



The Settlement of Travel Bureau Role in the Development of Medical Tourism in Indonesia

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Abstract

The trend of development in tourism world from year to year has shown a very rapid growth. The tourism is developed with the approach of growth and equity of the economy for the welfare of the people and is oriented to the development of the region, relying on the community, and empowering the community covering various aspects, such as human resources, marketing, destinations, science and technology, cross-sectoral linkages, intergovernmental cooperation, empowerment of small businesses, and responsibility in the utilization of natural and cultural resources. One of the opportunities for the development of tourism industry is in the field of health, especially the development of medical tourism. The aim of study is to examine the regulations on the medical tourism and the role of the tourism travel agencies in the development of the medical tourism in Indonesia. The method to achieve these goals is normative study with juridical and statute approaches. The results of data analysis indicate that regulations regarding medical tourism in Indonesia are set in the Regulation of the Ministry of Health of the Republic of Indonesia Number 76 Year 2015 on Medical Tour Service. The role of travel agency in the development of the medical tourism is very strategic, starting from partners of the hospital in order to integrate the health services with lodging facilities and travel planning medical tours to conduct external promotions.

Keywords: Medical Tourism; Indonesian Ministry of Health Regulation on Medical Tour Service; Travel Agency

INTRODUCTION

The trend of the development in the world tourism from year to year has shown a very rapid growth. This is led by several factors including the changes in the socio-economic structure of countries and the increasing number of people who have more income that is getting higher in number. Apart from that the tourism has developed into a global phenomenon, becoming a basic need. Even, as the study of Dharmawan has highlighted, tourism in this case is a tour, in the eyes of the international community it has become a part of human rights that must be respected and protected (Dharmawan et al., 2011). In dealing with global changes and the strengthening private rights of the people to enjoy their leisure time by traveling, a tourism development in tourism needs to be grown.

In Indonesia tourism has driven economic development for local people (Widiatedja et al., 2018). Tourism development is performed with approaches oriented to economic growth and equity for people's welfare and regional development, relying on the community and empowering the community to cover various aspects, such as human resources, marketing, destinations, science, and technology, cross-sectoral linkages, cooperation between countries, empowerment of small businesses, and responsibility in utilizing the natural and cultural resources. Talking about tourism activities, something that is commonly imagined is vacation, traveling or having fun in a different environment to enjoy new

atmospheres and sensations.

Essentially, the notion of tourism as an industry as referred to the statement of by United Nations World Tourism Organization (UNWTO) is as follows:

“Tourism is a social, cultural, and economic phenomenon which entails the movement of people to countries or places outside their usual environment for personal or business/professional purposes.”

“Tourism is a social, cultural, and economic phenomenon related to the movement of people to places outside their usual place of residence, pleasure being the usual motivation.”

“A visitor is someone who is travelling under certain conditions, namely, for holiday, leisure and recreations, business, health, education or other purposes (Nations, 2010).”

This opens up opportunities for the expansion of the tourism industry. Based on the provisions in Article 1 number 9 of Indonesian Act Number 10 of 2009 concerning Tourism (hereinafter referred to as the Tourism Law), the tourism industry is a collection of tourism businesses that are interrelated in order to produce goods and / or services for meeting the tourists' needs in the implementation of tourism. One of the opportunities for developing the tourism industry is in the health sector, considering that health is a personal need for every human being.

The development of tourism by touching the world of health will certainly bring new products to the tourism industry of medical tourism. This medical tourism combines tour packages, hospitality services, medical care and the shrewdness of the perpetrators in the business to package, manage, and sell the whole to prospective tourists (Rosalina, Suteja, Putra, & Pitanatri, 2015).

A medical tourism is part of health tourism, where it itself consists of two branches namely medical tourism and wellness tourism. Both medical tourism and wellness tourism have a fundamental difference even though they are equally related to health. Wellness tourism places more emphasis on tourism activities in the field of health and physical and spiritual fitness of someone like yoga. Meanwhile, the medical tourism is on medication activities to cure a disease accompanied by tourism activities (Rosalina et al., 2015).

Based on the General Provisions in the Regulation of Indonesian Ministry of Health Number 76 of 2015 concerning Medical Tourism Services (hereinafter referred to as the Medical Tourism Services Ministerial Regulation) in Article 1 Number 2, it is specified that a medical tourism is a trip out of town or from abroad to obtain examinations, medical actions and / or examinations other health in the hospital. From this article it can be seen that the medical actions carried out in the context of medical tourism must be in the hospital and at least must be a trip out of town.

Hospital, as stated in the General Provisions of Law Number 44 of 2009 concerning Hospitals (in Indonesian is referred to as *UURS*) in Article 1 number 1, is a health service institution that organizes individual health services in a comprehensive manner that provides inpatient, outpatient and emergency services . This means that the hospital is an institution that organizes plenary health services. Plenary health services are health services that include promotive, preventive, curative, and rehabilitative services.

In accordance with General Provisions in Article 1 number 12, Article 1 number 13, Article 1 number 14, and Article 1 number 15 of Law Number 36 Year 2009 concerning Health, health intended includes the following:

Promotive health services are activities and/or a series of health service activities that prioritize health promotion activities. Preventive health services are prevention activities against a health / disease problem. Curative health services are activities and / or a series of medical activities aimed at healing diseases, reducing suffering due to illness, controlling disease, or controlling disability so that the quality of patients can be optimally maintained. Rehabilitative health services are activities and / or a series of activities to return former sufferers to the community so that they can function as members of the community that are useful for themselves and the community as much as possible according to their abilities.

Reflecting on the opportunities and the development of medical tourism in neighboring countries, such as Malaysia and Singapore, it is an opportunity for Indonesia, especially Bali as one of the best tourist destinations in the world, to be able to develop this tourism business (Rosalina et al., 2015). The existence of a hospital as the main condition for the implementation of medical tourism must meet the requirements as a medical tourism service hospital as stipulated by legislation and government.

According to Gupta medical tourism is seen as a process of providing cost-effective medical health services for medical tourists through cooperation with the tourism industry. Thus, tourists who use travel with medical tourism benefit from not only undergoing medical treatment but can enjoy traveling and live in one of the most popular tourist destinations in the world (Maharani, Putra, & Paturusi, 2018).

The development of medical tourism is expected to take part as a tool for economic growth and social integration. The medical tourism will open employment opportunities and provide socio-economic benefits for the community, as well as increasing the number of foreign tourist visits to Indonesia. For this reason policies need to be developed in terms of information, facilities, security, cooperation, tourism sector infrastructure development.

Even one of the collaborations that need to be developed when talking about tourism, in this case medical tourism, certainly cannot be released from the same work between the hospital and the travel agency (hereinafter referred to as *BPW*). In Indonesia, *BPW* is a form of tour travel business that provides travel planning services and organizing tours including worship trips. The role of *BPW* is important in the context of developing medical tourism in Indonesia. Based on this background, the focus of this study is on medical tourism regulations and the role of tourism travel agencies in developing medical tourism in Indonesia.

METHOD

This study applies normative law research (Soekanto & Mamudji, 2001). That is to say, it is carried out by examining the existing library materials, conducting research on legal issues, and being investigated in depth with a statute approach (Ibrahim, 2007). The laws and regulations reviewed are the Indonesian Law on Tourism, Hospital, and Medical Tourism Services Health.

RESULTS AND DISCUSSION

The Management of Medical Tourism in Indonesia

The term medical tourism in Indonesian is interpreted as health tourism. In the Indonesian Law on Tourism there is no arrangements for medical tourism. Regulations related to the concept of medical tourism in the Tourism Law only exist in BWP arrangements.

Therefore, the basic concept of medical tourism in Indonesia is based on a memorandum of understanding between the Ministry of Health and the Ministry of Tourism Number 412/Menkes/SKB/XI/2012 and NK/30/PW.202/MPEK/2012 on Health Tourism followed by the agreement between the Ministry of Health and Ministry of Tourism Number HK.05.01/IV/2495/2013 and PK 11/KS.001/Secretary General/KPEK/2013 concerning Health Tourism Development, that stipulate that Medical Tourism is part of Health Tourism.

Departing from the basic concept, the government through the Ministry of Health stipulates that the Health Medical Services is as a reference in providing medical tourism services. It is as already explained that medical tourism is a trip out of town or from abroad to get an examination, medical action, and/ or other health checks at the hospital. From these explanations there are several elements of medical tourism as stated in the following:

- trips out of town or from abroad;
- obtain examinations, medical actions, and/ or health checks;
- in the hospital.

Of the three elements of medical tourism services it is clear that the conduct of

examinations, medical actions, and/ or health checks must be in the hospital. The hospital in question is not an arbitrary hospital, but is a hospital that must obtain a determination from the Minister as Article 5 paragraph (1) Minister of Health Medical Services prescribes.

Furthermore, Article 6 of the Medical Tourism Health Ministerial Decree determines that to get the said determination, the head / director of the hospital must make a request for determination to the Minister through the Director General by fulfilling administrative requirements and technical requirements.

The administrative requirements referred to are stipulated in Article 7 of the Regulation of Ministry of Health Medical Services covering:

- 1) operational permit as a class A hospital or class B hospital that is still valid;
- 2) plenary level national accreditation certificate;
- 3) hospital head / director's decision letter about superior services at the hospital;
- 4) the hospital chief / director's decree concerning the establishment of a medical tourism work team at the hospital;
- 5) document of strategic plan for developing medical tourism services;
- 6) standard operating procedures for medical tourism services;
- 7) MOU document with *BPW* that has a medical tour guide; and
- 8) document of proof of MOU with commercial health insurance.

Further arrangements regarding the operational permits and licensing for establishment of hospitals are regulated in the Indonesian Ministry Regulation on Health Number 56 of 2014 concerning Classification and Licensing of Hospitals (hereinafter referred to as the Licensing Minister of Health Regulation). This is for the operational permits submitted by the hospital manager as stipulated in Article 63 paragraph (4) in the Licensing of the Indonesian Ministry of Hospital Regulation. In accordance with the provisions in Article 72 paragraph (1) of the Hospital Licensing of the Ministry of Health, to obtain operational permits, the manager submits a written application to the licensing official in accordance with the classification of the hospital by attaching the following documents:

- a) Hospital Establishment Permit, for the first Operating Permit application;
- b) Hospital profile, including vision and mission, scope of activities, strategic plan, and organizational structure;
- c) the contents of the self assessment instrument according to the classification of the Hospital which includes services, human resources, equipment, buildings and infrastructure;
- d) blue print and photos of the building and supporting facilities and infrastructure;
- e) permit for building utilization (IPB) and certification functions are functional;
- f) document on sustainable environmental management;
- g) list of human resources;
- h) list of medical and non-medical equipment;
- i) list of pharmaceutical preparations and medical devices;
- j) minutes of the results of the testing of health equipment functions along with the completeness of the utilization permit document from the competent agency in accordance with the provisions of legislation for certain equipment; and
- k) administration and management documents.

The hospital chief / director's decree on superior services in the hospital must be supported by competent health personnel and reliable administrative and information and communication technology services with criteria such as Article 8 paragraph (2) Medical Tourism Services Ministerial Regulation as follows:

- a) is a specialist and / or subspecialistic service;

- b) evidence based medicine;
- c) services with the highest quality are available in the dimensions of quality assurance, reliability, responsive and empathetic services; and
- d) able to compete with similar services in other countries.

Decree of the head / director of the hospital about the establishment of a medical tourism work team in the hospital as stipulated in Article 9 paragraph (1) Medical Tourism Services consisting of a number of elements as in the following:

- a) medical committee;
- b) nursing committee;
- c) patient safety committee;
- d) health workers who support superior services; and
- e) hospital business planners and implementers.

The duties of the medical tourism team as Article 9 paragraph (1) prescribes are referred to as follows:

- a) planing business strategies for medical tourism services in hospitals;
- b) drawing up a budget plan for hospital medical tourism services;
- c) arranging the amount of service rates;
- d) seting the standards for operational procedures for hospital medical tourism services including registration service procedures, payment procedures, action procedures and teams that provide services, and risk management; and
- e) monitoring and evaluating medical tourism service activities.

As a business in tourism in the field of medical tourism, cooperation with BPW that has a medical tour guide is done in order to integrate health services with lodging facilities and planners of medical tourism trips as Article 10 Permenkes Medical Tourism Services.

In addition to the administrative requirements mentioned above, it is also necessary to fulfill the technical requirements as stipulated in Article 11 of the Minister of Health Medical Services covering:

- a) human Resources;
- b) service facilities; and
- c) equipment.

Article 12 of the Regulation of the the Indonesian Ministry of Health of Medical Services determines that technical requirements for human resources including health workers and non-health personnel who are competent in their fields in accordance with superior services owned by hospitals and must be able to communicate in English fluently. Non-health workers at least include administrative, marketing, public relations, translators, legal assistance, and customer service.

The technical requirements of service facilities are determined in Article 13 of the Minister of Health Medical Services covering at least:

- a) special waiting room;
- b) special administrative registration room;
- c) nursing room;
- d) facilities that support superior services;
- e) emergency ambulance; and
- f) information and communication technology.

The technical requirements of the equipment are adjusted to superior services owned by the hospital as stipulated in Article 14 of the Indonesian Ministry of Health of Medical Services. Then, after fulfilling these requirements, the determination of the hospital can be processed by the Minister. The stipulation is valid for 5 years and can be extended as long

as it meets the administrative requirements and technical requirements as medical tourism hospitals in accordance with the provisions of Article 16 of the Indonesian Ministry of Health Medical Services. Furthermore, the regulation of the Indonesian Ministry of Health concerning Tourism Services regulates the financing, service flow, service development, promotion, monitoring and evaluation of quality, guidance and supervision, and closing provisions.

The Role of *Biro Perjalanan Wisata* (BPW) for Medical Tourism Development in Indonesia

BPW in developing medical tourism in Indonesia has an important role, it cannot be separated because it is a provider of travel planning services and / or services and tourism management services. Furthermore, in the regulations of the Indonesian Ministry of Health on the Medical Tourism Service, the presence of the *BPW* plays roles in the following matters:

- a) as one of the administrative requirements in submitting a request for the determination of a hospital that will hold medical tourism services as stipulated in Article 7 letter g;
- b) as a collaborative partner of the hospital in order to integrate health services with lodging facilities and planning medical tourism trips as stipulated in Article 10;
- c) as a provider of medical tourism services as stipulated in Article 18;
- d) as one of the parties that promotes medical tourism services externally as stipulated in Article 21 paragraph (3)

In the regulation of Indonesian Ministry of Health on the Medical Tourism Service the *BWP* in question is *BWP* which has a medical tour guide. As stipulated in Article 1 point 5, it is determined that medical tour guides are people who work within the *BWP* as health tour guides for medical tourists. Through cooperation between hospitals and *BWP* who have medical tour guides, it is expected that coordination of upgrading and repatriation, identifying conditions of medical tourists before being evacuated (if needed), communication with hospitals for medical explanations, legal approval, costs, post-action follow-up and control can done well.

As with medical tourism guidelines contained in the attachment to the Medical Tourism Services Ministerial Regulation, medical tourism services that contact *BPW* are services that prioritize satisfaction for medical tourists (tourist friendly services). *BWP*, which has a medical tour guide, arranges medical tourism needs comprehensively, starting from before the hospital, during the hospital, and after the hospital.

Tourist friendly services provided by *BWP* that have comprehensive medical tour guides, as in the following:

- a) registration and consultation directly or indirectly through web / telephone / e-mail *BPW* with reliable and communicative human resources.
- b) transportation facilities for easy access of medical and family tourists / medical tourists' escorts to the hospital and return to the area / country of origin.
- c) helping with family accommodation / medical tourist escorts.
- d) promotion of visiting local attractions to medical tourists and / or their families / escorts.
- e) helping with medical traveler language translators as long as tourists outside the hospital.
- f) immigration service assistance.
- g) coordinating with the hospital when medical tourists need an ambulance.

When viewed from the guidelines above, of course, the *BWP* and medical tour guides have an important role, but the rules regarding *BWP* that have medical tour guides, especially the regulation on medical tour guides is still unclear. To optimize the role of the *BWP* in developing medical tourism, it is necessary to have rules regarding *BWP* that have

medical tour guides, at least in the relevant Ministerial regulation, both in the Regulation of the Indonesian Ministry of Health Minister and the Ministry of Tourism, to provide legal certainty to medical tour guides.

CONCLUSION

The legal provisions on Medical tourism arrangements in Indonesia are regulated in the Regulation of the Ministry of Health of the Republic of Indonesia Number 76 of 2015 concerning Medical Tourism Services. The role of BWP which has medical tour guides in developing medical tourism in Indonesia is very strategic, starting from the cooperation partners of hospitals in order to integrate health services with lodging facilities and planning medical tourism trips to conduct external promotions. However, to optimize the role of BWP in developing medical tourism presumably there needs to be a regulation on BWP that has a medical tour guide, at least in the level of the relevant Ministerial regulation, both in the Ministry of Health Regulation and the Ministry of Tourism Regulation, to provide legal certainty to medical tour guides.

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