

Kebijakan dan hukum investasi asing pada mode 3 di bidang Tour Agent (TA) dan Tour Operator (TO) industri pariwisata Indonesia kesesuaiannya dengan General Agreement On Trade In Services (GATS)

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Abstrak

Tesis ini membahas mengenai keberadaan Tour Agent (TA) dan Tour Operator (TO) di Indonesia yang masuk melalui rezim hukum GATS mode 3 yakni commercial presence dan kesesuaiannya dengan peraturan perundang-undangan di Indonesia. Di Schedule of Commitment (SoC) di Indonesia dinyatakan bahwa TO dan TA asing hanya dibatasi di wilayah Jakarta dan Bali dengan total kuota 30.

Berdasarkan hasil penelitian ternyata di Indonesia telah banyak berdiri TO dan TA asing. Masuknya TO dan TA asing tersebut kebanyakan hadir bukan dari rezim GATS melainkan dari rezim otonomus yang memang disyaratkan dalam GATS. Perjanjian Otonomus ini, membawa dampak yang berbeda dengan perlakuan yang terdapat dalam GATS. Hasil penelitian ini menyarankan untuk memisahkan peraturan mengenai investasi jasa dan investasi langsung.

.....The focus of this thesis is about the existence of the Tour Agent (TA) and Tour Operator (TO) in Indonesia that goes through the legal regime of the GATS mode 3 commercial presence and suitability with regulations in Indonesia. In the Schedule of Commitment (SoC) in Indonesia stated that foreign TO and TA are only limited in Jakarta and Bali with a total quota of 30.

Based on the results of research in Indonesia has been established many foreign TO and TA. The entry of foreign TO and TA are mostly present but not from GATS regime but from autonomous regime which is required under the GATS. This autonomous agreement is bringing the impact of different treatment contained in the GATS. The results of this research suggest to separate the regulation of investment services and direct investment.