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The Legal Study of the Coastal Border Control by Tourism Entrepreneurs in Bali as a Privacy Area

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Abstract—Indonesia is an archipelagic country with almost 17,000 islands stretching from Sabang to Merauke. One of the islands that is the Indonesian mainstay is Bali island. Bali is as one of the provinces in Indonesia that generates the largest foreign exchange in the tourism sector. Bali tourism has penetrated to the coast, where entrepreneurs claim coastal areas by making private areas of tourist accommodation. This problem has generated interest between local communities and tourism entrepreneurs. However, due to the absence of a definite legal product to solve the problem, it is necessary to study coastal control by tourism entrepreneurs in Bali as a privacy area. For this reason, the author uses a normative juridical research method; therefore, the conclusions are obtained regarding the problem of privatization of the coastal border carried out by tourism entrepreneurs by making a legal study which is then stated in a legal product under the authority of the Bali provincial government. The resulting legal product is in the form of a legal policy from the government that restores the function of the coastal border as open to the general public, with the aim of conserving the coastal border area.

Keywords—Privatization of Border Coast, Bali Provincial Government, Legal Studies

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I. INTRODUCTION

Indonesia is an archipelagic country consisting of more than 17,000 islands with a coastline of 81,000 km and an ocean area of about 3.1 million km² consisting of 0.3 million km² of territorial waters and 2.8 million km² of archipelagic waters.¹ Bali is a small island among thousands of islands within the territory of the Unitary State of the Republic of Indonesia. Bali is as one of the provinces in Indonesia as the largest foreign exchange contributor from the tourism sector. Tourism on the island of Bali is the prima donna of international tourist destinations. The natural beauty of Bali from the top of the hills, valleys to the beach is the main attraction for tourists, so it is not surprising that Bali is the target of investment for tourism development and industry. The dominance of the economic cycle in Bali is through the tourism sector. In order to maintain the stability of the economic cycle in Bali, the development is carried out in various fields, especially in the construction of tourism facilities and other supporting facilities. By bearing the title as one of the best tourist locations in the world, Bali strives to make its guests comfortable. The rapid tourism development has a geographical impact on the island of Bali in the land sector. This development is not able to balance the availability of land for tourism management. These conditions have resulted in a shift in the movement of tourism development to penetrate the coastal areas and

expose the beauty of the coast of Bali as a marine tourism attraction.²

The coastal is a meeting between the outermost boundary of the sea and the outermost boundary of land which can be measured at the time of the highest tide of sea water and the lowest low tide. The beach in general has a distance between the sea and the building called the beach border. The increasing rate of population growth, the increasingly rapid progress of tourism and the increase in the rate of development in all aspects have resulted in various problems, especially in the land sector which has the impact of increasingly limited availability of land to build buildings that will be needed to support tourism.³ Coastal areas or coastal borders are very vulnerable to changes, both caused by natural factors and human activities. The changes in ecosystems and overexploitation are phenomena that are very worrying. Viewed from the positive side, tourism development on the coast can be a way of conserving coastal areas, because tourism entrepreneurs will strive so that the area can attract as many tourists as possible and generate huge economic benefits.⁴ The negative impact that has become a problem from the development of the tourism sector to the coastal area which has recently occurred is quite a highlight in which the use of coastal area space is exploited in a limited way by tourism entrepreneurs. There is a privatization of coastal borders by beachside tourism entrepreneurs who are in direct contact with the local community area.

The development of tourism areas such as tourist lodges and hotels along the coastal border area causes the reduced function of the coastal border area as a prevention of abrasion and public areas that are open to the public. In essence, beaches throughout Indonesia should be open to the public interest, but when hotels, resorts, cottages and luxury settlements (villa) are increasingly being built along the coast, the beach is no longer a public space and is limited to the monopoly of parties with large capital. Beaches supposed to be public spaces that are open to the public, but when the development along the coastal area increases, resulting in the beach is no longer an area open to the public and free from the control of the actors who want to invest big (investors) who carry out business activities.⁵ The phenomenon of the number of buildings along the coast and the damage to the

¹ Nanin Trianawati Sugito and Dede Sugandi, "Urgensi Penentuan Dan Pengakuan Hukum Kawasan Sepadan pantai," *Jurnal Geografi Gea* 8.2 (2016).

² Kalalo, 2016, *Hukum Lingkungan dan Kebijakan Pertanahan di Wilayah Pesisir*, Raja Grafindo Persada, Depok, h. 4.

³ Yuwono Prianto and Yona Yonanda Soly, "Kesadaran Hukum Masyarakat Atas Penetapan Batas Penguasaan Tanah/Ruang di Wilayah Pesisir," *Jurnal Era Hukum*, Vol. 2, No.1, Juni 2017, h. 160.

⁴ Dewa Putu Perdana Khrisna Murti and I Gede Putra Ariana, "Efektivitas Pasal 72 huruf a Ngaka 1 Peraturan Daerah kabupaten Buleleng No. 9 Tahun 2013 Dalam Pemanfaatan Ruang Sepadan Pantai Kawasan Bali Utara Serta Penerapan Sanksinya," h. 3.

¹ Indonesia, "Geografi Indonesia", <http://indonesia.go.id>.

coastal environment and the interests of marginalized fishermen must immediately receive serious attention and handling. The area referred to as the coastal border must be made as a conservation area. In the Presidential Decree No. 32 of 1990, it is regulated to protect the coastline as far as 100 meters. According to statutory regulations, coastal boundaries are:

1. Land along the coast whose width is proportional to the shape and physical condition of the beach, at least 100 (one hundred) meters from the highest tide point towards the land.

2. Land along the edge of the sea where the shape and physical condition of the coast is steep or steep with a distance proportional to the shape and physical condition of the beach.

Several central points of tourism development carried out by investors targeting coastal areas which result in the privatization of coastal areas such as businesses providing accommodation such as owners of villas, star hotels and inns. In addition, they are also business of providing food and beverage services such as restaurants and beach clubs.

The privatization is in the form of private ownership of unspoiled (virgin) beach borders and beach boundaries that become public facilities. This situation is used as an argument by business actors and investors in order to make the coast as a location for carrying out their business activities, considering that the beach can be used optimally because its location is very strategic to become a tourism area. The privatization carried out by tourism entrepreneurs on average uses reasons for the convenience of tourists. In general, the actions of tourism entrepreneurs in making the area commensurate with the beach as a private area for their business are actions that can be detrimental to the general public. Beaches in Bali are not just places for recreation or residential areas for fishing communities, beaches in Bali have very close links with culture, traditions and religion of Hinduism in the majority of Balinese people. Many series of religious ceremonies are carried out on the beach; therefore, it will be very impactful if tourism entrepreneurs compete to control the coastal area of Bali as a private area in their business. The control of coastal areas by tourism entrepreneurs is even often a public conversation in which the general public is prohibited from being in certain beach areas around which hotels or tourism suggestions are located because they are considered to interfere the privacy of the tourism place, especially the beach area around hotels, bars and restaurants. In the Regional Regulation of the Province of Bali No. 6 of 2009 concerning the Spatial Plan for the Province of Bali, it is states that the coastal boundaries in the use of coastal land, including nature and beaches, are part of public rights. The problem that arises is how then the beach as a public space area becomes part of the privacy space of tourism entrepreneurs. This problem is very interesting to be studied in which the author wants to examine the Legal Study of Coastal Border Control by Tourism Entrepreneurs in Bali as a Privacy Area.

To examine these problems of the study, the author uses a normative juridical research method, using an approach to laws and other government regulations that have a correlation with the problems studied. This study uses legal materials, namely primary and secondary legal materials. The primary legal materials used are all regulations

according to the hierarchy of legislation starting from the Constitution of the Unitary State of the Republic of Indonesia, Laws, Government Regulations and so on related to this research. Secondary legal materials are the views of scholars regarding the privatization of coastal borders by tourism entrepreneurs. The data sources are obtained from books in Indonesian or foreign languages related to the writing of this journal as well as recent studies from national and international journals. Legal materials and other supporting information obtained by the author will be processed and analyzed through the descriptive, evaluative, argumentative and systematic steps.

II. FORMS OF PRIVATIZATION OF THE BEACH BORDER BY TOURISM ENTREPRENEURS IN BALI

Coastal areas are areas that have a high level of mobility and exploitation, so there must be preparedness and prevention in dealing with the various consequences that arise from each activity carried out.⁶ The coastal area must be used wisely and efficiently, so that the utilization of the natural resources contained therein can be used and utilized as much as possible for the prosperity of the people.⁷ The beach is the meeting area between the highest tide and the mainland, while the coastline is another boundary line that connects the meeting points of the water between the highest tide and the mainland. The coastline will be formed following the configuration of the coastal/land.⁸ According to the Decree of the Minister of Marine Affairs and Fisheries No. 10 of 2002 concerning General Guidelines for Integrated Coastal Management Planning, a coastal border is an area along the coast that is designated for coastal protection and preservation. The coastal border area serves to prevent coastal abrasion and protect the coast from activities that can disrupt/damage the function and sustainability of the coastal area. Areas commensurate with the beach are only allowed for plants that function as beach protectors and safeguards, the use of public facilities does not change the function of the coastal area as coastal protection and preservation. Based on Presidential Decree No. 32 of 1990, concerning Management of Protected Areas, it has determined that:

- 1) Protection of coastal borders is carried out to protect coastal areas from activities that interfere the preservation of coastal functions (article 13).

- 2) The criteria for coastal borders are land along the edges whose width is proportional to the shape and physical condition of the beach at least 100 meters from the highest tide point towards the land (article 14).

For residential areas, there are two types of coastal boundaries, namely the form of a sloping beach with waves

⁶ Zainul Hidayah and Okol Sri Suharyo, "Analisa Perubahan Penggunaan Lahan Wilayah Pesisir Selat Madura", Jurnal Ilmiah Rekayasa, Vol. 11, No. 1, April 2018, h. 20.

⁷ Cokorda Istri Sri Pradnyaswari Pemayun, Kebijakan Pemerintah Provinsi Terhadap Pengelolaan Sempadan Pantai Secara Privat Terkait Keadilan Bagi Publik Dalam Perspektif Hukum Tata Ruang, Jurnal Kertha Negara, Vol. 07, No. 08, Fakultas Hukum Universitas Udayana, Denpasar, 2019, h. 8.

⁸ A Suparman Diraputra, Sistem Hukum dan Kelembagaan dalam Pengelolaan Wilayah Pesisir secara Terpadu. Prosiding Pelatihan Pengelolaan Wilayah Pesisir Terpadu. Bogor: PKSPL IPB.

<2m, a border width of 30-75 and a sloping beach shape with waves >2m, a border width of 50-100 m.⁹

Privatization is a process in which there is a transfer of ownership from what was originally joint property in the sense of being under the power and management of the state which is intended as public facilities and infrastructure, turning into individual or individual ownership.¹⁰ Privatization of the coastal border is the takeover of the coastal border area which is a public area into private ownership both by individuals and business entities which are generally carried out by entrepreneurs in the tourism sector. The form of coastal border privatization by tourism entrepreneurs can be in the form of land parcels for coastal borders. Specifically for the island of Bali, the practice of privatizing coastal borders mostly occurs in the southern Bali region. Some concrete forms in the takeover of coastal areas into private areas are:

a. Tourism entrepreneurs build their own private tourist facilities along the coast. For instance, Puri Santrian Beach Resort and Spa, made permanent wooden floors with a size of almost half of the area of the beach border which is used as a base for placing restaurant facilities such as tables and chairs. In addition, there is the laying of beach chairs in front of the restaurant facilities which further narrows the existing beach boundaries. Also, the installation of buoyancy ropes is on the beach in order to mark the beach area that is the facility of Griya Santria Beach Resort.

b. There is the installation of a barrier in the form of a buoy or flag that stretches on the side of the boundary of the tourism business area that occurs in the Sanur beach area and places facilities on the water for tourists. Therefore, the area cannot be used, passed or utilized by the community.

c. There is the installation of concrete in the beach area located in front of the sea view of tourism businesses to prevent fishermen from sticking boats or transacting buying and selling fisherman catches, as happened in the Candi Dasa area, Karangasem Regency.

d. There is the closing of the access to the stairs to the beach which is located under the cliff and making the route a private access for tourism businesses, occurred in the Bukit Jimbaran area.

The privatization of coastal borders by tourism entrepreneurs has a direct impact on the people who are within the scope of the area. Privatization of coastal borders takes away the rights and freedoms of the community to benefit from natural resources around the area that has become a private area, especially for the surrounding fishing communities.

People who have lived for a long time in the coastal areas and coastal border areas already consider the area to be theirs, and are accustomed to utilizing all the natural products in the area which are then controlled by tourism

entrepreneurs, of course it changes the order of their lives significantly.¹¹

Local communities do not fully benefit from tourism because the local community's space for movement is increasingly limited. Gradually local communities in coastal areas who depend on tourists visiting the beach will lose access to their jobs to fulfill their daily needs and accidentally break the trade chain at the level of the local community life cycle. This has an impact on small traders who make their living by trading around the coast, such as snack vendors, roasted corn, accessories and others.

The privatization of the coastal area causes limited space for the use of the beach as a place to carry out religious ceremonies, especially for Hinduism. Like doing the *melasti* (purification) ceremony and other ceremonies whose process is carried out along the coast border. Hindus believe that certain beaches in certain areas have religious spiritual values to carry out religious ceremonial rituals.

III. BALI PROVINCE GOVERNMENT'S LEGAL POLICY IN OVERCOMING THE PROBLEM OF BEACH BEACH PRIVATIZATION BY TOURISM ENTREPRENEURS IN

BALI

Policy is a choice made by a person or group of people to guide, justify and explain a set of actions consisting of a collection of smaller decisions. According to Dye as quoted by Winarno, policy is the government's choice to do or not do something (whatever governments choose to do or not to do).¹² Policy aims to solve a problem. Government policy is a process carried out by the government to solve existing problems and relate to its power environment related to the public interest.¹³ The government is a device that exists and is held to serve the interests and fulfill the needs of the community, especially the basic needs of the community, namely, a sense of security, order and peace in society.¹⁴ The government is an organ of a body called the state, in the form of an organization and has attribution authority (authority that has been regulated or stipulated in laws and regulations). All activities of state administration must use authority. So authority is the key to the implementation of the tasks of state administration. Without authority, there will be no state administration activities. One of the authorities of the government is to make a policy.¹⁵

Legal policy is the policy producing products of laws and regulations and the application of laws from laws and regulations. The government has absolute authority to regulate areas under the territory of the Unitary State of the Republic of Indonesia. One form of its realization is to issue policies for certain areas legally. The implementation of the

⁹ Wiwik Wahidah Osman and Amalia Paramitha, "Konsep Tata Bangunan Pada Pemukiman Padat di Kawasan Pesisir Pantai, Studi Kelurahan Cambaya Kecamatan Ujung Tanah Kota Makassar", Jurnal Temu Ilmiah IPLBI, 2013, h. 41.

¹⁰ Alzaena Geanina Irawan and Ida Bagus Suryawan, "Privatisasi Sempadan Pantai Oleh Akomodasi Pariwisata di Denpasar," Jurnal Destinasi Pariwisata Vol. 7 No.2, 2019, h. 213.

¹¹ Mashari and Sri Mulyani, "Model Pengelolaan Terpadu Pembangunan Wilayah Pesisir Berbasis Masyarakat di Jawa Tengah", Jurnal Hukum dan Dinamika Masyarakat, Vol. 5, No. 2, April 2018, Semarang Untag, h. 4.

¹² Budi Winarno, Teori dan Proses Kebijakan Publik, Media Pressindo, Yogyakarta, 2002.

¹³ Neti Sunarti, "Implementasi Pemerintah Dalam Melaksanakan Program Pembangunan", Moderat Jurnal Ilmiah Ilmu Pemerintahan 2.2, 2016, h. 792.

¹⁴ H. Rahyuni Rauf, "Perubahan Kedudukan Kelurahan Dari Perangkat Daerah Menjadi Perangkat Kecamatan", WEDANA Jurnal Pemerintahan, Politik dan Birokrasi, 3.1, 2017, h. 223.

¹⁵ Ni Luh Gede Debby Andriani Lestari, "Kewenangan Pemerintah Kota Denpasar Dalam Mengatur Dan Pengendalian Bangunan Di Sempadan Kawasan Sempadan Pantai", Jurnal Kertha Negara, Vol. 04, No. 08, Fakultas Hukum Universitas Udayana, Denpasar 2018, h. 5.

legal policies made by the local government is expected, especially in Bali. The government can make and issue a Bali provincial government policy that can protect the coastal border from the onslaught of tourism development which makes the coastal border as a privatized area of tourism entrepreneurs, as well as how to prevent the impact of the privatization of the beach.

The principle of decentralization and the application of regional autonomy adopted by the government system in Indonesia require the government to divide its affairs into three authorities, so that in carrying out its authority, the government has an extension in carrying out its authority in the form of delegation of tasks to the Provincial Government and continued to the Regency/City Government.

The Provincial Government of Bali has full authority in the management of the coastal border along the coastal border in the province of Bali, and as a delegation from the provincial government, the provincial government gives authority to the district/city government in Bali to regulate the coastal boundaries of its area of authority. The importance of policies on securing coastal borders with proper management and use of functions is because the coastal borders are the first fortress to prevent abrasion and mangrove conservation can protect land areas. The importance of coastal borders as environmental protection must be properly defined for their use and function. The coastal boundaries in Bali are very promising tourist attractions. Therefore, the government needs to pay attention to how environmental conservation and coastal border marine conservation areas can work in synergy with tourism development. With the balance of these two things, both tourism and conservation can run and be sustainable whose impact is the benefit of the government itself. The provincial government of Bali, by extension to the district/city government, has made efforts to overcome the problem of privatization of the coastal border. The following efforts have been made to the coastal border which is part of its territory:

1. Establishing a coastal border management agency whose task is to restore the function of the coastal border as a public space that is open to the general public, as a conservation area and protection of mangroves and marine biota, and restore the function of the coastal border for the benefit of local community ceremonial activities that are religious and magical especially for Hindu religion;
2. Issuing legal products in the form of regulations from the government, both provincial and district/city governments that can serve as a legal umbrella for protection for coastal border management bodies in order to carry out their duties and functions, based on the authority of the provincial government, district/city governments given to them;
3. Issuing legal policies from the provincial government of Bali, from regional regulations, decisions of the Governor of Bali Province or decisions issued by Regents and Mayors in the Province of Bali. The policy gives rights and authority to the coastal border management agency, which includes local residents of the coastal border area to supervise, suppress and take action on the privatization of beaches by tourism entrepreneurs. The involvement of local community

members is generally represented by *Pecalang* as a protector of the customary village area or the coastal border area of the customary village or *Pakraman* village.

4. The provincial government of Bali must be able to instill an understanding in the community and tourism entrepreneurs that the greater public interest must be prioritized, but not necessarily override the interests of tourism entrepreneurs. With the formation of a balance between local wisdom and tourist attraction, both the community and tourism entrepreneurs will get benefit.
5. The coastal border management agency will mediate between tourism entrepreneurs and local communities. This agency will also synergize tourism needs with the needs of the general public/local community.

The involvement of the local community, especially the traditional village and *Pakraman* village as the closest customary government institution to the environment is intended because the local indigenous village community is the closest and in direct contact. Therefore, they become the first layer understanding well the conditions and situations of their environment. Thus, the objectives of conservation, saving the environment, protection of conservation areas, as well as the use of coastal borders as public spaces can be utilized optimally, including the management of tourism businesses that can run well without having to harm other parties.

With the formation of a coastal border management agency, the regional government as well as the district/city government acts in supervising the implementation of the duties of the coastal border management agency. In relation to disputes arising from the privatization of coastal borders between tourism entrepreneurs and local communities, the agency can mediate in this conflict of interest. It will find a balanced solution to the problem, so that the two conflicting parties can synergize with each other, in which tourism entrepreneurs can sell the attractiveness of the beach by utilizing the coastal border without having to harm the interests of the local coastal border community, with the aim of getting benefits economically, and also social, cultural, religious and environmental conservation. The importance of a balance between public and private interests, in which tourism entrepreneurs must shift from the doctrine that tourism is an expensive (luxury) industry so that it can only be reached by middle and upper class groups of people. Bali as the world tourist destination does not only sell and pamper tourists with its natural beauty, but the most important thing about Bali is the culture of the people and the local religious wisdom of the Balinese people. If it only looks at the attractiveness of natural beauty, the area of Papua, Labuan Bajo, Sumba and even Lombok which are closest to Bali also have natural beauty.

Tourism entrepreneurs cannot discriminate and even discriminate between the general public and tourists who use their tourism facilities. For this reason, back to the strong control of the Bali provincial government, with the district / city government in supervising tourism actors and entrepreneurs so that they do not do everything in their power and effort to control an area which is actually a public area into a private area for their own interests and benefits.

Setting the Coastal Border in the Province of Bali, Indonesia is an archipelagic country and is one of the

countries that has the longest coastline of several other countries in the world. Recently, the concentration of Non-Governmental Organizations and environmentalists has begun to criticize the use of coastal borders as tourism utilization by tourism entrepreneurs. The coastal border is an area protected by the central government and designated as part of a national protected area. The government has full authority over coastal border areas along the coastline in Indonesia. The coastline is included in the local protected area. The government views the coastal border as an area that is very vulnerable to damage by irresponsible hands because it is a part of nature that is easily accessible by humans. The principle of the struggle to save the coastline is justice. The justice here is interpreted by the existence of equal opportunities in accessing, and utilizing the coastline between the community and tourism entrepreneurs. Justice will be felt when the general public can together with tourists on the same beach border, enjoy the beauty of the beach, feel the same comfort, where fishermen have the same opportunity to build ²⁹ or facilities and infrastructure along the coastal border for the development, protection and management of natural resources.

The government issues policies in laws and regulations for the protection of coastal borders which are contained in the following regulations:

1. Law no. 1 of 2014 concerning Amendments to Law No. 27 of 2007 concerning Management of Coastal Areas and Small Islands ¹¹
2. Government Regulation no. 26 of 2008 concerning National Spatial Planning ¹⁰
3. Presidential Regulation No. 51 of 2016 concerning Coastal Boundaries ²
4. Regulation of the Minister of Public Works No. 9/PP/T/M/2010 on Guidelines for Coastal Protection ²³
5. Regional Regulation of Bali Province No. 16 of 2009 concerning the Bali Province Spatial Plan for 2009-2029

Correct and just law enforcement is determined by the will and participation of all members of society, ¹⁶ including to urge the government to make and stipulate a rule regarding the privatization of coastal borders. ²⁸ because in the formation of the law it must prioritize the interests of the state and also the public interest of the people contained therein. ¹⁷ The absence of specific arrangements in following up on the practice of privatizing coastal borders that can provide a deterrent effect for tourism entrepreneurs is a scourge that must be resolved immediately. The norms governing the coastline in the legislation only state that the beach is a public space that cannot be controlled privately. The absence of norms that expressly state in legal action against privatization is clear - there is clearly a tourism area in Bali Province, there is a blurring of norms in law enforcement. The obscurity of norms causes laws and regulations to become gray in giving strict sanctions to tourism entrepreneurs. Until now, the practice of privatizing coastal borders is still happening and no action has been

taken from the government, both central and local governments.

The Bali provincial government, in setting a rule, must be balanced with the enforcement of the rule. Law enforcement of a rule is carried out by law enforcement elements. In general, the rules made are firm and coercive, but in practice there are many deviations between what is stipulated and what is happening in the society. Such conditions can be influenced by several factors, the nature and mentality of law enforcement will greatly affect the success and final results of the implementation of law enforcement that has been made. ¹⁸ There are four factors in law enforcement that must be considered, including: ¹⁹

- a. The substance factor of the rule of law;
- b. The structural factors, namely law enforcement officers;
- c. The cultural factors (community legal awareness); and
- d. The managerial factors (management organization).

The existence of the coastal border area needs to be determined related to its function as a safety and protection for coastal sustainability. The determination of the location of the coastline is technically calculated based on the characteristics of the coast, the function of the area, and is measured from the highest tide line on the beach. To monitor and manage the coastline boundaries in Bali, of course, a comprehensive rule cannot be applied. A basic rules can be applied in the Bali local government regulations which are the reference, then they are applied by the district/city local government according to needs and conditions of each region. Each district/city area is given the authority to determine the area and width of the coastal border area based on the needs, situation and conditions at the location of the coastal border. Each coastal area has different water currents, the magnitude of the waves and the direction of the wind which will greatly affect the shoreline boundary with the mainland. District/city governments will know more about the characteristics of their coastal boundaries, because certain coastal areas can become marine biota conservation areas such as turtle nesting locations, mangrove plant conservation and so on. Beach conditions are also different based on the high and low from the mainland. Beaches that are located on the side of a cliff, the determination of a coastal boundary 100m from the shoreline is sufficient because the height of the cliff can be a barrier to the flow of water rising to land, while coastal areas that are directly connected to the mainland require a beach border that is wider than the water line to prevent possible abrasion and water rising tides that can enter the mainland.

Thus, it is very appropriate if the regulations and policies regarding the determination of coastal border areas are left to the district/city regional governments. Utilization, management and protection of coastal border areas should be a top priority. Apart from looking at the interests of conservation, tourism and public space, beaches that are

¹⁶ Sunyato, "Penegakan Hukum Di Indonesia", Jurnal Dinamika Hukum, V. 22, No.3, September 2008, h. 201.

¹⁷ Zainab Ompu Jainah, "Penegakan Hukum Dalam Masyarakat", Jurnal Of Rural and Development, Vol. III, No. 2, Agustus 2012, h. 167.

¹⁸ Asep Suparman, "Penegakan Hukum Terhadap Penyelenggaraan Pelayanan Publik", Jurnal Wawasan Hukum, Vol. 29, No. 02, September 2013, h. 851.

¹⁹ Abdul Mukhtie Fadjar, "Keprihatinan Memudarnya Penegakan Hukum dan Kewibawaan Hukum di Indonesia", Makalah disampaikan pada Forum Doktor FH Universitas Brawijaya, 30 Juni 2011, h. 3.

directly related to land and sea become a liaison for water traffic and the entry and exit of ships requiring certain areas, as well as the impact of the natural factor with the possibility of natural disasters as a form of preventing the impact of these disasters causing greater losses. Many benefits are obtained by providing protection and regulation of coastal border areas, one of which is preventing abrasion and the sustainable impact of abrasion. In a rule, there are norms contained in the rule, one rule with another rule must have the integrity of norms that do not conflict or overlap, there must be synchronization and conformity between the norms in the rules that refer to the same concept, such as the rules whose main concept is the protection of the coastal border. The norms in the coastal border regulations in the Bali provincial regulations, may not conflict or overlap with the lower rules made by the regency / city government in Bali. In principle, these rules have the same goal, namely to provide strict law enforcement to prevent damage to the coastal environment, and restore the function of the coastal border as a public open area that is free to the public and is not an area of privatization for the personal interests of tourism entrepreneurs. With the implementation of these rules, the roles and functions of the parties or agencies authorized to manage coastal areas are very important, where it is expected that agencies from the top to the bottom can carry out their functions and authorities in accordance with their responsibilities.

In other words, with a rule that has been made, the rule must be implemented not only by law enforcement officials but also by the community in a broader sense, with the function of law enforcement to provide strict sanctions indiscriminately against perpetrators of violations of these rules. The application of sanctions can be given in accordance with what has been stipulated in the regulation, for example, a tourism entrepreneur who makes a building cross the line or is within the boundary of the coastal border is dismantled and returned to its proper function. It is very clear in legal products regarding coastal areas, that the coast must be preserved.²⁰

IV. CONCLUSION

There are no strict and specific rules regarding the actions of tourism entrepreneurs who make the coastal border as a privacy area for tourism accommodation. Due to the absence of strict and coercive rules, there is no strict legal action from law enforcers for the actions of these tourism entrepreneurs, and does not result in the perpetrators becoming a deterrent. Although ³¹ provincial government of Bali in the Bali Provincial Regulation No. 16 of 2009 concerning the Bali Province Spatial Plan for 2009-2029, regulates the spatial planning of the coastal border, there is no norm that regulates the privatization of the coastal border by tourism entrepreneurs. There is a blurring of norms in law enforcement, the existing norms are gray; therefore, to make these norms clear, the Bali provincial government together with the district/city governments in Bali hold full authority

for the management of the coastal border as a public open space, as well as to restore privatization of the coastal border for the magical religious interests of the local community in carrying out religious ceremonies by issuing a regulation as a legal umbrella to ensure the proper management and utilization of the coastal border with their respective duties and authorities.

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