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## STATE RESPONSIBILITY IN FULFILLING TOURIST HEALTH RIGHTS IN DIVING TOURISM AT BUNAKEN NATIONAL PARK POST-COVID-19

To date, none of the scuba diving operators in Bunaken National Park have obtained the CHSE Protocol certification, despite the government's policy encouraging businesses to adhere to minimum health standards to prevent the resurgence of COVID-19. This study aims to enhance the state's responsibility in upholding tourists' health rights in Bunaken National Park, particularly in the post-COVID-19 scuba diving tourism sector. Employing a socio-legal approach supported by sociology and cultural studies, this research used observation and literature review to collect data. The findings indicate that fulfilling tourists' health rights forms a part of human rights guaranteed by the Indonesian state and governed under both international and national laws. However, the implementation of the CHSE Protocols in the park faces several challenges, including implementation costs, human resources, visitor compliance and discipline, infrastructure, regulatory oversight, economic impacts, and environmental concerns. To better facilitate state responsibility in implementing the CHSE Protocol, this study proposes four government policies to support diving operators in Bunaken National Park: (1) providing subsidies and incentives, (2) offering training and education, (3) enforcing strict oversight and transparency, and (4) fostering multi-party cooperation. These policies aim to enhance compliance with the CHSE Protocol, ensuring the safety and health of tourists and preserving the environment.

**Key words:** State, State Responsibility, Right, Right to Health, Diving, Diving Tourism, Bunaken.

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## COVID-19-дан кейін Бунакен ұлттық саябағында дайвинг туризмі кезінде туристердің денсаулық құқықтарын қамтамасыз ету үшін мемлекеттік жауапкершілік

Бүгінге дейін Бунакен ұлттық саябағындағы акваланг операторларының ешқайсысы үкіметтің бизнесті COVID-19 қайта өркендеуіне жол бермеу үшін денсаулық сақтаудың ең төменгі стандарттарын ұстануға шақыратын саясатына қарамастан, CHSE Protocol сертификатын алған жоқ. Бұл зерттеу Бунакен ұлттық саябағында, әсіресе COVID-19-дан кейінгі акваланг туризмі секторында туристердің денсаулығын қорғауда мемлекеттің жауапкершілігін арттыруға бағытталған. Әлеуметтану және мәдениеттану қолдайтын әлеуметтік-құқықтық тәсілді қолдана отырып, бұл зерттеу деректер жинау үшін бақылау мен әдебиетті шолуды пайдаланды. Нәтижелер туристердің денсаулығына қатысты құқықтарын орындау Индонезия мемлекеті кепілдік берген және халықаралық және ұлттық заңдармен реттелетін адам құқықтарының бір бөлігін құрайтынын көрсетеді. Дегенмен, саябақта CHSE хаттамаларын енгізу бірнеше қиындықтарға тап болады, соның ішінде іске асыру шығындары, адам ресурстары, келушілердің сәйкестігі мен тәртібі, инфрақұрылым, реттеуші қадағалау, экономикалық әсерлер және қоршаған ортаға қатысты мәселелер. CHSE хаттамасын жүзеге асыруда мемлекеттің жауапкершілігін жақсарту үшін бұл зерттеу Бунакен ұлттық саябағында сүңгуір операторларын қолдаудың төрт мемлекеттік саясатын ұсынады: (1) субсидиялар мен ынталандырулар беру, (2) оқыту мен білім беруді ұсыну, (3) қатаң қадағалау мен ашықтықты қамтамасыз ету, және (4) көп партиялы ынтымақтастықты дамыту. Бұл саясаттар CHSE хаттамасына сәйкестікті арттыруға, туристердің қауіпсіздігі мен денсаулығын қамтамасыз етуге және қоршаған ортаны сақтауға бағытталған.

**Түйін сөздер:** мемлекет, мемлекеттік жауапкершілік, құқық, денсаулыққа құқық, дайвинг, дайвинг туризмі, Бунакен.

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### Ответственность государства за обеспечение прав туристов на здоровье в ходе дайвинг-туризма в Национальном Парке Бунакен после COVID-19

На сегодняшний день ни один из операторов подводного плавания в национальном парке Бунакен не получил сертификацию протокола CHSE, несмотря на политику правительства, поощряющую предприятия придерживаться минимальных стандартов здоровья для предотвращения повторного всплеска COVID-19. Это исследование направлено на повышение ответственности государства за соблюдение прав туристов на здоровье в национальном парке Бунакен, особенно в секторе подводного туризма после COVID-19. Используя социально-правовой подход, подкрепленный социологией и культурологическими исследованиями, это исследование использовало наблюдение и обзор литературы для сбора данных. Результаты показывают, что соблюдение прав туристов на здоровье является частью прав человека, гарантируемых индонезийским государством и регулируемых как международным, так и национальным законодательством. Однако реализация протоколов CHSE в парке сталкивается с рядом проблем, включая затраты на реализацию, человеческие ресурсы, соблюдение и дисциплину посетителей, инфраструктуру, нормативный надзор, экономические последствия и экологические проблемы. Для лучшего выполнения государственной ответственности за реализацию Протокола CHSE в этом исследовании предлагаются четыре правительственные политики для поддержки операторов дайвинга в национальном парке Бунакен: (1) предоставление субсидий и стимулов, (2) предоставление обучения и образования, (3) обеспечение строгого надзора и прозрачности и (4) содействие многостороннему сотрудничеству. Эти политики направлены на повышение соответствия Протоколу CHSE, обеспечение безопасности и здоровья туристов и сохранение окружающей среды.

**Ключевые слова:** государство, государственная ответственность, право, право на здоровье, дайвинг, дайвинг-туризм, Бунакен.

## Introduction

The Bunaken Marine Park, located on North Sulawesi Island, stands as a globally renowned tourist destination. This park is a critical conservation area, hosting 390 coral species and numerous varieties of fish, mollusks, reptiles, and marine mammals. Spanning 79,057 hectares, Bunaken National Park is divided into northern and southern sectors: the north consists of five islands and a coastal strip between Molas and Tiwoho (Molas Beach – Wori), while the south includes the coastal areas between Poopoh and Popareng villages (Arakan Coast – Wawontulap)<sup>1</sup>.

Before the onslaught of the COVID-19 pandemic, tens of thousands of tourists annually flocked to Bunaken, Malalayang Beach, and the city of Manado. However, due to the pandemic, the park was closed from March to September 2020 and only reopened

on September 12, 2020. From January to early May 2021, the park welcomed 3,347 visitors, engaging in various activities such as diving and snorkeling. The visitor composition typically includes 70 percent from North Sulawesi, with the remaining 30 percent coming from other regions such as Jakarta, Surabaya, Bandung, and Makassar<sup>2</sup>.

Scuba diving is a particularly popular attraction at Bunaken National Park, thanks to its deep coral reefs suitable for diving activities, which require approximately 2000 m<sup>2</sup> per two divers. According to a suitability analysis, the park has 495,815 m<sup>2</sup> of coral reefs that can support the scuba diving needs of up to 1,983 divers per day<sup>3</sup>.

<sup>2</sup> Didi Purwadi, "Sebelum Ditutup, Bunaken Didominasi Wisatawan Nusantara," May 13, 2021, <https://ameera.republika.co.id/berita/qt0u4m257/sebelum-ditutup-bunaken-didominasi-wisatawan-nusantara>.

<sup>3</sup> Taman Nasional Laut Bunaken, "Daya Dukung Ekowisata Snorkling Dan Selam" (Manado: Taman Nasional Laut Bunaken, 2018).

<sup>1</sup> United Nations Development Programme, *Bunaken National Park Management Advisory Board, Indonesia. Equator Initiative Case Study Series* (New York: Equator Initiative, 2012).

**Table 1** – Carrying Capacity of Diving Ecotourism in Bunaken National Park<sup>4</sup>

<b>Location</b>	<b>Coral Reef Area that can be utilized (m<sup>2</sup>)</b>	<b>Carrying Capacity (people/day)</b>	<b>Number of people/trip</b>
Barat Bunaken	81147,18	325	81
Barat Daya Bunaken	47661,48	191	48
Selatan Bunaken	33004,36	132	33
Tenggara Bunaken	2595,93	10	3
Timur Bunaken	52477,34	210	53
Utara Bunaken	99086,46	396	9
Sub-Total	315972,75	1264	316
Selatan Manado Tua	3131,55	13	3
Tenggara Manado Tua	5866,84	23	6
Timur Manado Tua	10824,76	43	11
Utara Manado Tua	22711,98	91	23
Sub-Total	42535,13	170	43
Barat Mantehage	8539,60	34	9
Barat Daya Mantehage	6661,75	27	7
Barat Laut Mantehage	8813,16	35	9
Timur Mantehage	19303,28	77	19
Sub-Total	43317,79	173	43
Barat Nain	30219,71	121	30
Selatan Nain	7812,50	31	8
Timur Nain	36693,72	147	37
Sub-Total	74725,93	299	75
Selatan Siladen	751,36	3	1
Tenggara Siladen	3413,64	14	4
Timur Siladen	4327,12	17	4
Utara Siladen	10771,54	43	11
Sub-Total	19263,66	77	19
<b>Total</b>	<b>495815</b>	<b>1983</b>	<b>49</b>

<sup>4</sup> Taman Nasional Laut Bunaken.

With this significant visitor capacity, specifically for scuba diving, the government bears the responsibility of ensuring the health of tourists to prevent the resurgence of COVID-19. According to recent developments in 2024, the pandemic is not yet fully over. The Singapore Ministry of Health reported a rise in COVID-19 cases from 13,700 to 25,900 during May 5-11, 2024, with daily hospitalizations due to COVID-19 increasing to about 250 from 181 the previous week<sup>5</sup>. While this variant is not considered dangerous, community immunity has likely decreased over time, which could potentially facilitate cross-border transmission, including the reintroduction of COVID-19 to Indonesia through travel.

The Indonesian government is striving to enhance health protection for tourists through the CHSE program (Cleanliness, Health, Safety, and Environmental Sustainability). The Ministry of Tourism and Creative Economy (Kemenparekraf) is working to ensure that the CHSE health protocols are implemented by community business entities to create a safe and comfortable environment for the public. This program is executed by granting CHSE certifications to operators in the tourism and creative economy sectors. This certification serves as proof that businesses have adopted, applied, and improved health protocols within their operations. Moreover, tourists and the public can feel assured by the adherence to CHSE health standards.

However, of the approximately 15 dive operators in Bunaken National Park<sup>6</sup>, none currently hold a CHSE certificate<sup>7</sup>. In 2020, Kemenparekraf issued guidelines for the Implementation of Cleanliness, Health, Safety, and Environmental Sustainability for Diving Tourism Operations. These guidelines aim to ensure that diving tourism in Indonesia meets safety standards and earns the trust of both local and international divers, thereby aiding the recovery of Indonesia's diving tourism industry<sup>8</sup>.

Amid the ongoing pandemic, the recovery of the tourism sector is not limited to increasing tourist

numbers but also involves the state's responsibility to fulfill their health protection. The state plays a crucial role in ensuring adequate healthcare services for tourists. It bears both a moral and legal responsibility to protect and promote the health rights of every individual within its territory, including visitors<sup>9</sup>. Furthermore, the state's efforts to provide sufficient health infrastructure, effective testing protocols, and easy access to vaccines and medical care are key to rebuilding tourist confidence. Therefore, this research aims to optimize the state's responsibility in fulfilling the health rights of tourists in Bunaken National Park, particularly in post-pandemic diving tourism.

## Materials and Methods

This socio-legal study examines various laws and regulations related to tourism and health, supported by sociology and cultural studies<sup>10</sup>. As supplementary data, the researcher conducted observations in the Bunaken National Park area and structured interviews with several diving tourism operators in the Bunaken Islands. To refine the analysis further, the researcher engaged in a literature review concerning CHSE regulations, collecting and analyzing books, journals, and reports focused on sustainable tourism development with an emphasis on tourist health aspects.

## Results and Discussion

The Right to Health in Indonesia According to International and National Laws

International law has regulated many provisions regarding the right to health as part of human rights. Article 25 of Universal Declaration of Human Rights<sup>11</sup> states: "everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing,

<sup>5</sup> Ministry of Health Singapore, "Update on Covid-19 Situation," May 18, 2024, <https://www.moh.gov.sg/news-highlights/details/update-on-covid-19-situation>.

<sup>6</sup> United Nations Development Programme, *Bunaken National Park Management Advisory Board, Indonesia. Equator Initiative Case Study Series*.

<sup>7</sup> Kementerian Pariwisata dan Ekonomi Kreatif, "Daftar Usaha Tersertifikasi," accessed June 15, 2024, <https://chse.kemparakraf.go.id/id/tersertifikasi?keyword=salam>.

<sup>8</sup> Kementerian Pariwisata dan Ekonomi Kreatif, *Panduan Pelaksanaan Kebersihan, Kesehatan, Keselamatan, Dan Kelestarian Lingkungan Usaha Wisata Selam* (Jakarta: Badan Pariwisata dan Ekonomi Kreatif, 2020).

<sup>9</sup> Ministry for Foreign Affairs of Republic of Indonesia, "National Consolidation Key to Post COVID-19 Pandemic Recovery of Indonesian Tourism," March 16, 2022, <https://kemlu.go.id/portal/en/read/3409/view/national-consolidation-key-to-post-covid-19-pandemic-recovery-of-indonesian-tourism>.

<sup>10</sup> Emilie Cloatre and Dave Cowan, "Indefensible and Irresponsible: Interdisciplinarity, Truth and #Reviewer2," in *Routledge Handbook of Socio-Legal Theory and Methods*, ed. Naomi Creutzfeldt, Marc Mason, and Kirsten McConnachie, Routledge Handbooks (London New York: Routledge, Taylor & Francis Group, 2020), 97–98.

<sup>11</sup> United Nations General Assembly, "Universal Declaration of Human Rights," 217A General Assembly resolution § 23 (1948).

housing and medical care and necessary social services". Furthermore, the right to health is conceptualized in Article 12 of International Covenant on Economic, Social and Cultural Rights<sup>12</sup> which stipulates that States Parties recognize the right of everyone to enjoy the highest attainable standard of physical and mental health. Implementation of this article obliges States Parties to take the necessary steps to progressively achieve the full realization of this right<sup>13</sup>.

Apart from the two main international laws above, several other agreements also provide protection for health. For example, the Convention on the Rights of the Child (CRC) and the Convention on the Rights of Persons with Disabilities (CRPD) stipulate that children and persons with disabilities must enjoy the "highest attainable standard of health" without discrimination. Meanwhile, women's health is protected in the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)<sup>14</sup>.

In the context of the COVID-19 pandemic, the application of the right to health between states is underscored by the CESCR's General Comment No. 14, issued by the Committee on Economic, Social, and Cultural Rights, which mandates that states respect the fulfillment of the right to health in other countries. This includes establishing urgent medical care systems in cases of accidents, epidemics, or similar health hazards. Furthermore, General Comment No. 3 by the CESCR draws attention to the obligation of all countries to take steps, both individually and through international aid and cooperation, particularly in the economic and technical fields, towards fully realizing these rights. The agreement to recognize the importance of international cooperation and adhere to commitments to take collec-

tive and individual actions to fully realize the right to health is articulated in the UN Charter, ICESCR, and the Alma-Ata Declaration<sup>15</sup>.

Since the onset of the COVID-19 pandemic in Indonesia in early 2020, the government has committed to preventing the spread of COVID-19 and fulfilling the health rights of the Indonesian public. This commitment is mandated by Article 28H paragraph 1 of The 1945 Constitution of the Republic of Indonesia, which states: "Each person has a right to a life of well-being in body and mind, to a place to dwell, to enjoy a good and healthy environment, and to receive medical care." Furthermore, Article 34 paragraph (3) of the 1945 Constitution reinforces that "The state is responsible for providing adequate health care and public service facilities".

These constitutional articles are further elaborated in Article 8 of Law No. 39 of 1999 concerning Human Rights, stipulating that "The protection, promotion, enforcement, and fulfillment of human rights are primarily the responsibility of the Government." In the context of the COVID-19 pandemic, the provision of health services offered is not only curative or for treatment but also preventive. There are five levels of prevention, ranging from health promotion, specific protection, early diagnosis, prompt treatment, limitation of disability, and rehabilitation. The management of COVID-19 should encompass all levels and be regulated in legislation as a reference for disaster management in Indonesia<sup>16</sup>.

Indonesian Law No. 36 of 2009 concerning Health stipulates that every individual, family, and community has the right to health protection, and the state is responsible for ensuring the fulfillment of the right to a healthy life for its population, including the poor and the disadvantaged. Additionally, Article 7 of the Health Law states that the government is tasked with providing health efforts that are equitable and affordable to the community<sup>17</sup>.

<sup>12</sup> United Nations, "International Covenant on Economic, Social and Cultural Rights," 2200A General Assembly Resolution § (1966), [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-3&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&clang=en).

<sup>13</sup> The High Commissioner for Human Rights of United Nations, "International Standards on the Right to Physical and Mental Health," *Special Rapporteur on the Right to Health* (blog), 2024, <https://www.ohchr.org/en/special-procedures/sr-health/international-standards-right-physical-and-mental-health#:~:text=Article%2010%20%2D%20Right%20to%20Health&text=Everyone%20shall%20have%20the%20right,mental%20and%20social%20well%2Dbeing>.

<sup>14</sup> Oona A. Hathaway, Mark Stevens, and Preston Lim, "COVID-19 and International Law Series: Human Rights Law – Right to Health," November 20, 2020, <https://www.justsecurity.org/73447/covid-19-and-international-law-series-human-rights-law-right-to-health/>.

<sup>15</sup> Shoji Matsumoto, "A Role for International Law in Containing COVID-19: The Right to Health" (Morocco: Policy Center for the New South, 2022), [https://www.policycenter.ma/sites/default/files/2022-09/PP\\_15-22\\_Matsumoto.pdf](https://www.policycenter.ma/sites/default/files/2022-09/PP_15-22_Matsumoto.pdf).

<sup>16</sup> Iman Pasu Marganda Hadiarto Purba et al., "Legal Protection of The Right to Health for People with Long-Term Health Impact Due to Disaster in Indonesia," *Lex Scientia Law Review* 7, no. 2 (November 30, 2023): 843–70, <https://doi.org/10.15294/lesrev.v7i2.71678>.

<sup>17</sup> Bonita Cinintya Putri, "Pemenuhan Hak Atas Kesehatan Bagi Fakir Miskin Saat Pandemi Covid-19 Di Indonesia," *DHARMASISYA: Jurnal Program Magister Hukum Fakultas Hukum Universitas Indonesia* 2, no. 3 (September 2022): 1115–30.

The following four main principles must be considered in fulfilling the public's right to health to measure the scope and quality of health services<sup>18</sup>:

A) *Availability* emphasizes the importance of adequate health services in all aspects, including human resources, medications, and health facilities.

B) *Accessibility* consists of non-discrimination, physical, economic, and information accessibility, ensuring all individuals can access services without social, economic, or geographical barriers.

C) *Acceptability* demands that health services conform to local ethical and cultural values, respect privacy, and enhance health status.

D) *Quality* asserts that the public is entitled to receive health services of the highest standard, including medications, medical equipment, and competent health personnel.

A comprehensive understanding of these four principles in the context of the COVID-19 pandemic becomes a crucial indicator of whether the public's right to health is being fulfilled. This particularly pertains to several important points:

1. **Health Service Access:** The principles of availability and affordability are crucial to ensure all individuals have equal access to COVID-19 testing, treatment, and vaccination. This includes adequate health facilities, sufficient human resources, and necessary medications.

2. **Prevention and Control of Spread:** The principle of information affordability is vital in supporting public education about Covid-19, preventive measures, and the importance of vaccination. The public must have easy access to accurate and reliable information.

3. **Protection of Vulnerable Groups:** The principles of non-discrimination and acceptability are highly relevant to protect vulnerable groups such as the elderly, people with disabilities, and minority groups who may be more susceptible to Covid-19. Health services must be tailored to meet their needs and ensure they do not experience discrimination in access or quality of care.

4. **Quality of Health Services:** The principle of quality is crucial to ensure that the health services provided, including diagnostic testing, medical treatment, and psychosocial support, meet appropriate and adequate standards to address the challenges posed by COVID-19.

<sup>18</sup> Lembaga Bantuan Hukum Masyarakat, *Buku Saku Hak Atas Kesehatan* (Malang: LBH Masyarakat, 2019), <https://lbh-masyarakat.org/wp-content/uploads/2020/01/Buku-Saku-Hak-Atas-Kesehatan.pdf>.

5. **Justice and Social Solidarity:** Implementing the principle of the right to health helps build a more just society and strong social solidarity amid the pandemic. This includes collaborative efforts to ensure no one is left behind in accessing necessary health protection.

By properly applying the right to health principles during the COVID-19 pandemic, society can be assured of receiving health protection that respects their dignity and needs while also strengthening the health system's capacity to face current and future global health crisis challenges.

### ***The Outlook on CHSE Protocols in Diving Tourism Businesses in Indonesia***

The COVID-19 pandemic has dramatically changed the global paradigm regarding travel and tourism. Amid widespread uncertainty, health became the main focus for all stakeholders in the tourism industry. Many countries implemented stringent pandemic prevention policies, including mandating a 14-day quarantine to ensure travelers did not introduce any viruses. This led many tourists to cancel their trips, impacting the tourism business, particularly in the transportation, hotel, restaurant, and tour company sectors<sup>19</sup>.

Despite the significant economic losses to the tourism industry caused by the COVID-19 pandemic, this situation has challenged various parties to maximize emerging opportunities in the fields of hospitality, ecotourism development, and the establishment of health and safety travel protocols<sup>20</sup>. Consequently, the role and responsibility of the state have become increasingly relevant and urgent in ensuring the fulfillment of travelers' health rights during and after the pandemic.

In response to the tourism challenges posed by the pandemic, the government has striven to normalize and prevent the spread of the COVID-19 virus through SNI CHSE Certification. This certification also adopts recommendations from international health organizations such as the WHO and CDC,

<sup>19</sup> Xiaojia Liu, "The Economic Environment and Black Swan Events: Taking COVID-19 as an Example," *Journal of Education, Humanities and Social Sciences* 23 (December 13, 2023): 336–41, <https://doi.org/10.54097/ehss.v23i.12916>.

<sup>20</sup> Angelos Ntalakos et al., "Effect of Covid-19 on the Tourism Industry: Opportunities and Threats in Covid-19 Era:," in *Proceedings of the 4th International Conference on Finance, Economics, Management and IT Business* (4th International Conference on Finance, Economics, Management and IT Business, Online Streaming, --- Select a Country ---: SCITEPRESS – Science and Technology Publications, 2022), 107–14, <https://doi.org/10.5220/0011065200003206>.

safety recommendations from the diving safety organization, and other competent bodies<sup>21</sup>. Furthermore, the legal foundation for SNI CHSE Certification is based on various regulations and laws<sup>22</sup>:

1. Law of the Republic of Indonesia Number 10 of 2009 concerning Tourism

2. Law of the Republic of Indonesia Number 36 of 2009 concerning Health

3. Government Regulation of the Republic of Indonesia Number 66 of 2014 concerning Environmental Health

4. Government Regulation of the Republic of Indonesia Number 88 of 2019 concerning Occupational Health

5. Minister of Tourism Regulation of the Republic of Indonesia Number 14 of 2016 concerning Guidelines for Sustainable Tourism Destinations

6. Decree of the Minister of Health Number HK.01.07/Menkes 328/2020 concerning Guidelines for Covid-19 Prevention and Control at Workplaces to Support Business Continuity in Pandemic Situations.

7. Decree of the Minister of Health Number HK.01.07/Menkes 382/2020 concerning Health Protocol for the Society in Public Places and Facilities for the Prevention and Control of the Corona Virus Disease 2019 (Covid-19).

8. Indonesia National Standard (SNI 9042:2021) on Cleanliness, Health, Safety, and Environmental Sustainability of Tourist Destinations and Tourism Activities are organized and supported.

9. Regulation of the Minister of Tourism and Creative Economy/Head of the Tourism and Creative Economy Agency of the Republic of Indonesia of 2022 concerning Facilitation of Financing for Indonesian National Standard Certification for Cleanliness, Health, Safety and Environmental Sustainability

These regulations are further detailed in 11 Guidelines for the Implementation of Cleanliness, Health, Safety, and Environmental Sustainability, applied across various sectors, including the scuba diving business<sup>23</sup>.

The Guidelines are divided into two categories: General Guidelines and Specific Guidelines. The General Guidelines cover standard health protocols such as social distancing, providing handwashing facilities, mandatory cleaning and disinfection of all diving equipment, and requiring tourists to complete a diver medical clearance form. The Specific Guidelines detail 15 points, including (1) Workers; (2) Customers and/or Tourists; (3) Diving Business Activities; (4) Management of Diving Business Locations; (5) Diving Courses; (6) Pool Training; (7) Land Transportation/Vehicles; (8) Activities on Boats/Beaches/Docks; (9) Recreational Diving; (10) Live On Board (LOB); (11) Maintenance and Repair of Diving Equipment; (12) Handling of Air Tank Refilling and Work Areas; (13) Disinfection of Diving Equipment; (14) Guidelines for Environmental Preservation; and (15) Guidelines for Emergency Situations<sup>24</sup>.

To comply with these guidelines, diving business operators need to prepare several things, including:

A. SOPs that refer to the Guidelines for the Implementation of Cleanliness, Health, Safety, and Environmental Sustainability for Diving Businesses, as well as health protocols and other regulations set by the Ministry of Health, local governments, and local COVID-19 Task Forces.

B. Workers trained to provide the best service in accordance with the applicable SOPs at each diving business site.

C. Support facilities related to cleanliness, health, safety, and environmental sustainability.

D. Posted written information media about the SOPs for cleanliness, health, safety, and environmental sustainability that is easily readable by customers and/or tourists and other parties active at each diving business site.

Moreover, local governments must support business operators and relevant parties to disseminate information, conduct socialization, training/education, simulations, trials, mentoring, and development, as well as monitor and evaluate the implementation of the Guidelines for Cleanliness, Health, Safety, and Environmental Sustainability for Diving Businesses<sup>25</sup>. In 2023-2024, the Tourism and Creative Economy Agency, under the Ministry of Tourism and Creative Economy, has provided CHSE

<sup>21</sup> Kementerian Pariwisata dan Ekonomi Kreatif, *Panduan Pelaksanaan Kebersihan, Kesehatan, Keselamatan, Dan Kelestarian Lingkungan Usaha Wisata Selam*.

<sup>22</sup> Kementerian Pariwisata dan Ekonomi Kreatif, "Pertanyaan Dan Bantuan," 2022, <https://chse.kemenparekraf.go.id/id/bantuan>.

<sup>23</sup> Kementerian Pariwisata dan Ekonomi Kreatif, "Daftar Pedoman CHSE," 2022, <https://chse.kemenparekraf.go.id/id/pedoman>.

<sup>24</sup> Kementerian Pariwisata dan Ekonomi Kreatif, *Panduan Pelaksanaan Kebersihan, Kesehatan, Keselamatan, Dan Kelestarian Lingkungan Usaha Wisata Selam*.

<sup>25</sup> Kementerian Pariwisata dan Ekonomi Kreatif.

SNI Certification programs for Micro and Small Enterprises (MSEs) in the Manado – Likupang area for 65 businesses<sup>26</sup>.

Thus, the CHSE protocols represent a breakthrough by the Ministry of Tourism and Creative Economy aimed at certifying tourism service businesses, tourist destinations, and other tourism products as a form of protection and assurance for tourists, particularly regarding cleanliness, health, safety, and environmental sustainability. If a tourist destination cannot provide safety assurances, quality services, and a sense of security, it will result in a decrease in prospective tourists' trust in that destination, thereby hindering the realization of sustainable tourism development<sup>27</sup>.

Hindrances to CHSE Protocol Fulfilment in Diving Tourism Businesses in Bunaken National Park

Scuba diving is a popular water sport among both domestic and international tourists. However, this activity carries a high risk of virus transmission. Diving often involves close interactions between participants and instructors, and the shared use of equipment such as masks, regulators, and air tanks can become vectors of spread if not properly disinfected. Pre-dive briefings and post-dive discussions usually occur in enclosed spaces like boats or dive centers, further increasing the risk of transmission<sup>28</sup>.

Up till now, there have been 39 CHSE-certified diving tourism attractions in Indonesia. These tourist attractions include Blue Marine Dive (Lombok), Bali Stingray Divers (Denpasar), Bali Diving (Denpasar), Oye Selam Indonesia (Makassar) and so on<sup>29</sup>. Yet, in Bunaken National Park, no diving business has obtained the SNI CHSE certification. This certification is voluntary, meaning tourism and creative economy businesses can opt to be certified after fulfilling specific requirements. This certificate guarantees that the products and services provided

<sup>26</sup> Indonesian President, "Peraturan Presiden Nomor 16 Tahun 2024 Tentang Rencana Induk Destinasi Pariwisata Nasional Manado-Likupang Tahun 2023-2044" (2024).

<sup>27</sup> Stefan Gössling, Daniel Scott, and C. Michael Hall, "Pandemics, Tourism and Global Change: A Rapid Assessment of COVID-19," *Journal of Sustainable Tourism* 29, no. 1 (January 2, 2021): 1–20, <https://doi.org/10.1080/09669582.2020.1758708>.

<sup>28</sup> Charlotte Sadler et al., "Diving after SARS-CoV-2 (COVID-19) Infection: Fitness to Dive Assessment and Medical Guidance," *Diving and Hyperbaric Medicine* 50, no. 3 (2020): 278–87.

<sup>29</sup> Kementerian Pariwisata dan Ekonomi Kreatif, "8 Sektor Parekraf Telah Tersertifikasi CHSE," April 26, 2021, <https://kemenparekraf.go.id/berita/8-Sektor-Parekraf-Telah-Tersertifikasi-CHSE>.

meet cleanliness, health, safety, and environmental sustainability standards for tourists and the local community.

Although not yet certified, dive operators in Bunaken National Park strive to adhere to health protocols as much as possible, which include<sup>30</sup>: (a) wearing masks on the boat; (b) washing hands or using hand sanitizer before boarding; (c) maintaining physical distance in queues when purchasing tickets; (d) disinfecting the boats used by visitors; (e) using sterilized snorkeling and diving equipment that is not shared simultaneously.

In implementing CHSE protocols for diving businesses at Bunaken National Park, several empirical challenges are faced by business operators, including:

**1. Implementation Costs:** Operators often face significant initial costs to meet CHSE standards, including purchasing health and cleanliness equipment like masks, hand sanitizers, and disinfection tools. Beyond the initial investment, ongoing operational costs exist to maintain compliance, such as routine procurement of personal protective equipment and disinfectants<sup>31</sup>.

**2. Human Resources:** Business operators must train and educate their employees to understand and correctly implement CHSE protocols. This requires time and resources. Sometimes, there is a shortage of skilled and experienced labor applying health and safety protocols.

**3. Visitor Compliance and Discipline:** Not all visitors are aware of the importance of CHSE protocols, requiring operators to be extra vigilant in monitoring and ensuring compliance. Businesses often face challenges in enforcing protocols with reluctant or non-compliant visitors<sup>32</sup>.

**4. Infrastructure and Facilities:** Some locations may lack adequate infrastructure to optimally implement CHSE protocols, such as sufficient hand-washing facilities and organized disinfection areas. Additionally, remote or hard-to-reach locations may struggle to obtain regular supplies of health and cleanliness equipment.

<sup>30</sup> Genman S. Hasibuan, "Nilai Penting Terumbu Karang Taman Nasional Bunaken Dalam Pengembangan Pariwisata."

<sup>31</sup> Kristian Oka Prasetyadi, "Kesangsian Wisatawan Terhadap Penerapan Protokol Kesehatan," April 15, 2021, <https://www.kompas.id/baca/nusantara/2021/04/15/sangsi-wisatawan-terhadap-penerapan-protokol-kesehatan>.

<sup>32</sup> Balai Taman Nasional Bunaken, *Laporan Kinerja Balai Taman Nasional Bunaken Tahun 2021* (Manado: Balai Taman Nasional Bunaken, 2021).



**5. Monitoring and Regulation:** Business operators sometimes feel burdened by complex bureaucratic processes and regulations when obtaining CHSE certification. A lack of consistent monitoring by authorities can lead to lax discipline in protocol implementation among some businesses.

**6. Economic Impact:** The COVID-19 pandemic has led to a decline in tourist numbers, reducing business revenue and their ability to invest in meeting CHSE protocols. Uncertainty about economic recovery and tourist flows makes businesses hesitant to invest further in high-cost protocols.

**7. Natural Environment Vulnerability:** Bunaken National Park features a sensitive ecosystem, and the application of CHSE protocols must consider the environmental impact. Businesses must find a balance between meeting health protocols and preserving the environment.

These seven points illustrate the various challenges faced by businesses in their efforts to meet CHSE protocols in the diving tourism industry at Bunaken National Park. Overcoming these barriers requires cooperation between the government, businesses, and the local community to ensure safe and sustainable tourism.

Optimization of State Responsibility in Fulfilling the Health Rights of Tourists in Diving Businesses at Bunaken

State responsibility in fulfilling the health rights of tourists encompasses various aspects, one of which is protecting against potential health risks during tourism activities. This includes providing clear and accurate information about the health situation at tourist destinations and the preventive measures that tourists should follow.

A deeper understanding of the importance of state responsibility in fulfilling the health rights of tourists post-COVID-19 pandemic is crucial for protecting public health and supporting the sustainable recovery of the national economy. Therefore, further research in this area will provide valuable insights for developing effective policies in the future. Policies in the diving tourism industry should be more inclusive and, in the long term, shift towards a more flexible system that can adapt more quickly to changes in policy focus<sup>33</sup>. Crisis management will

be a particular focus area, including the scope of safety and health policy issues<sup>34</sup>.

More specifically, optimizing state responsibility in fulfilling the health rights of tourists at diving businesses in Bunaken National Park requires consideration of several aspects, particularly if there are weaknesses in implementing CHSE protocols. The author formulates several steps that can be taken:

#### **1. Provision of Subsidies and Incentives**

The government can provide direct financial assistance to diving businesses that have obtained CHSE certification to cover the costs of implementing protocols. Additionally, tax reductions can be offered. Regarding incentives, providing working capital assistance or grants to businesses that comply with CHSE standards can be an effective policy alternative. Local governments can also offer additional promotional support for certified diving businesses through digital platforms and tourism campaigns.

#### **2. Provision of Training and Education**

The government can initiate regular training programs designed to enhance employees' skills and knowledge about health protocols. These programs could include various educational activities, such as workshops and seminars, focusing on crucial aspects ranging from the cleanliness of diving equipment and sanitation procedures to risk management and emergency response. This approach ensures employees gain a comprehensive and practical understanding of the importance of CHSE protocols in maintaining the health and safety of tourists and environmental sustainability.

The training should also aim to enhance awareness and adherence to CHSE protocols among employees and diving business operators. Regular workshops and seminars can serve as platforms for sharing the latest information, case studies, and best practices relevant to the diving industry. Additionally, the training should include simulations and practical exercises to ensure that employees not only understand the theories but are also able to apply the protocols effectively in real situations. Thus, diving business operators will be better prepared and responsive to various health and safety challenges and capable of providing safe and high-quality services to tourists.

<sup>33</sup> Rafael Robina-Ramírez et al., "Tourism Governance during the COVID-19 Pandemic Crisis: A Proposal for a Sustainable Model to Restore the Tourism Industry," *Environment, Development and Sustainability* 24, no. 5 (May 2022): 6391–6412, <https://doi.org/10.1007/s10668-021-01707-3>.

<sup>34</sup> Pramod Kumar Mishra, "COVID-19, Black Swan Events and the Future of Disaster Risk Management in India," *Progress in Disaster Science* 8 (December 2020): 100137, <https://doi.org/10.1016/j.pdisas.2020.100137>.

### **3. Strict Monitoring and Transparency**

Strict monitoring and transparency in implementing CHSE protocols are crucial to maintaining quality and safety in the diving tourism industry. Regular supervision is conducted through routine audits of business compliance with CHSE protocols. These audits cover various aspects, from the cleanliness of diving equipment and environmental sanitation to the readiness of businesses to handle emergency health situations. Regular monitoring can quickly detect and correct any violations or shortcomings in protocol implementation. This ensures compliance with established standards and enhances tourists' trust in the diving industry.

In addition to monitoring, information transparency plays a critical role in implementing CHSE protocols. Transparency in reporting and monitoring the implementation of health protocols allows all stakeholders, including tourists, business operators, and the government, to have access to accurate and up-to-date information. This can be achieved by regularly publishing audit reports, disseminating information via social media and official websites, and providing effective communication channels to receive feedback and complaints from tourists. With good transparency, tourists can make more informed decisions regarding destinations and diving service providers, while businesses can demonstrate their commitment to safety and environmental sustainability.

### **4. Collaboration Among Various Parties**

Collaboration among various stakeholders in implementing the CHSE guidelines in the diving tourism industry is crucial for achieving optimal success. This collaboration can take the form of partnerships between the government, businesses, local communities, and tourists. Through relevant ministries and agencies, the government can facilitate and coordinate CHSE protocol implementation by establishing clear regulations and providing technical support and resources. Diving tourism operators, such as dive operators and resorts, must commit to adhering to and implementing the established CHSE standards and actively participate in training programs and regular audits. Local communities also play a vital role in maintaining the environment and supporting the implementation of health and safety protocols.

Furthermore, collaboration with non-governmental organizations (NGOs) and academics can enhance the effectiveness of CHSE protocol implementation. NGOs can contribute through educa-

tional programs and environmental awareness campaigns, while academics can provide research-based support that strengthens policies and best practices in the diving tourism industry. Tourists also have a crucial role in this collaboration by complying with CHSE protocols and reporting non-compliance. By building an effective communication network among all involved parties, including discussion forums and information-sharing platforms, challenges faced in implementing CHSE protocols can be collaboratively overcome. The diving tourism industry can thrive through strong and integrated cooperation while maintaining health, safety, and environmental sustainability.

### **Conclusion**

The COVID-19 pandemic has shifted Indonesia's tourism policy direction towards providing health protection for tourists. Bunaken National Park remains a favorite destination for divers. However, since the issuance of the Guidelines for Cleanliness, Health, Safety, and Environmental Sustainability in Diving Tourism Businesses in 2020, no diving tourism operators in Bunaken National Park have obtained a CHSE Protocol certificate, despite government efforts to enforce minimum health standards to prevent the resurgence of the COVID-19 virus. Legally, the state is responsible for fulfilling the health rights of tourists, as regulated in both international and Indonesian law.

In light of this, the author has identified several barriers faced by diving tourism operators in Bunaken National Park in implementing the CHSE Protocol, including the cost of implementation, limited human resources, visitor compliance and discipline, inadequate infrastructure and facilities, suboptimal supervision and regulation, economic impacts, and environmental conditions. As part of efforts to optimize state responsibility in applying the CHSE Protocol, this research formulates four policies that the government can implement. These policies include providing subsidies and incentives to diving operators, training and education to enhance knowledge and skills, strict supervision and transparency in protocol implementation, and collaboration among various stakeholders. With the implementation of these policies, it is hoped that the state can play a greater role in enhancing compliance with the CHSE Protocol, ensuring the safety and health of tourists, and preserving the environment in Bunaken National Park.

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