
Coastal Boundaries: Challenges and Law Enforcement on Hotel Service Regulations in Indonesian Tourist Areas

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Published: 13/08/2023

How to cite:

Karsono, B., Saimima, I. D. S., & Budisetyowati, D. A. (2023). Coastal Boundaries: Challenges and Law Enforcement on Hotel Services in Indonesia Tourism Areas. *Sociological Jurisprudence Journal*, Vol.6(2). Do: <https://doi.org/10.22225/scj.6.2.2023.82-87>

Abstract

Travelers have traditionally chosen to visit Indonesia because of its island. Tourists can choose to visit beaches. Additionally, one of the main sources of state revenue from the tourism industry is the coastal region. However, control, ownership, use, or use of land are frequently issues in coastal communities. Spatial planning is often violated, such as when a building near the seashore is built with lodging as its primary purpose. The coastal development violates Article 17 of Law Number 33. It is stated that violators who change the function of a space while conducting business or engaging in other activities there without first reaching an agreement on the appropriateness of that use will face a maximum 3-year prison sentence and a 1-billion-rupiah fine. The Presidential Regulation Number 51 of 2016 regarding Coastal limits emphasizes the necessity of establishing coastal limits. According to early findings on this problem, the coastal zone is being worn down because there are still a lot of buildings close to the shore that are used for housing. This study attempts to examine infractions made by hotels in tourist areas, particularly in the Kuta region. This study employs analyses of ineffective laws and empirical normative legal research techniques. To fully realize the potential of both the state and society, law enforcement is necessary.

Keywords: Coastal Borders, Law Enforcement, Spatial Planning.

I. INTRODUCTION

One of the nations that have a diverse biosphere is Indonesia. Tourist destinations like beaches are the main source of state revenue in the tourism sector because of the country's extensive archipelago, which prevents it from being classified as anything other than a "archipelagic country". Coastlines have a big role in national defense. Therefore, great care must be taken to protect coastal areas against infiltration, smuggling, and other types of attacks. Because Indonesia has coastal regions, additional regulation of control, ownership, and use of coastal land parcels, particularly those used as tourist destinations, is currently necessary. Utilizing the coastal region serves political and economic purposes.

Bali serves as a barometer for gauging the effectiveness of national tourist development in Indonesia. In order to make comparisons while developing tourism in many other places, Bali's tourist development issues and solutions are employed. As a benefit to Indonesian tourism that is already well-known internationally. Bali as known as "the islands of Gods," making Bali an advocate for international visitors to Indonesia. According to information from the Bali Central Statistics Agency, there were 58335 (fifty-eight thousand three hundred thirty-five) foreign visitors to Bali each month from January to April 2022. These visitors entered the arrival gates of Ngurah Rai Airport and Benoa Port (Badan Pusat Statistik Provinsi Bali, 2022). The data explain that tourism activity in Bali is increase after pandemic in 2020.

Bali's tourism industry appears to be quite promising and successful. If profitable operations are seen from a different angle, though, gaps may result. Bali's tourism growth and accompanying rapid economic expansion have sparked investment rivalry in the sector's business environment, particularly in the hotel and tourism accommodations (Handayani & Sanjiwani, 2020). The Bali archipelago serves as the study's focal point. Due to the beauty of its beaches, many visitors travel to the province of Bali. The state of Bali's coastal areas is a problem that results in numerous violations of the management of coastal zones. The availability of accommodations designed for tourists is included in the concept of accommodation. Data analysis revealed that various hotels the Alila Seminyak Hotel, and lodgings from Mertasari Beach to Semawang Beach in the province of Bali, had violated several laws regarding visitor housing.

Another issue is that the hotel is in violation of the Presidential Regulation Number 51 of 2016 respecting Coastal Boundaries. The majority of tourist lodging service providers in the Bali region are responsible for violations of managing coastal environments. For instance, the Alila Seminyak Hotel violates the beach limits and tide points of Badung Regent Regulation No. 8 of 2021 on the Detailed Spatial Planning of the Kuta District in 2021-2041. The Presidential Regulation 51 of 2016 on Coastal Boundaries is also violated. Article 1 paragraph (2) governs this and states that land along the shore shall have a breadth proportional to the shape and physical condition of the beach and must stretch at least 100 meters (100 meters) from the highest tide point toward the land.

As in the case of the Alila Seminyak Hotel, hotels in the vicinity of Mertasari Beach (Sanur Kauh Village, South Denpasar District) and Semawang Beach (Sanur District, South Denpasar District) similarly break a number of restrictions. After more investigation, it was discovered that several of these hotels' breaches had not received the appropriate punishment. Even now, many hotels are still open for business. From this information, it is clarified that the Presidential Regulation Number 51 of 2016 concerning the Coastal Boundary and the Badung Regency Regulation Number 8 of 2021 concerning about the Detailed Spatial Planning of the Kuta District for 2021–2041 have not been properly implemented. Due to this, decision-makers sometimes have conflicts of interest while putting tourism policy into practice (Anggreni, 2022).

The circumstance for the hotels which break the rules are still operated their business. The Job Creation Act publish the article chich concern to control the existence of these hotels by the provisions in Article 17. This study aims to discuss violations committed by hotels in tourism location, especially in the Kuta area.

II. METHOD

Legal research that is normative and empirical is used in this article. The normative juridical approach is used to observe how normative legal provisions (codification, statutes, or contracts) are put into practice on each and every legal occasion connected to the use of coastal borders in Bali. Additionally, the empirical juridical technique is used to analyze this case, which is backed by laws, legal texts, and other materials pertinent to the application of the law in respect to violations of coastal and spatial planning by accommodation providers in the Province of Bali. Data gathering methods included reading literature and documenting the relevant regulations, which were then found and categorized using file records. The regulations that used in this research that are the Minister of Public Works No. 9/PRT/M/2010 concerning Guidelines for Coastal Security, Presidential Regulation No. 51 of 2016 concerning Coastal Borders, Regulation of the Minister of Maritime Indonesian Affairs and Fisheries Number 21/PERMEN-KP/2018 Regarding Coastal Border Calculation Procedures of the Alila Seminyak Hotel Violating Beach Borders and Law No. 1 of 2014 concerning Amendments to Law No. 27 of 2007 concerning Management of Coastal Areas and Small Islands.

III. RESULTS AND DISCUSSION

Indonesia always trying to increase the tourism sector as an impact by the covid-19. In the era of Joko Widodo and Jusuf Kalla's presidency, the development of the tourist industry in Indonesia is presented in 9 (nine) national development priorities. Indonesia's political reform turned its attention to Nawacita in order to grant it sovereignty, economic independence, and a refined demeanor. Through community production

capacity improvement and market competition, Nawacita seeks to build an advanced Indonesian nation. According to the Ministry of National Development and Planning, this will mobilize the domestic economy through strategic use.

The improvement of the quality of life for Indonesians is mentioned in the sixth and seventh criteria. By utilizing vital home economic sectors, Nawacita also aspires to achieve economic independence. This means that improving strategic industries like tourism, which is one of them, can improve the quality of life for Indonesians. The tourism industry of Bali is the internationally renowned face of Indonesian tourism. In addition to Bali, other Indonesian tourist destinations are constantly being improved and promoted as Indonesia's top travel destinations. These include Likupang, North Minahasa (North Sulawesi), Lake Toba (North Sumatra), Mandalika (West Nusa Tenggara), Labuan Bajo (East Nusa Tenggara), and Borobudur Temple (Central Java).

There are numerous stunning beaches in the tourist region that must be seen. Other facilities including accommodation, stores, parks, and other entertainment must support beach tourism.



Figure 1. Maps of Bali

Bali's expansive beachfront region serves as the primary draw for the growth of beach tourism. The use of coastal borders frequently causes damage, such as abrasion, environmental issues, and the defense and security of fishers' rights. This is the greatest obstacle to the development of coastal tourism. According to numerous studies, the Buleleng sub-district's coastal border area, which is deserving of being a conservation area or protected area, has been transformed into a row of opulent tourist resorts. About 40–70 meters separate the tourist lodge structure from the beach. (Adnyani, 2017) The majority of the tourism-related companies, including hotels and food and beverage establishments like restaurants, were developed in Pecatu Village as a result of a land conversion in the Kuta Selasatan Subdistrict (Yasa, 2019). The majority of the tourism-related enterprises, including hotels and food and beverage establishments like restaurants, were developed in Pecatu Village as a result of a land conversion in the Kuta Selasatan Subdistrict (Adnyani, 2021).

The area along the shore is a common area that the entire community should use. The community will surely be impacted by the change in the purpose of the coastal boundary that business owners employ to construct hotels or other tourist attractions. According to Article 1 Paragraph 2 of Regulation Number 21/PERMEN-KP/2018 of the Minister of Maritime Affairs and Fisheries of the Republic of Indonesia regarding Coastal Boundary Calculation Procedures The island along the coast, at least 100 meters (100 meters) from the highest high tide point toward the land, whose width is proportional to the shape and physical condition of the beach, is the Coastal Boundary. Compliance with the minimal limit is required of the local government and business owners who have established themselves in the coastal border area. Article 46 (1) of Regional Regulation of the Province of Bali Number 16 of 2009, which governs the development of the Regional Spatial Plan of the Province of Bali in 2009–2029, states that a number of natural disaster-prone areas, including landslide-prone areas, tidal wave-prone areas, and flood-prone areas, should be taken into consideration.

Landslides frequently occur at coastal borders. According to the regulation, areas with a medium-high level of vulnerability are those that are dispersed throughout all the regencies in Bali such as Jembrana, Tabanan, Badung, Gianyar, Klungkung, Bangli, Karangasem, and Buleleng and are located on hillsides, mountain slopes, mountains, and cliffs. In contrast, Article 47, paragraph (4) point f. states that areas vulnerable to coastal erosion and abrasion are dispersed throughout numerous locations, including the coasts of Denpasar City, Badung Regency, Klungkung Regency, Gianyar Regency, Buleleng Regency, Karangasem Regency, Jembrana Regency, and Tabanan Regency.

Based the data above, the following standards should be met while developing hotels in the coastal border area:

- a. land along the sea's edge that is at least 100 meters away from the location of the highest tide toward the land;
- b. Land along the shore that is steep or steep with a distance proportional to the shape and physical condition of the coast;
 - 1) According to the following standards, the conditions for the gap delimitation mentioned in Article 44, paragraph (1) letter e. a. land on a cliff's edge with a minimum depth of 5 meters, a slope of at least 45% (forty-five percent), and a flat top area of at least 11 meters; and
 - 2) The ravine's border, as described in letter a, must be at least twice as wide as the ravine's depth and not less than 11 meters from the ravine's edge to the flat plane.

The highest tide point approaching the land determines the coastline by 100 meters. The beach enters. Coastal regions are transitional habitats between ecosystems on land and at sea, and both changes on land and in the sea have an impact there. According to these laws, land that is still in the shape of the sea and is inside a coastal area or a coastal border area is not an object of land rights and cannot be controlled by people or groups.

Certain individuals frequently possess properties that are next to the beach, nearly immediately related to the shoreline, or even appear to have their own private beach. By privatizing the beach, community officials are rendered unable to stop the exploitation of the beach. a great deal because the entrepreneurs who founded the lodging establishment had secured an operating authorization from a higher level of government. The direction of a coastline border must be determined by the provincial government through a regional regulation pertaining to provincial spatial planning. The Regional Regulation pertaining to Regency/City Spatial Planning shall specify the coastline delimitation of the Regency/Municipal Government, which has a coastal border.

According to several studies, there are inherent issues with border infractions along the coast when there are commercial interests involved. For instance, Wijaya et al. (2020) claim that transgressions of the coastal border are viewed as unimportant issues. We may observe how the government is involved and takes part in the issues. Therefore, solving the issues brought on by coastal boundary transgressions is not an easy process. Peny et al. (2016) note that despite intense pressure from corporate interests, the local administration appears to be allowing the noncompliance to continue. According to Indrawati et al. (2017), the growth of tourism in the Kalibukbuk Village neighborhood of Lovina has both direct and indirect effects on the neighborhood's economy, society, and culture and may lead to conflicts with nearby residents. Furthermore, Wijanarko (2022) also raises the concern of coastal area pollution in the event of tourism industry expansion.

Law enforcement must, of course, trace these limits based on the principle of *lex superior derogat legi inferiori*, also known as the clash of norms, which governs these frontiers' rules and regulations. Peter Mahmud Marzuki (2011) states (99). The *lex superior derogat legi inferiori* principle, which holds that if there is a conflict between laws and regulations that are higher and lower in the hierarchy, the higher laws and regulations shall take precedence, governs the synchronization of laws and regulations.

To make the statutory regulation and other law and regulations in a vertical hierarchical manner is defined as synchronization of laws and regulations in this study. The Job Creation Act, Executive Order, Regional Regulations, and Regional Head Regulations all have synchronized and congruent legal bases with relation to shoreline limits. Border issues are matters of government that have been decentralized from the national government to the local ones; the only thing that still needs to be decided is whether or not the

regulations have been put into practice. Controlling the coastal areas that have already been set aside for housing is necessary, though. In order to prevent coastal disasters, coastal borders should be steered toward green open space and the development of natural and artificial buildings. Coastal borders must also be free of any construction.

Between statutory and other laws and regulations for the regulation of coastal objects, Law No. 27 of 2007 allows for the use of permits in the form of Coastal Waters Management Rights issued by the Ministry of Maritime Affairs and Fisheries as rules for various coastal objects. The National Defense Agency may also grant land rights for coastal area land management.

Business actors that breach the aforementioned rules may be punished criminally under Article 147 (1), which has a maximum penalty of Rp50,000,000.00 (fifty million rupiah) in fines or 6 (six) months in prison. A maximum of three years in prison and a fine are the maximum penalties for violating the most recent regulation related to Article 17 Number 33 of the Job Creation Law, which states that anyone found using the designated space for their business or other activities without first reaching an agreement on the appropriateness of the use of the space will be punished. Maximum 1 billion IDR. Contrary to Article 69, paragraph 1, of Law Number 26 of 2007 Governing Spatial Planning, which stipulates that violators of the spatial plan may face a maximum penalty of three years in prison and a maximum fine of Rp 500 million, this clause does not mention the possibility of imprisonment. It is preferable to unify the two laws and regulations due to the disparity in sanctions.

To preserve coastal boundaries, these rules and regulations must be harmonized. The government, the community, and businesspeople must evaluate the potential risks related to utilizing coastal borders, land use, and their economic significance. The individuals impacted by the use of the coastal boundary must also be taken into account; charting the use of the affected land will almost certainly expose users to abrasion or environmental harm. Prioritizing the balancing of these regulations with the notion of environmental sustainability without sacrificing the principle of justice must become a top concern. In order to lessen the harmful effects of government choices that conflict with applicable government regulations, existing regulations must be enforced. The same is true of the appropriate authorities. It must continue to exercise its authority and function in a well-coordinated manner when managing the coastal area.

IV. CONCLUSION

Therefore, we may conclude the conclusion that there is a significant issue from the problem analysis of Bali's coastal borders based on the study's objectives. There is a trade-off between the area's exceptional condition, which will definitely be Bali's main draw for visitors, and the overuse of the beachfront area. Any investors interested in redeveloping the coastal region from a business standpoint must compete and prepare the strategic land for their tourism enterprise. It goes without saying that the development of Bali's coastal border areas will bring in tourists, benefit investors, and benefit the local government, as well as give locals the chance to find decent jobs. However, law enforcement in developing coastal border areas must still prioritize reducing the danger of environmental harm if they are to prevent the occurrence of unintended disasters.

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