

# LAW ENFORCEMENT FOR VIOLATIONS OF THE USE OF COASTAL BORDERS KUTA BADUNG TOURISM AREA

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## Abstract

The development of Kuta Beach in Badung Regency, becoming a tourism development sector area in Badung Regency, has made it increasingly attractive for investors to build accommodation facilities for tourism such as hotels, villas, and restaurants. This study puts forward the formulation of the problem as follows: 1) How is law enforcement against violations of the Kuta beach border, Badung Regency?. 2) What are the factors that hinder law enforcement on the Kuta beach border, Badung Regency? The research method used is empirical legal research with several approaches, including; the legal approach, fact approach, case approach, and sociological approach. Based on the results of the study, shows that hotel, villa, restaurant, and café entrepreneurs who have permanently erected buildings on the coastal border of the Kuta tourism area have violated Badung Regency Regional Regulation Number 26 of 2013 concerning the Badung Regency RTRW in 2013-2033. The inhibiting factors of law enforcement on the coastal border of the Kuta tourism area are influenced by several factors, such as weak law enforcement, lack of socialization, lack of signs or signs prohibiting the construction of tourism accommodation facilities, and lack of awareness of business actors. The role of the government needs to be more frequent in socializing and more firmly in sanctioning tourism business actors who carry out the construction of tourism accommodations in violation of the coastal boundary following the Badung Regency Regional Regulation to the community so that the public understands and understands the contents of the local regulation to minimize violations of the local regulation.

**Keywords:** Violation, Beach, Local Regulation, Badung

## 1. INTRODUCTION

Based on statistical data on foreign tourist visits to Bali in the last 12 months in December 2022 which amounted to 377,276 visits, which shows an increase of 31.27% compared to November 2022 (Central Statistics Agency (BPS) Tourist Visit Data to Bali, March 2023). Given the development of tourist visits that continue to increase, it will be accompanied by the growth of the construction of tourism accommodation facilities. This is a concern about the increasing violation of coastal borders as a means of tourism accommodation. Indonesia is a country of law where all actions carried out by the community, business actors, and the government must be based on the law, including the management of coastal border tourism areas. Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia states that the water earth and the natural wealth contained therein are controlled by the state and used as much as possible for the prosperity of the people.

The rapid rate of population growth is accompanied by an increase in the intensity of development in all fields, causing problems and conflicts in the land sector to also increase.

The most important problem is the limited availability of land, especially on the coastline, especially in the Kuta tourist area, Badung regency as the center of Bali tourism. The use of the Kuta beach area includes economic-based activities, including land for tourism accommodation, recreation, and shopping centers. Meanwhile, the coastal area which is also the beach is a coastal border area with a distinctive ecosystem because it has high biodiversity and supports the lives of coastal communities, so its existence needs to be preserved (Nanin Trianawati Sugito and Dede Sugandi, 2008: 67).

The coastal border as a coastal area is an area that is very vulnerable to changes, both natural changes and changes due to human actions. Human activities in utilizing sources of wealth in coastal areas often overlap, so it is not uncommon for the health of coastal ecosystems to decline. The coast which is the determination area between sea and land becomes threatened by its function as a habitat for the protection of existing infrastructure on land (Suparman A. Diraputra, 2001:117).

The construction of tourist accommodation facilities on the coastal border carried out by tourism business actors on average uses excuses for the convenience of tourists, with beautiful sea views, but in fact, it can harm the general public and local people. Local communities experienced disturbances in recreation and other activities of a public nature in the form of Hindu religious ceremonies, melasti and ngayut in the dedication ceremony in Kuta. The beach is a state-owned public space that cannot be privately owned by individuals or private companies (Putri Kusuma Sanjiwani, 2015:75).

One of the policies in the Badung Regency RTRW is that in the use of coastal areas, the availability of coastal setback areas is the availability of coastal setbacks, namely determining a safe zone between buildings (infrastructure) and coastlines that are always changing. The coastal setback is to protect zones bordering water which is a mitigation measure to reduce short-term and long-term losses. Therefore, the determination of the coastal boundary must consider the timeframe of the infrastructure to be built in the coastal area.

Bali is one of the tourist destinations located in Indonesia and has received special attention by the government in terms of tourism (Arba, 2017:14). Tourism is a travel activity that is carried out temporarily from the original place of residence to his destination, not intending to settle or work, but only to fill free time, meet curiosity, vacation, or other purposes (Anthony Brian, 2016). Bali tourism can be likened to a flower that has nectar as the target of bees, these bees are a parable of investors who want to make a profit by investing in tourism businesses. The island of Bali, which is famous as an island of gods that offers a variety of unique cultures and customs, makes tourists interested in visiting Bali, this is what causes the economy in Bali to be largely supported by tourism (I Gusti Agung Ayu Gita Pritayanti Dinar, I Nyoman Gede Sugiarta and Kade Richa Mulyawati, 2022).

Badung Regency is one of the areas on the island of Bali that has a beach border, which until now the beach is one of the tourist destinations favored by foreign and domestic tourists, for example one of the famous beaches, namely Kuta Beach Beach. Because it has an allure for

tourists, Kuta Beach is a tourism development area in Badung Regency, and increasingly attracts investors to build accommodation facilities for tourism such as hotels and restaurants.

Following up on the dynamics of development in Badung Regency, so that the use of regional space in an efficient, effective, harmonious, balanced and sustainable manner, and always paying attention to the Tri Hita Karana philosophy, is considered to form Badung Regency Regional Regulation Number 26 of 2013 concerning the Regional Spatial Plan (hereinafter referred to as RTRW) of Badung Regency in 2013-2033. The coastal boundary area is needed to protect against abrasion from functions that interfere with or damage the sustainability of the coastal area. The establishment of the coastal boundary line must be followed up with strict law enforcement against perpetrators of violations that occur without exception. The authority to regulate spatial planning in provincial and district areas is regulated in their respective regional regulations.

The phenomenon of a large number of buildings along the coast and the deterioration of the coastal environment and the interests of marginalized traditional fishermen should immediately receive serious attention as well as handling. To prevent further coastal damage, it is necessary to have a coastal border area. The area referred to as the coastal border must be used as a conservation area.

At Kuta Beach Tourism Beach, Badung Regency in March 2022, 360 buildings violated the beach boundary there consisting of hotels, villas, restaurants and stalls selling souvenirs. The beach should be a state-owned public space that should not be privately owned by individuals or private companies. This has violated Bali Provincial Regulation Number 3 of 2020 concerning Amendments to Regional Regulation Number 16 of 2009 concerning the Bali Provincial Spatial Plan for 2009-2029.

The rapid growth of tourist accommodation facilities in the Kuta beach area as a result of the large number of foreign and local tourist visitors visiting Kuta beach has caused an increasing number of tourist accommodation buildings to be established, which has resulted in a narrower coastal border. From the results of the data collection, 360 pieces of tourist accommodation facilities violate the coastal border, along the Kuta beach. The data collection was carried out in preparation for the determination of Kuta Beach as the most desirable Tourist Destination Area. In addition, the existence of semi-permanent trading stalls to sell beach clothes, it was also complained by some parties. All of the semi-permanent buildings are on the coastal border and are confirmed to be unlicensed. The owners of the buildings are residents and some are rented to outsiders. Kuta Beach has been assigned the status of DTW in 2005. However, no one has managed it clearly and has only been managed again in early 2022, resulting in many stalls popping up on the beach border.

The entire semi-permanent building will be demolished for beach arrangements. The Bali Provincial Civil Service Police Unit (Satpol PP) has conducted socialization at the Village Offices in Kuta, for demolition that has been agreed upon by the building owner. When socialization is agreed the owner of the building will be willing to dismantle it himself. Socialization also involves three existing Indigenous Villages. Demolition related to the

management of Kuta beach to make Kuta beach the area of the most desirable tourist visit destination, to support the tourism of Badung Regency.

Based on the background mentioned above, the management of the coastal border area including law enforcement is very important to be studied to provide comfort and safety for tourists and environmental protection of the coastal area, so the following problems can be formulated: 1) How is law enforcement against violations of the Kuta beach border, Badung Regency?. 2) What are the factors that hinder law enforcement on the Kuta beach border, Badung Regency?

## **2. RESEARCH METHODS**

The writing of this research, the type of research used is empirical research. This type of research is one way that can be taken to get the truth, namely by comparing existing rules with the implementation or reality in society (dasollen and dassein). This type of research approach is the approach used to examine the problem posed, which is a combination of three approaches, namely: The Fact Approach, the Case Approach, and the Sociological Approach.

## **3. RESULTS OF RESEARCH AND DISCUSSION**

### **3.1 Law Enforcement against Violations of the Kuta Beach Boundary, Badung Regency**

Law enforcement is a learning tool to make people obey the laws and regulations that are in law. The provision of sanctions in addition to compliance is also an effort by the government to regulate the Spatial Plan for the better. If there is a violation, of course, the government can impose strict legal sanctions. As is known, violations of activities carried out by the community without a permit and violating permits in a regulation may be subject to sanctions: 1) Criminal law, 2) Civil law, and 3) Administrative law (Alda Vidia Vergionita, I Nyoman Gede Sugiarta, Ida Ayu Putu Widiati, 2022; 158-163).

Since the dahlu era Bali is known to have beautiful beaches that can attract tourists to come Bali and several beaches in Bali are famous abroad. The beaches in Bali have a beach border as an open space for recreational areas for tourist attractions. The importance of coastal borders to protect people is to be more careful in the presence of high waves. Given that the tide on the beach is sometimes quite high, this is quite worrying for people to be more careful. To maintain the function of the coastline that supports seawater, guarding against waste pollution carried from river waste from upstream in the form of wood and branches of old trees that are washed away by river water to the shore.

As a result of global warming, it is undeniable that the frequent coastal damage is the erosion of the coastline, automatically the coastal border area slowly begins to be disturbed and decreases due to abrasion on the shoreline. The reduction of coastal boundaries can also be caused by land exploitation for various areas of residential development and economic-based commercial interests such as hotels, villas, restaurants, souvenir sales stalls in tourism areas and so on. Therefore, it can result in the adverse impact of the loss of the natural function of the coastal border as a buffer for land (Roziqin. A, 2017: 242). The development aims to

improve the standard of living and welfare of the community by utilizing all the resources it has. However, increased development carries the risk of pollution and destruction of the environment which results in damage to the structure and basic functions of the ecosystem that supports life.

Seeing the development at this time, the coastal area is widely used for tourism accommodation business commodities. Many buildings owned by individuals or business entities are erected on the coastal boundary line or even jutting into the middle of the coast. Economic-based development in coastal areas, such as the construction of hotels, resorts, cottages, stalls or cafes on the beach by entrepreneurs has resulted in disruption of public comfort and beach land belongs to the business manager which should be a building-free area. With the mushrooming of tourism accommodation facilities built along the coast, the beach is no longer a public space and is free from the monopoly of large capital parties (Nanin Trianawati Sugito and Dede Sugandi, 2008: 73). This has violated the function of the beach as a publicly owned asset that can be enjoyed by everyone. Likewise, the construction of facilities or infrastructure in coastal border areas throughout Indonesia should be open to the public interest.

To secure and put in order the construction of tourism accommodation on the coastal border, the Badung Regency Government itself has an umbrella for enforcing spatial planning in its area, namely Badung Regency Regional Regulation Number 26 of 2013 concerning the Badung Regency RTRW for 2013-2033. This is also based on the fact that Badung Regency is an area with rapid tourism development, so it requires guidelines in terms of regional development to anticipate the development of the next 20 (twenty) years as intended in the Explanation of the Badung Regency RTRW Regional Regulation.

As a result of further research, related to the problems discussed regarding the use of coastal borders, juridical Kuta beach has been included as a distribution of coastal border areas in Badung Regency as stated in Article 28 paragraph (2) letter c Number 26 of 2013, Perda RTRW Badung Regency. The case that is the object of discussion in this study is the number of tourism accommodation facilities such as. Hotels, villas, cottages, restaurants and stalls or souvenir stalls, which carry out their business activities on the border of Kuta beach, Badung Regency. If reviewed based on the Badung Regency RTRW Bylaw, namely in Article 56 paragraph (3) that the use and use of land on land plots located on the borders of beaches, rivers, and ravines must pay attention to the public interest, as well as limited carrying capacity, ecosystem linkages, sustainable development, and biodiversity as well as the sustainability of the environmental function itself.

In this case, hotel, restaurant, villa, cottage, kiosk / warung and café business actors must certainly pay attention to aspects of public interest in the use and use of land on the beach border. If referred to in Article 74 paragraph (1) of the Badung Regency RTRW Regional Regulation, determines that the zoning of the coastal border in terms of distance, namely land along the seafront with a minimum distance of one hundred meters from the highest tide point towards the land. From these arrangements, it can be concluded that legal arrangements against hotel, restaurant, villa, cottage, kiosk / warung and café businesses that establish or carry out their stall and café business are allowed as long as they pay attention to the public interest and

do not erect buildings permanently on the beach border. If you violate the applicable rules, the Badung regency government can carry out warnings, government coercion, business closures, and civil sanctions in the form of compensation and criminal sanctions in the form of confinement and fines.

### **3.2 Factors Inhibiting Law Enforcement at the Kuta Beach Border, Badung Regency**

The barometer of the success of a law enforcement is the success in improving the law's compliance with its people. It is said to be successful because of the laws it has regulated, it should be and it is time to be carried out and obeyed by all elements of society. The violation that occurs in the Kuta beach border area is the use of the Kuta Beach beach border area as a place of business by business actors.

Areas along the coast that have important benefits to maintain the sustainability of the beach functions as an indicator of safety for the community, both business actors and tourists. The availability of space for the public is an order of the Badung Regency RTRW Regional Regulation which must be obeyed by all parties. Coastal areas are considered to have a very high diversity of natural resource potentials, and have a strategic role in social, economic, cultural and environmental development. Therefore, the management of the coastal border area is directed in a sustainable, global-minded manner by taking into account the aspirations and participation of the community and the sustainability of applicable values and norms.

Tourism entrepreneurs of stalls and cafes on the border of Kuta Beach that are not following the use of space may be subject to administrative sanctions in the form as stipulated in Article 112 paragraph (2) of the Badung Regency RTRW Regional Regulation and may be subject to criminal sanctions as referred to in Article 115 of the Badung Regency RTRW Regional Regulation.

Preventive legal actions have been taken by the Tibubeneng Village Government in protecting and preventing violations of the coastal border, namely approaching communities who have businesses on the coast by providing socialization about the rule of law, sanctions, and impacts that will be received if there is still a violation of the coastal border and providing a Letter of Reprimand to the owner of the coastal business building whose building indicated to violate the coastal boundary.

Efforts to increase public awareness have been carried out repressive legal actions by the Village Government in the Kuta environment in protecting or preventing violations of the coastal border, namely the provision of sanctions in the form of cancellation or revocation of building permits, closure and demolition of buildings violating the coastal border.

Based on the results of observations in the study, facts were obtained regarding the inhibiting factors of law enforcement in the Kuta beach border area, influenced by several factors such as; the first factor is that law enforcement is still weak. Supervision is less continuous, socialization is not evenly distributed so there are often permanent stalls and cafes that have been banned in the coastal border area and sanctions from law enforcement officials for

violations - violations that occur in the Kuta beach border area have not been implemented optimally, especially against stalls and cafes.

Based on the results of the study, factors of facilities and infrastructure, it can be said that the lack of supporting infrastructure for the protection of the Kuta beach border area, namely the lack of signs or warning signs and other facilities that explain the prohibition and sanctions for development on the Kuta Beach coastal border area and other violating acts.

Sociologically, community factors, namely internal factors (economic factors, knowledge, lack of awareness of building owners, personal interests, incomprehension of regulations regarding the coastal border area) and external factors (lack of socialization of related parties, lack of government supervision, lack of monitoring of the management of the Kuta beach border from the authorities, the lack of firm application of the applicable rule of law, and the insistence of foreign investors).

Factors of the cultural value of local wisdom of the community / or public awareness in the Kuta beach border area were found that the habit of building on the Kuta beach border area was due to the habit of the community selling on the Kuta beach border area and the level of participation and utilization of regional spatial plans was still low by the people of the coastal area.

The development of the population in several villages on Kuta beach with its various activities in the coastal area of Kuta Beach and its surroundings has resulted in the increasing need for space and space functions in the coastal area of Kuta Beach. The use of borders on the coast of Kuta Beach and its surroundings that are not following the existing spatial plan, has implications for the deterioration of functions in the coastal area of Kuta Beach significantly such as incompatibility of spatial use, shrinking fishing areas, violations of coastal borders and roads.

## **4. CONCLUSIONS AND SUGGESTIONS**

### **4.1. Conclusion**

4.1.1. The Badung Regency Government in enforcing the law, already has an umbrella in spatial planning in its area, namely Badung Regency Regional Regulation Number 26 of 2013 concerning the Badung Regency for 2013-2033. In this case, the business of hotels, villas, cottages, stalls/stalls and cafes is required to comply with applicable regulations. Business actors who erect buildings permanently on the Kuta Beach beach border have violated Article 74 paragraph (1) of the Badung Regency Regional Regulation subject to sanctions both administrative, civil and criminal.

4.1.2. The inhibiting factors for enforcing the Kuta Beach beach border law are influenced by several factors. The first factor is law enforcement, lack of signs or warning signs, lack of awareness of building owners, personal interests, lack of understanding of regulations regarding the coastal border area and the habit of building on the Kuta Beach beach border area

due to the habits of the people who sell in the Kuta beach border area which nor was it prohibited by village officials in the Kuta beach area.

#### 4.2. Suggestions

Business actors who have established or are planning to set up tourism accommodation facilities on the Kuta beach border should comply with the Badung Regency Regional Regulation.

To increase knowledge, and public legal awareness about the use of the coastal border according to its function, the Government should be more serious, conduct counseling and socialization of the Badung Regency Regulation to the community so that the community will become more aware of their responsibilities in maintaining sustainable beaches for the common interest following the Regency Regional Regulation Badung to minimize violations. The government needs to increase collaboration with Traditional Villages in conducting outreach so that community members around coastal areas can participate in implementing coastal border area provisions as directed in the Regional Regulation on Badung Regency.

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