crew; and
  - f. Foreigners who will work on national strategic projects.
- (2) Foreigners as intended in paragraph (1) can enter Indonesian Territory after fulfilling the following requirements:
  - a. health certificate in English from health authorities in each country;
  - b. have been 14 (fourteen) days in regions / countries that are free of the Covid-19 virus;
  - c. statement of willingness to enter quarantine for 14 (fourteen) days implemented by the government of the Republic of Indonesia.

Judging from this Article, not all foreign citizens are prohibited from entering the territory of the Republic of Indonesia. As for foreign citizens who are declared to be allowed to enter Indonesian territory, they still follow the requirements stipulated in accordance with Article 3 paragraph (2) of this Permenkumham. Temporary Stay Permit as referred to in Article 3 is stated in Article 52 of Law Number 6 Year 2011 concerning immigration, and the cause of the termination of Temporary Stay Permit is regulated in Article 53 of Law Number 6 Year 2011 concerning Immigration.

For holders of a Limited Stay Permit (KITAS) / Permanent Stay Permit (KITAP) whose KITAS / KITAP as referred to in Article 3 paragraph (1) letter a and the Re-entry Permit has expired and is still abroad, can enter Indonesia via Soekarno-Hatta International Airport, Jakarta, Ngurah Rai International Airport, Denpasar, Juanda International Airport, Surabaya, Kualanamu International Airport, Medan, Hang Nadim International Airport, Batam, Batam Center International Port, Batam, and Citra Tritunas International Port, Batam<sup>3</sup>.

## **1. Tourism Sector**

The tourism sector is one of the sectors that experienced a downturn during the pandemic. Coupled with the issuance of Permenkumham Number 11 of 2020 which limits the mobility of foreign tourists, resulting in a decrease in the number of tourists both domestic and foreign. Data from the Ministry of Tourism and Creative Economy (Kemendparekraf) shows a decrease in the number of foreign tourists through all entrances in Indonesia as much as 87.4%, from 1,272,083 in January to 160,282 tourists in June 2020. Meanwhile, when compared to 2019 , the decline that occurred in February to June ranged from 30-80%

3. Pembatasan Perlintasan Orang Asing Direktorat Jenderal Imigrasi Kementerian Hukum dan HAM RI, <https://www.imigrasi.go.id/berita/detail/informasi-terkini-kebijakan-imigrasi-terkait-covid-19>

YOY (Year On Year), with the highest decrease occurring in June 2020 at 88.82% YOY compared to June 2019. This number does not include domestic tourists<sup>4</sup>.

The drop in foreign tourist visits has practically had an impact on the income of tourism actors in areas like Bali who rely on their income in the tourism sector. The slump in the tourism sector resulted in a large number of workers having to be laid off. The sluggishness in the tourism sector has also affected food and beverage providers, accommodation and travel. For example, there has been a decrease in the hotel occupancy rate in Bali from 63% in December 2019 to 46% in February 2020. Data from CEIC (Global Economic Data, Indicators, Charts & Forecasts) which was reprocessed by LPEM (Institute for Economic and Community Research) FEB UI shows that tourism activities directly absorb around 10% (13 million workers) of the total national workforce in 2019<sup>5</sup>.

The Provincial Government of Bali plans to reopen its tourism on September 11, 2020, but it is still under control with this Permenkumham. Therefore, Bali Governor Wayan Koster hopes that the government can review this Ministerial Regulation 11/2020 on a limited basis. In the sense that the Central Government can study the application of this rule specifically for Bali. With the hope that foreign tourists from several countries that are already conducive to the spread of Covid-19 can visit Bali. So that the third stage of the new era life order scenario can be implemented according to the planned schedule<sup>6</sup>.

Responding to the hopes of the Bali provincial government through its governor, the Ministry of Tourism and Creative Economy (Kemenparekraf) advised to continue to obey the direction of the President not to be reckless in opening tourism routes from abroad and focus on domestic tourism. Domestic tourism can be opened on the condition that it is carried out with strict health protocols. The Ministry of Tourism and Creative Economy (Kemenparekraf) is also trying to continue to boost various policies that not only apply to tourism in the Province of Bali, but for tourism throughout Indonesia. Some of these policies include the Ministry of Tourism and Creative Economy issuing guidelines for the prevention and control of COVID-19 for restaurants / restaurants. This guide, among other things, contains advice not to shake hands, keep your distance, washing hands, wearing masks and so on. Grants tourism and provide ongoing policies and information on tourist destinations in Indonesia, including communicating the application of health protocols. This is to help restore domestic tourism and maintain the trust of foreign tourists so that if the route for foreign tourist arrivals has reopened, Indonesia will remain a favorite tourist destination for countries around the world. So that the tourism sector can slowly rise from its downturn even during a pandemic like today and continue to rise when this pandemic is over. Grants tourism and provide ongoing policies and information on tourist destinations in Indonesia, including communicating the application of health protocols. This is to help restore domestic tourism and maintain the trust of foreign tourists so that if the route for foreign tourist arrivals has reopened, Indonesia will remain a favorite tourist destination for countries around the world. So that the tourism sector can slowly rise from its downturn even during a pandemic like today and continue to rise when this pandemic is over. Grants tourism and provide ongoing policies and information on tourist destinations in Indonesia, including communicating the application of health protocols. This is to help restore domestic tourism and maintain the trust of foreign tourists so that if the route for foreign tourist arrivals has reopened, Indonesia will remain a favorite tourist destination for countries around the world. So that the tourism sector can slowly rise from its downturn even during a pandemic like today and continue to rise when this pandemic is over. This is to help restore domestic tourism and maintain the trust of foreign tourists so that if the route for foreign tourist arrivals has reopened,

4. Ainun Mardiyah, September 9, 2020. <https://www.satukanal.com/sektor-p-Pariwisata-indonesia-dalam-pusaran-pandemi/>.

5. Ainun Mardiyah, September 9, 2020. <https://www.satukanal.com/sektor-p-Pariwisata-indonesia-dalam-pusaran-pandemi/>.

6. Nyoman Suarna, <https://baliexpress.jawapos.com/read/2020/07/26/206082/koster-minta-permenkumham-112020-dikaji-terbatas>.

Indonesia will remain a favorite tourist destination for countries around the world. So that the tourism sector can slowly rise from its downturn even during a pandemic like today and continue to rise when this pandemic is over. This is to help restore domestic tourism and maintain the trust of foreign tourists so that if the route for foreign tourist arrivals has reopened, Indonesia will remain a favorite tourist destination for countries around the world. So that the tourism sector can slowly rise from its downturn even during a pandemic like today and continue to rise when this pandemic is over.

## 2. Employment Sector

Apart from the tourism sector, the sector which absorbs the number of foreign citizens in Indonesia is also controlled by the labor sector. The number of foreign workers (TKA) in Indonesia according to data from the Ministry of Manpower until the end of 2018 reached 95,335 workers and increased by about 20% at the end of 2019. The relatively high increase in the number of foreign workers was driven by the ease of permits granted by the government to boost investment in Indonesia. Data from the Ministry of Manpower (2019) states that the number of foreign workers from China reached 32,209 workers or 33.79% of all foreign workers registered to work in Indonesia. The large number of foreign workers from China is influenced by the large amount of investment from China that also brings the technology so that experts are needed to help operate it. Seeing the reality that is happening, it can be said that seeing the current developments where there has been a signal from the government to carry out various relaxation, it is not impossible that all activities will resume running even in new normal conditions. President Joko Widodo has stated to make peace with COVID-19 because he realizes that the possibility is still long gone, we will enter a new normal stage of coexistence with COVID-19, including in the labor sector<sup>7</sup>.

However, when the Indonesian people were facing the Covid 19 pandemic wave. In May 2020, 500 foreign workers from China actually entered Indonesia.<sup>8</sup> The entry of foreign workers from China at this time seemed to hurt the hearts of the Indonesian people when many people lost their jobs due to layoffs during this pandemic, but the government gave the green light for the entry of foreign workers.

The arrival of these foreign workers also received rejection from the community. One of them is the Kendari community's refusal for the arrival of 500 foreign workers from China via Haluole Kendari Airport, Southeast Sulawesi. The public refused the arrival of these foreign workers because of concerns over the spread of the Covid-19 virus, especially at this time it was still in a pandemic era and China was the country of origin of this virus. And the community also demands that the arrival of these foreign workers be postponed until this pandemic ends. This action of rejection from the community also received support from the Southeast Sulawesi DPRD, marked by sending the rejection letter directly to the President of the Republic of Indonesia.

According to the Minister of Manpower, Ida Fauziyah, the reason the government approved the entry of the Chinese foreign workers was because their expertise was needed by two companies in Konawe, namely PT. Virtue Dragon Nickel and PT. Obsidian Stainles Steel. We also ask local workers to accompany them, so that there will be a transfer of knowledge. In the end, our local workers can understand the technology, so the next operation will be left to our local workers<sup>9</sup>. But The government's move to allow Chinese workers to enter Indonesia amid the COVID-19 pandemic is still considered to be worsening the polemic for Chinese workers in this country. This is partly due to the unclear reasons for the government to allow foreign workers

7. Ihsanuddin. (2020, 8 Mei). Jokowi Sebut Hidup Berdamai dengan COVID-19, Apa Maksudnya?. *kompas.com*. [https://nasional.kompas.com/read/2020/05/08/06563101/jokowi-sebut-hidup-berdamai-dengan-COVID-19-apa-maksudnya?utm\\_source=Twitter&utm\\_medium=Refferal&utm\\_campaign=Sticky\\_Dekstop](https://nasional.kompas.com/read/2020/05/08/06563101/jokowi-sebut-hidup-berdamai-dengan-COVID-19-apa-maksudnya?utm_source=Twitter&utm_medium=Refferal&utm_campaign=Sticky_Dekstop)

8. CNN Indonesia, Monday, 04/05/2020 08:15 WIB. <https://www.cnnindonesia.com/nasional/20200504074607-32-499662/500-tka-china-entered-sultra-government-attitude-is-questionable>.

9. Trio Hamdani - detikFinance, Thursday, 09 Jul 2020 06:06 WIB. <https://finance.detik.com/berita-ekonomi-bisnis/d-5085752/ini-alasan-500-tka-china-di-masuk-ri/1>

to enter Indonesia and the fear of the risk of the spread of Covid 19, especially during the current pandemic, considering that China is the country from which the Covid 19 pandemic developed.

The presence of foreign workers, both from China and from other countries, of course, must get attention from the government, lest the presence of foreign workers bring new problems for the development of companies, Indonesian workers and also the population in general. The government must be wise in providing protection to Indonesian workers amid the invasion of foreign workers. The government can play a more role as regulator and supervisor and must be able to guarantee protection for Indonesian workers. The government should pay more attention to the existence of foreign workers, especially in relation to their roles and functions, especially in providing assistance and transfer of technology or transfer of knowledge to Indonesian assistants, as well as the time of assistance and replacement of foreign workers by assistants, so that its implementation is not only an administrative formality.

Based on Law Number 13 of 2013 concerning Manpower, there are regulations regarding the provisions for foreign workers who are allowed to work in a company in Indonesia. TKA who are allowed to work are TKA who have certain skills (skill workers). Meanwhile, foreign workers without expertise or unskill workers are not allowed to work in Indonesia. Every company that employs foreign workers must be accompanied by a companion according to their expertise. The aim is to transfer technology or transfer skills to companion workers who are local Indonesian workers. Therefore companies are also obliged to provide work education and training for Indonesian workers in accordance with the qualifications or expertise of foreign workers.

According to the Director General of Manpower Placement and Expansion of Employment Opportunities (Binapenta) of the Ministry of Manpower (Kemnaker) Aris Wahyudi, "Officially there is no further notification to us (the two companies applying for foreign workers), directly to the local government, these foreign workers must be confirmed healthy, so 14 days in the country of origin must be quarantined. Therefore according to Permenkum HAM No. 11/2020, they (TKA) must have a health certificate. Next will be 14 quarantine in the country. The Ministry of Manpower will supervise the arrival of 500 foreign workers as soon as they arrive, will supervise the completeness of their documents before being flown to Konawe and supervise with the PORA (Foreigner Supervision) Team and check all documents that must be fulfilled, both health documents and immigration documents."<sup>10</sup>

With the arrival of foreign workers from China or other countries without clear permits it is considered inappropriate and seems to contradict Permenkumham No.11 of 2020. The opinion that the government prioritizes saving the economy rather than the health of its people has become increasingly prominent. Economic rescue may be important, especially if it is intended for the long-term welfare of the country, but given the rapid spread of the Covid-19 virus, prioritizing public health on a humanitarian basis would be even more important because if left unchecked, COVID-19 will continue to spread in Indonesia and continue to have a negative impact on society and the economy.

Therefore, the Government should be able to choose a more appropriate moment to bring foreign workers from China to Indonesia, and not have to do things that end up contradicting the regulations between stake holders. Other than that, China and Indonesia need to ensure that Chinese foreign workers and the companies they work for do not violate laws and act that can generate negative sentiment from the public especially the Indonesian people.

<sup>10</sup>. Ade Miranti Kurnia, Kompas.com - <https://money.kompas.com/read/2020/06/18/103200726/awal-juli-500-tka-asal-china-bakal-datang-ke-indonesia?page=all>

## C. CLOSING

### 1. Conclusion

Economic recovery, especially in the tourism sector, is a challenge in itself for the government. As if it were two sides of the coin, on the one hand these business actors continue to strive to improve their economy but on the one hand they have to fight against the COVID-19 pandemic, which is spreading continuously and has not shown any signs. decrease in the number of cases. The existence of restrictions on the entry of foreign tourists aims to prevent the spread of Covid 19 in Indonesian territory, prevent the entry of the Covid 19 virus abroad, as well as to monitor foreign citizens who were in Indonesia during the Covid 19 pandemic. This is because Indonesia is still a magnet for many citizens. foreigners in various countries to visit either for tourism purposes, business affairs, and education or other matters.

And also for the labor sector, cooperation between Indonesia and China or other countries is unavoidable, the many rejections to the arrival of Chinese foreign workers during the current pandemic are certainly considered inappropriate policies, because when people are struggling to survive in the midst of the swift flow of domestic layoffs, the government actually brought in foreign workers on the pretext that the Indonesian people lack human resources in the technical field. Apart from the rejection that occurred in several regions within the country, the arrival of foreign workers from China on the one hand is very much needed by the company to be able to operate immediately. The operation of this company of course also has economic benefits for the surrounding population, because they will be employed in the company.

### 2. Suggestions

From the discussion in the previous chapter, the author suggests several things that must be considered, including:

1. The issuance of a regulation in any form, especially a Ministerial Regulation, should be followed by supervision of the implementation of the regulation, so as to minimize if there is friction in the community in the future regarding the regulation
2. Communication and cooperation between stake holders is needed so that there is no conflict of interest and authority;
3. While waiting for this pandemic to end, the Government can focus on increasing domestic tourism by making improvements in various domestic tourism centers. Increased tourism activities are carried out following strict health protocols.
4. Keep in mind and enforce health protocols for foreign workers because they are still in the framework of preventing the transmission and spread of COVID-19 from entering the new normal period Foreign workers who enter Indonesia should be accompanied by a health certificate that is free from COVID-19 from the domestic health authority of the foreign worker. Furthermore, the foreign workers must also be willing to be quarantined for 14 days which is carried out and supervised by the authorities of the Indonesian government, or they could be quarantined in the territory of another country that is not infected with COVID-19 before entering Indonesia;
5. Observing the regulations that apply to foreign workers working in companies in Indonesia, including the presence of assistants in the context of transferring technology or transfer of knowledge and expertise in accordance with the foreign workers' expertise; and
6. Supervision related to the existence of the foreign workers themselves, companies that employ foreign workers and including Indonesian workers. This is done so that there are no more



violations committed by companies that employ foreign workers.

The author realizes of course the above paper still has many shortcomings and mistakes and is still far from perfect, therefore the author expects criticism and suggestions in writing this paper in the future.

## REFERENCES

Fathurrohman, Desember 28,2019. <https://fin.co.id/2019/12/28/23-juta-wna-masuk-indonesia/>

BBC News, 05 Maret 2020, <https://www.bbc.com/indonesia/indonesia-51749229>

Pembatasan Perlintasan Orang Asing Direktorat Jenderal Imigrasi Kementerian Hukum dan HAM RI, <https://www.imigrasi.go.id/berita/detail/informasi-terkini-kebijakan-imigrasi-terkait-covid-19>

*Ainun Mardiyah*, September 9, 2020. <https://www.satukanal.com/sektor-pariwisata-indonesia-dalam-pusaran-pandemi/>.

Nyoman Suarna, 26 Juli 2020, 19: 58: 57 WIB, <https://baliexpress.jawapos.com/read/2020/07/26/206082/koster-minta-permenkumham-112020-dikaji-terbatas>.

Ihsanuddin. (2020, 8 Mei). Jokowi Sebut Hidup Berdamai dengan COVID-19, Apa Maksudnya?. *kompas.com*. [https://nasional.kompas.com/read/2020/05/08/06563101/jokowi-sebut-hidup-berdamai-dengan-COVID-19-apa-maksudnya?utm\\_source=Twitter&utm\\_medium=Refferal&utm\\_campaign=-Sticky\\_Dekstop](https://nasional.kompas.com/read/2020/05/08/06563101/jokowi-sebut-hidup-berdamai-dengan-COVID-19-apa-maksudnya?utm_source=Twitter&utm_medium=Refferal&utm_campaign=-Sticky_Dekstop).

CNN Indonesia, Senin, 04/05/2020 08:15 WIB. <https://www.cnnindonesia.com/nasional/20200504074607-32-499662/500-tka-china-masuk-sultra-sikap-pemerintah-dipertanyakan>

Trio Hamdani – detikFinance, Kamis, 09 Jul 2020 06:06 WIB. <https://finance.detik.com/berita-ekonomi-bisnis/d-5085752/ini-alasan-500-tka-china-diizinkan-masuk-ri/1>

Ade Miranti Kurnia, Kompas.com - 18/06/2020, 10:32 WIB. <https://money.kompas.com/read/2020/06/18/103200726/awal-juli-500-tka-asal-china-bakal-datang-ke-indonesia?page=all>