

VACCINES FOR TOURISM BUSINESS ACTORS; THE FULFILLMENT OR VIOLATION OF HUMAN RIGHTS?

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Abstract

The largest source of income for the province of Bali is through the tourism sector. Unfortunately, the Covid-19 pandemic has implications for the closure of tourism. As a result, economic growth in Bali experienced a deep contraction up to -10.98%. In order to accelerate the reopening of tourism, the government has launched a national vaccine movement, including for tourism business actors. However, there is resistance to vaccination because it has not been believed yet to be safe. This study will examine two problems, namely the right to health in the context of tourism and the construction of government policies against vaccine rejection by tourism business actors. Vaccination is the responsibility of the state in fulfilling the right to life and the right to health. Each local government has a policy against vaccine refusal. Jakarta and West Java are the provinces that impose fines for residents who refuse vaccines, while Bali does not impose sanctions on residents who refuse vaccines. In order to ensure safety when tourism reopens, local governments can apply for proof of being vaccinated requirements for every person who will return to work in the tourism sector.

Keywords: *Businessmen; Covid-19; Tourism; Human Rights; Vaccine*

INTRODUCTION

Tourism is a major sector in economic development in Bali. Tourism in Bali has grown and developed in such a way as to provide a large contribution to the development of the Balinese region and society, both directly and indirectly. The development of this sector is one of the steps in creating public welfare. Various

efforts have been made by the regency or city government in Bali to develop local potentials to keep domestic and foreign tourists interested in visiting the island of the gods.¹ Fulfilling human needs for traveling will be directly or indirectly related to the existence of the tourism industry or what is often called hospitality.²

The spread of Corona Virus Disease

¹ Ida Bagus Gede Paramita and I. Gede Gita Purnama Arsa Putra. (2020). "New Normal Bagi Pariwisata Bali Di Masa Pandemi Covid 19." *Pariwisata Budaya: Jurnal Ilmiah Agama Dan Budaya*, 5(2): 60.

² Haes, Putri Ekaresty, and Putu Irma Yunita. (2019). "Kontribusi Serikat Pekerja Indonesia pada Organisasi Pariwisata di Kabupaten Badung dalam Perspektif Konflik." *Jurnal Ilmiah Dinamika Sosial*, 3(1): 117

2019 (Covid-19) that hit the world in 2020 was initially responded differently by the Indonesian government, the belief that COVID-19 will not spread to Indonesia gave rise to the idea of the Indonesian government to provide incentives for the tourism sector to be able to increase tourist visits to Indonesia even though other ASEAN countries have begun to impose restrictions on tourist visits to their countries.³ This policy changes along with the increasing condition of the Covid-19 patient curve. Almost all activities were stopped, including tourism activities. Various tourism facilities began to be closed. The corona virus pandemic affects all industries in Indonesia and even the world, including the tourism industry. The impact of the corona virus on tourism is enormous because the tourism industry in Indonesia has links with other industries, namely hospitality, transportation, micro, small and medium enterprises, especially those that produce souvenirs of culinary businesses, travel agents and tour guides.⁴

Indonesia is currently trying to start a new normal life in the midst of the Covid-

19 pandemic. New normal is the adaptation of new habits, namely starting to loosen regulations regarding restrictions on community activities while still adhering to the applicable health protocol. Bali as one of the popular tourism destinations in Indonesia is preparing itself to welcome the new normal of tourism.⁵ Tourism is a business that is very vulnerable to potential crises that come from various things, including external shocks that are unpredictable internally, so that the tourism business actors cannot make preparations to face the crisis.

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The Minister of Tourism and Creative Economy, Sandiaga Uno finalized the plan to open a tourist corridor for foreign tourists in Bali under the free Covid-19 corridor scheme or Covid-19 free area. Nusa Penida and Ubud would be pilot locations for opening tours in cooperation with several countries. In parallel, the Ministry of Tourism and Creative Economy and the Coordinating Ministry for Maritime Affairs and Investment would approach ambassadors from foreign tourist market destination countries to establish a

³ Dian Herdiana. (2020). "Rekomendasi Kebijakan Pemulihan Pariwisata Pasca Wabah Corona Virus Disease 2019 (Covid-19) Di Kota Bandung." *Jurnal Master Pariwisata (JUMPA)*, 1(1): 1

⁴ Ida Ayu Devi Arini, Ida Bagus Gede Paramita, and Komang Alit Triana. (2020). "Ekspektasi, Realisasi Dan Negosiasi Tourism Reborn Di Masa Pandemi Dalam Pariwisata Bali." *CULTOURE: Culture Tourism and Religion*, 1(2): 108.

⁵ Astrid Krisdayanthi. (2020). "New Normal Pariwisata Bali di masa Pandemi pada Daerah Tujuan Wisata Tanah Lot, Kabupaten Tabanan." *Pariwisata Budaya: Jurnal Ilmiah Agama Dan Budaya* 5(2): 49.

⁶ Wirawan, Putu Eka, Sri Pujiastuti, and Ni Nyoman Sri Astuti. "Strategi Bertahan Hotel Di Bali Saat Pandemi Covid-19." *Jurnal Kajian Bali (Journal of Bali Studies)* 10.2 (2020): 584.

Covid-19 free tourism partnership. The target market includes several countries in Asia such as China, Malaysia, Singapore, and India; countries in Europe, the United States, Australia, and the Middle East. The plan to open a corridor for foreign tourists would be immediately socialized to a number of countries. However, the plan for the free Covid-19 corridor is said to still consider data on the spread of the corona virus in Bali and Indonesia as a whole. Before it is realized, the Ministry has also asked for 120 thousand doses of vaccine to be injected for tourism business actors in Bali.⁷ Providing vaccines for the public to tackle Covid-19 is the responsibility of the state in fulfilling human rights to health.

The government needs strong cooperation in carrying out the national vaccination program, especially for workers in the tourism and creative economy sectors, so as to accelerate the creation of herd immunity and economic recovery throughout Indonesia. Previously, the second phase of the vaccination program for tourism workers was held in Bali. As the area most affected by the Covid-19 pandemic, vaccination for Balinese citizens is expected to be

a revival point for tourism in the Island of the Gods. Likewise, there are around 3,000 paracraf entrepreneurs and tourism-conscious communities (MASATA) in North Sulawesi.⁸ Vaccines for tourism business actors are a policy taken by the Province of Bali to prepare for the reopening of the tourism sector that is safe and free from Covid-19. Even so, vaccine rejection still occurs for reasons of vaccine safety. The rejection was conveyed through social media. The obligation to vaccinate for the community is considered a violation of human rights.

The rejection of the Sinovac vaccine used in Indonesia cannot be separated from hoaxes circulating in various online media. According to the results of research conducted by Rochani Nani Rahayu, hoax news about the Covid-19 vaccine is related to composition, namely that the Covid 19 vaccine contains dangerous ingredients including borax, formalin, vero cells, and some even say the vaccine is made from a male fetus. The hoaxes are about side effects include death, infertility, enlarging male genitalia, and modifying human DNA. Hoax on vaccine refusal is the

⁷ Rr. Ariyani Yakti Widyastuti. (2021). *Sandiaga Uno Fikirkan Rencana Pembukaan Bali untuk Turis Asing*. Available from: <https://bisnis.tempo.co/read/1439394/sandiaga-uno-fikirkan-rencana-pembukaan-bali-untuk-turis-asing>. [Accessed March 8, 2021].

⁸ Dinny Mutiah. (2021). *100 Ribu Lebih Pekerja Pariwisata dan Ekonomi Kreatif Terdata untuk*. Available from: Divaksinasi Covid-19, <https://www.liputan6.com/lifestyle/read/4503558/100-ribu-lebih-pekerja-pariwisata-dan-ekonomi-kreatif-terdata-untuk-divaksinasi-covid-19>. [Accessed March 8, 2021].

unavailability of the Indonesian Doctors Association as an organization of doctors not willing to be vaccinated for the first time.⁹ In this research, we will study the right to health in the context of tourism and the construction of government policies against vaccine refusal by tourism business actors.

ANALYSIS AND DISCUSSION

Right to Health in the Context of Tourism

Tourism is an industry that offers services to tourists. Tourism must meet the following four criteria, namely: 1) travel is made from one place to another, travel is carried out outside the residence where the person usually lives; 2) the purpose of the trip is carried out solely for fun, without earning a living in the country, city or tourist destination area; 3) the money spent by the tourist is brought from the country of origin, where he can live or reside, and it is not obtained because of the results of the business during the tour carried out; and 4) the trip is carried out at least 24 hours or more.¹⁰ In the framework of tourism policy, tourism business operators have an obligation to ensure security when tourists

visit the tourist objects and facilities they offer. Security concerns security from the risk of accidents, including the risk of the spread of the Covid-19 pandemic.

The Ministry of Tourism and the Creative Economy has compiled the Cleanliness, Health and Safety (CHS) program as a new normal order in tourist destinations by involving tourism industry and creative economy actors who are expected to be productive and safe from Covid-19. The health protocol system will go through several stages, starting from conducting simulations, socialization and publication to the public and conducting trials. Its implementation will be closely monitored. Regional readiness is a special consideration in implementing this health protocol. Every health protocol is implemented, carried out in stages with a rigorous evaluation and continuous program. The CHS concept is a strategy for the tourism sector and the creative economy to survive, especially in improving performance. The government must have special programs in the promotion of domestic tourism in the new normal. For example, a change in the trend of tourism has shifted from group tourism to alternative vacation tours that not many people

⁹ Rochani Nani Rahayu. (2021). "Vaksin Covid 19 Di Indonesia: Analisis Berita Hoax." *Jurnal Ekonomi, Sosial & Humaniora*, 2(7): 48.

¹⁰ Ade Kadarisman. (2021). "Government public relations dalam pengembangan pariwisata masa pandemi COVID-19 di Geopark Ciletuh." *PROfesi Humas*, 5(2): 271.

included such as solo travel tours, virtual tourism considering cleanliness, safety and health are the main things that must be considered. For tourism industry managers and creative economic actors, they must really anticipate bad things that can happen to the tourism image.¹¹

The response to this outbreak is one of the most massive global coordinated actions in modern history. Governments around the world, through the health and medical fields of their respective countries, are working without rest to prevent the spread of this deadly disease. The uniqueness of the transmission pattern and the high mortality rate have led health experts in the world to suggest limiting human-to-human contact until the outbreak can be controlled. The hashtag Flatten the Curve (2020) or Flattening the Curve that calls for joint control of the spread of Covid-19 is a health campaign that has recently surfaced via the internet and social media around the world. Regional quarantine aims at limiting human mobility.¹² Another policy that is also carried out by countries in the world is the policy of giving vaccines to the community which is carried out in stages by

taking into account the priority scale. Providing vaccinations for the public to suppress the spread of Covid-19 is an attempt of the government to fulfill human rights, namely the right to life and the right to health.

One of the principles in international law that applies to all countries as stipulated in various international conventions and contained in the WHO Constitution states "The enjoyment of the highest attainable standard of health as a fundamental right of every human being". This principle provides the basis for every country in making a policy that must be able to realize the right to health for every individual, in which the right to an optimal degree of health is a basic right for every individual. In this case, the state is required to respect, fulfill and protect the right to health. The respect aspect referred to is a policy that requires the state not to take steps that will result in individuals or groups failing to achieve or fulfill their rights. Meanwhile, fulfillment means that the state must take legislative, administrative, budgetary, judicial or other measures to ensure the realization of the fulfillment of rights.¹³

¹¹ Surya Hendra Putra. (2020). "Pengembangan UMKM, Pariwisata dan New Normal." *Merdeka Kreatif Di Era Pandemi Covid-19: Suatu Pengantar*, 1(1): 50.

¹² M. Galieh Gunagama, Yumna Rana Naurah, and Ar-ganis Ellyza P. Prabono. (2020). "Pariwisata Pascapan-demi: Pelajaran Penting dan Prospek

Pengembangan." *LOSARI: Jurnal Arsitektur Kota dan Pemukiman*, 1(1): 57.

¹³ Rico Mardiansyah. (2018). "Dinamika Politik Hukum Dalam Pemenuhan Hak Atas Kesehatan Di Indone-sia." *Veritas et Justitia*, 4(1): 236.

The right to health is a human right. The main basis that the protection of human rights is the obligation of the government is the principle of democracy that in fact the government is given the mandate of power to protect the rights of citizens. Moreover, the concept of the welfare state as a modern state concept has given more power to the government to act. This power is solely for advancing and achieving the fulfillment of human rights. The government is no longer just keeping someone from violating or violated their rights, but must strive to fulfill these rights. Likewise with the right to health, it is the government's obligation to fulfill it.¹⁴

The government is responsible for fulfilling the right to health as part of human rights. The implementation of government responsibilities is not only important but will also serve as a benchmark in improving people's lives as the embodiment of human rights. On the one hand, recognition and affirmation of the right to health as part of human rights certainly emphasize the responsibility of the state in its fulfillment. In this case, the state has the responsibility to provide health and public service facilities for all citizens. On the other hand,

every citizen must be guaranteed an access to health services provided by the state without any discriminatory differentiation on any basis. The state in this case must not neglect health services for every citizen on the basis of ethnicity, religion, race, inter-group (SARA), social status, economic status, and so on.¹⁵

Not only in Indonesia, the global community through the 1946 World Health Organization (WHO) Constitution has also outlined that "the enjoyment of the highest attainable standard of health is one of the fundamental rights of every human being". Based on this, the right to health is recognized as a "basic right" or "fundamental right". The existence of the right to health as a fundamental right is then emphasized in the general comments of the Committee on Economic, Social and Cultural Rights on the right to health which states "Health is a fundamental human right indispensable for the exercise of other human rights."¹⁶ As a form of fulfilling the right to health, the Indonesian government has purchased the synovac vaccine.

Indonesia has ordered the synovac vaccine which would arrive in December 2020 Batch 1, Batch 2 in January 2021, the

¹⁴ Mikho Ardinata. (2020). "Tanggung Jawab Negara Terhadap Jaminan Kesehatan Dalam Perspektif Hak Asasi Manusia (HAM)." *Jurnal HAM*, 11(2): 321.

¹⁵ Hernadi Affandi. (2019). "Implementasi Hak Atas Kesehatan Menurut Undang-Undang Dasar 1945: Antara

Pengaturan Dan Realisasi Tanggung Jawab Negara." *Jurnal Hukum Positum*, 4(1): 38.

¹⁶ Siti Nurhalimah. (2020). "Covid-19 dan hak masyarakat atas kesehatan." *SALAM: Jurnal Sosial dan Budaya Syar-I*, 7(6): 543.

government has also pressed agreements with other vaccine companies, namely Astrazeneca, Novavax, which are planned to come in until 2022. This is what is becoming a debate in the public. A hot topic, there are several stages of clinical trials that must be carried out to determine the effectiveness of each vaccine, Indonesia is testing the effectiveness of the Sinovac Vaccine. Brazil and Turkey have announced the effectiveness level of this Sinovac Vaccine. Above 50% - 90% is the effectiveness range of Sinovac released by Turkey. In January 2021, the government through Bio-Farma distributed this vaccine to 34 provinces in Indonesia, the President wanted this pandemic to end soon; therefore, vaccine distribution was carried out quickly. This step is right because the public is tired of all the extraordinary events that have befallen the entire population of the world, namely the Covid-19 outbreak.¹⁷

Bali Province is an area that has been heavily affected economically due to the Covid-19 pandemic. The Covid 19 pandemic had a significant impact on the economy of the Balinese people in which in the second quarter of 2020 the growth of the Balinese economy experienced a deep

contraction of up to -10.98%.¹⁸ In an effort to reopen tourism, the government issued a policy to provide vaccines for tourism business actors. This policy was implemented after giving vaccines to health workers and the elderly. This policy was issued to guarantee the right to health for tourism business actors themselves and others who will become tourists later. Even so, resistance to the provision of this vaccine still occurs, including by tourism business actors.

Government Policy Construction Against Vaccines Refusal by Tourism Business Actors

The perspective of state-based political economy basically places the state as the center of various interests of groups (private) and society into national interests. The state in this case is as an institution that is responsible for determining the values used in determining the usefulness for society. Society is as the main subject in the value induction process. In other words, in simple terms, the government once again must see the condition of society more openly and also see the objective capacity of society at this time. Efforts to fulfill the right to health can be carried out in various

¹⁷ Rifandi, Dimas Ahmad, and Irwansyah Irwansyah. (2021). "Retorika Juru Bicara Satgas Covid-19 Di Platform Youtube." *Jurnal Teknologi Dan Sistem Informasi Bisnis*, 3(1): 66.

¹⁸ Provinsi Bali. (2021). *Berbagai Upaya Dilakukan Pemprov Bali untuk Pemulihan Ekonomi*. Available from: <https://www.baliprov.go.id/web/berbagai-upaya-dilakukan-pemprov-bali-untuk-pemulihan-ekonomi/>. [Accessed March 8, 2021].

ways, in the form of prevention and cure. Prevention efforts include the creation of conditions that are adequate for health, such as ensuring the availability of food and jobs, good housing, and a healthy environment. Meanwhile, healing efforts are carried out by providing optimal health services.¹⁹

Rejection of vaccines is a problem faced by the government in fulfilling the right to health for the community. People wonder about the law of consuming vaccines in religion considering the ingredients used in these vaccines. Not only from a religious perspective, the feasibility test for the vaccine to be used is also a topic of conversation that is often discussed by the public on Twitter. The public is very worried about the status of use and the side effects that will result from the vaccines that will be given considering that the vaccination activity plan looks like it is rushed. Talks about vaccines that are said to be just a business have also become one of the hot topics of conversation on Twitter. In fact, it is not uncommon for public talks to voice their distrust of the COVID-19 vaccine

even against COVID-19 itself.²⁰

According to Sahil Loomba, et.al., "In order for a novel COVID-19 vaccine to be successful, it needs to not only be proven as safe and efficacious, but also widely accepted."²¹ Belief in the benefits of the drugs or vaccines used is the key to healing disease. Psychological factors are important in increasing body immunity. Rejection of vaccines is actually caused by inaccurate information about the safety of vaccines. Related to this, Sadie Bell, et.al. state as follows:

Information on how COVID-19 vaccines are developed and tested, including their safety and efficacy, must be communicated clearly to the public. To prevent inequalities in uptake, it is crucial to understand and address factors that may affect COVID-19 vaccine acceptability in ethnic minority and lower-income groups who are disproportionately affected by COVID-19.²²

Vaccination must be carried out thoroughly to every member of the community, except for those who are not medically recommended to receive vaccines, with the aim of forming herd immunity. Vaccines for tourism business actors are needed to

¹⁹ Latipah Nasution. (2020). "Hak Kesehatan Masyarakat dan Hak Permintaan Pertanggungjawaban Terhadap Lambannya Penanganan Pandemi Global Coronavirus Covid-19." *ADALAH*, 4(1): 21.

²⁰ Rachman, Fajar Fathur, and Setia Pramana. (2020). "Analisis Sentimen Pro dan Kontra Masyarakat Indonesia tentang Vaksin COVID-19 pada Media Sosial Twitter." *Indonesian of Health Information Management Journal (INOHIM)*, 8(2): 106.

²¹ Loomba, Sahil, et al. (2020). "Measuring the Impact of Exposure to COVID-19 Vaccine Misinformation on Vaccine Intent in the UK and US." 7.

²² Bell, Sadie, et al. (2020). "Parents' and guardians' views on the acceptability of a future COVID-19 vaccine: A multi-methods study in England." *Vaccine*, 38(49): 7789.

ensure the safety of tourists from the Covid-19 pandemic virus later. Indonesian laws and regulations allow the imposition of criminal sanctions for anyone who refuses vaccines. This provision can be seen in Article 93 of the Law of the Republic of Indonesia Number 6 of 2018 concerning Health Quarantine which states as follows:

Every person who does not comply with the implementation of Health Quarantine as referred to in Article 9 paragraph (1) and / or obstructs the implementation of Health Quarantine so as to cause a Public Health Emergency will be sentenced to imprisonment of up to 1 (one) year and / or a maximum fine of Rp 100,000,000.00 (one hundred million rupiah).

Jakarta and West Java are provinces in Indonesia that impose fines for residents who refuse vaccines. Meanwhile, Bali does not impose fines for vaccine rejecters. A persuasive approach is still being used to increase the number of recipients of the vaccine. In comparison, Western Australians will not be fined for refusing the COVID-19 vaccine. Vulnerable workers and patients will be prioritized for the Pfizer vaccine. Western Australians are unlikely to be forced to receive the vaccine, however, there will be a requirement for people working in certain areas to be

vaccinated.²³ In the future policy framework, although the Bali provincial government does not impose fines or imprisonment for residents who refuse vaccines, the government can implement a policy of vaccination evidence requirements for residents who wish to return to work as tourism business actors.

CONCLUSION

The right to health in the context of tourism is carried out by providing vaccines for tourism business actors. The right to health is a human right that is regulated in international legal instruments and national law in each country, including Indonesia. Vaccination is a government effort to stop the transmission of the Covid-19 virus. However, public belief in the safety of the Synovac vaccine is still questionable. This is due to the circulation of hoaxes about the safety of this vaccine. In the context of tourism policy, the provincial government of Bali has prioritized the provision of vaccines for tourism business actors in preparation for reopening tourism. The construction of government policies against vaccine rejection by tourism business actors does not entirely impose fines for vaccine rejectionists. The Provincial Government of

²³ David Weber and Erin Parke. (2021). No fines for COVID-19 vaccine refusal, WA Health Minister confirms. Available from:

<https://www.abc.net.au/news/2021-01-13/no-fines-for-covid-19-vaccine-refusal-in-wa-health-minister-says/13053618>. [Accessed March 8, 2021].

Bali does not impose sanctions for vaccine rejecters. However, in order to accelerate the reopening of tourism, the provincial government of Bali can make proof of vaccine requirements for everyone who wants to return to work in the tourism sector.

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