

Research Article

Law Enforcement Against Spatial Planning Violations in the Development of Tourism Accommodations on Bingin Beach, Badung Regency

Ni Nyoman Wulan Prasintya Putri ^{1*}, I Wayan Wesna Astar ², Ni Komang Arini Setyawati ³

¹⁻³ Program Studi Magister Hukum Fakultas Pascasarjana, Universitas Warmadewa, Indonesia

* Corresponding Author: e-mail : wulan46putri@gmail.com

Abstract: This study aims to analyze the implementation of spatial planning regulations in the development of tourism accommodations and law enforcement against spatial planning violations in the Bingin Beach area, Badung Regency. The rapid development of tourism in the area has encouraged the construction of various facilities such as villas, hotels, and restaurants, some of which are located in coastal areas and do not fully comply with spatial planning and licensing regulations. This study uses empirical legal research methods with a legislative approach, case approach, and legal sociology approach. Data was obtained through observation, interviews, and document studies, then analyzed qualitatively. The results show that the implementation of spatial planning regulations in Bingin Beach has not been optimal because there are still tourism accommodation buildings that violate zoning and coastal boundary line regulations. This condition is influenced by weak supervision, rapid tourism development, and lack of compliance with licensing procedures. Law enforcement is carried out by the local government through the imposition of administrative sanctions and efforts to control buildings that do not comply with spatial planning. This law enforcement aims to maintain order in the use of space and protect the sustainability of the coastal environment.

Keywords: Beaches; Coastal Area; Law Enforcement; Spatial Planning; Tourism.

1. Introduction

Indonesia is known as a country rich in diverse tourist destinations and cultures (1). Based on Law Number 10 of 2009 concerning Tourism, it is stated that the development of the tourism sector needs to be improved in order to open up employment opportunities, create business opportunities, increase foreign exchange earnings, and promote the natural and cultural wealth of the Indonesian nation. In essence, tourism is a strategic potential that should be developed by every region to support economic growth and increase regional income (2). One of the strategic sectors in national development is the tourism sector, which plays an important role in increasing regional income, creating jobs, and economic growth (3). This is emphasized in Law No. 10 of 2009 on Tourism, which states that tourism development must be carried out sustainably to provide economic and social benefits and preserve culture.

National development should not only be oriented towards increasing economic growth, but must also pay attention to environmental sustainability and fair use of space for the community (4). Spatial planning plays an important role as an instrument to balance development needs with environmental conservation efforts, especially in coastal areas that have high ecological, social, and cultural value (5). Coastal areas, especially coastal zones, should be managed in an orderly and sustainable manner so that they are not degraded by development interests that are solely profit-oriented (6).

Bali, as an international tourist destination, has unique cultural, traditional, and religious characteristics that make it the center of Indonesian tourism (7,8). One of the rapidly developing areas is Badung Regency, particularly the Bingin Beach area located in Pecatu

Received: February 13, 2025
Revised: February 26, 2025
Accepted: March 13, 2026
Online Available: March 16, 2026
Curr. Ver.: March 16, 2026



Copyright: © 2025 by the authors.
Submitted for possible open
access publication under the
terms and conditions of the
Creative Commons Attribution
(CC BY SA) license
(<https://creativecommons.org/licenses/by-sa/4.0/>)

Village, South Kuta District, Badung Regency, Bali, which is one of the leading international tourist destinations known for its challenging waves and beautiful natural panorama. The high interest of domestic and foreign tourists in this area has encouraged the rapid development of various tourism facilities, such as villas, hotels, and restaurants, which have sprung up along the coastline. However, most of these developments do not fully comply with spatial planning regulations and even violate the coastal boundary line, which serves to protect the coastal ecosystem and ensure public access to the beach. Based on the results of a field inspection (sidak) conducted by Commission I of the Bali Regional House of Representatives, at least 45 buildings were found to have been built without permits in the Bingin Beach area, drawing public and media attention to the weak implementation and enforcement of spatial planning laws in coastal areas.

The rapid development of the tourism sector in Bali Province has encouraged an increase in the construction of various types of tourism accommodations, such as villas, resorts, and restaurants. This economic growth has essentially contributed positively to regional revenue and employment opportunities for the community, but at the same time, it has put pressure on the orderly use of space and the sustainability of the coastal environment (9). In this context, spatial plans are a strategic legal instrument to ensure that land use remains consistent with the function of the area and does not cause environmental damage or conflicts of interest (10).

The development of tourism accommodations in coastal areas often raises various issues, such as a decline in environmental quality and disruption of public rights to access coastal spaces. This situation highlights the urgency of enforcing spatial planning laws as a means of controlling development in coastal areas, so that the ecological functions of the coast are preserved and the area can be protected for the sustainability of future generations. The phenomenon of spatial planning violations occurring on Bingin Beach, Bali, is a concrete example of the weakness of the monitoring and law enforcement system, which ultimately has an impact on the sustainability of the coastal environment.

From a spatial planning law perspective, Article 36 paragraph 1 of Law No. 26 of 2007 concerning Spatial Planning states that "Every person who utilizes space must comply with the established spatial plan." Development on the coastline without a permit violates the spatial planning established in the RTRW (Spatial Planning Plan) and RZWP3K (Coastal Zone and Small Islands Zoning Plan).

The provisions of Article 69 paragraph (1) letters c and d must be complied with by business actors who build restaurants in prohibited areas (such as coastal areas) or without a permit in violation of this article. Violations of zoning and spatial use provisions are subject to criminal sanctions in accordance with Article 69 paragraph (1) of Law -Law Number 26 of 2007 concerning Spatial Planning, which emphasizes the prohibition of space utilization that is not in accordance with the established spatial plan and stipulates a maximum criminal penalty of 3 (three) years imprisonment or a maximum fine of Rp500,000,000.00 (five hundred million rupiah).

Coastal areas play a vital role in the sustainability of ecosystems and human life (11). This region is known to be sensitive to natural changes, such as abrasion, sea level rise, and various forms of environmental degradation caused by uncontrolled human activities (12). In addition to serving as a natural barrier, coastal areas also have biodiversity that supports the livelihoods of local communities, while also serving as public spaces that are legally required to be accessible to all (13).

One important part of the coastal area is the coastline, which serves as a buffer zone to reduce the force of ocean waves, protect the shoreline, and maintain the balance of the ecosystem between the sea and the land. Development carried out without permission in the coastal zone has a negative impact on the ecological and social functions of coastal areas, which should be protected and managed in accordance with the provisions of Presidential Regulation No. 51 of 2016 concerning Coastal Boundaries. Violations of these provisions illustrate the lack of effectiveness in the implementation and enforcement of laws by local governments in supervising and controlling the use of space in coastal areas.

Therefore, the state has an obligation to regulate the use of coastal space through various regulations, such as Law No. 26 of 2007 concerning Spatial Planning, Regional Regulations concerning Regional Spatial Planning (RTRW), and Regulations concerning Coastal Zone and Small Islands Zoning (RZWP3K). These regulations aim to ensure that all forms of development in coastal areas remain in line with the principles of fairness, order, and environmental sustainability (14).

The development of tourism accommodations in coastal areas has shown significant growth from year to year. The drive for economic gain has led businesses to compete to utilize areas around the coast to attract as many tourists as possible. However, the increase in the scale of this development has put pressure on public spaces along the coastline, which should be freely accessible to the public. When coastal areas are privatized due to the construction of tourist facilities, local communities lose their social spaces, while the ecological functions of the coast are also threatened by uncontrolled land use change. This situation reflects the classic conflict between profit-oriented economic interests and efforts to preserve the coastal environment as part of our shared heritage.

The issue of tourism business permit violations in the Bingin Beach area not only has legal consequences, but also impacts environmental sustainability and the fulfillment of the community's right to access coastal space. Coastal areas essentially function as ecological buffer zones that play a role in maintaining the balance of coastal ecosystems while ensuring the openness of public space for the community. However, when these areas are controlled and exploited by businesses without valid permits, the ecological and social functions of coastal areas are disrupted. This situation reveals weaknesses in the law enforcement system and a lack of coordination between institutions, both at the local and central government levels.

In practice, however, it has been found that tourism facilities are being developed without taking into account the carrying capacity of the environment or without regard to coastal boundaries as stipulated in regional spatial plans (RTRW). For example, research on villa development in the coastal areas of Bali shows that many development activities are taking place without complete permits and are not in line with applicable zoning regulations.

This situation shows a gap between the legal norms set out in legislation and their implementation in the field. In Badung Regency itself, research on the function of spatial control shows that the economic pressure of tourism has triggered rapid changes in land use, while the local government's supervisory capacity has not kept pace with the intensity of development. This makes areas such as Bingin Beach increasingly vulnerable to spatial planning violations, including unlicensed construction (IMB/PBG), the establishment of buildings in prohibited zones, coastal boundary violations, and the misuse of tourism business licenses.

Law enforcement in the context of spatial planning plays a fundamental role in ensuring that development activities comply with regulations. Enforcement includes administrative sanctions, civil lawsuits, and even criminal sanctions as stipulated in Articles 61–69 of the Spatial Planning Law. The effectiveness of law enforcement is highly dependent on institutional capacity, the integrity of officials, the availability of spatial utilization data, and synergy between local governments, traditional villages, and communities. In the context of Bingin Beach, which is a coastal tourism area with high investment pressure, spatial planning law enforcement has become increasingly urgent to prevent environmental damage, spatial conflicts, and the loss of community access to public spaces. Based on these conditions, this research is important to analyze the forms of spatial planning violations in the development of tourism accommodations in Bingin Beach, the law enforcement mechanisms applied, and the obstacles encountered in the enforcement process.

2. Method

The type of research used in this study is empirical legal research because these unclear provisions are interpreted and implemented in the field, particularly in the context of violations of restaurant tourism business permits in Badung Regency. The approaches used in this study are the legislative approach, the case approach, and the sociological approach to law. The data sources consist of primary data obtained directly from interviews conducted by the researcher with informants who are sources of information, and secondary data obtained from literature research. The data collection techniques used are observation, interviews, and document studies. Data processing and analysis are carried out using qualitative analysis.

3. Results and Discussion

Implementation of Spatial Planning Regulations in the Development of Accommodation on Bingin Beach, Badung Regency

The implementation of public policy is one of the activities in the policy process, which often conflicts with expectations and even causes the policy product to become a stumbling block for the policymakers themselves (15). Public policy-making often fails to consider what is actually happening and what the community needs. Policy implementation involves a series of steps in the decision-making process, such as the drafting of articles for a law or other legislative regulations, the issuance of an executive regulation, the issuance of a court decision, or the issuance of regulatory standards and the consequences of the policy for the community (16). If a policy is implemented correctly, there is still a possibility of failure. If the implementation is poor and suboptimal, the policy will fail to achieve the objectives set by its creators (17).

Based on an interview with Mrs. Ermi, a souvenir seller in the Bingin Beach area of Badung Regency, on January 25, 2026. The procedures for obtaining tourism accommodation permits are considered very difficult and time-consuming, as applying for a Building Construction Permit (IMB) can take a very long time, and that is only for the Building Construction Permit (IMB), not other permits. Therefore, tourism accommodation owners in Pantai Bingin, Badung Regency, only have permits from the local village head and do not have official permits.

The same thing was also conveyed by Mr. Komang Agus, Manager of one of the tourism accommodations located on Bingin Beach, Badung Regency. He said that he was reluctant to apply for these permits officially because of the long time it takes to process them and preferred to manage the tourism accommodation instead. The government also said that the land on which the tourism accommodation was built was claimed to be state-owned land and also violated spatial planning regulations that violated coastal boundaries.

Existing spatial planning violations are often used as a basis for spatial planning revisions, so that when enforcement is to be carried out, doubts arise because the local government is revising its spatial plan and "whitewashing" the violations that have occurred by adjusting the spatial plan to the existing conditions. This creates uncertainty in enforcement (imposing sanctions). Because currently, there are violations, but with plans to adjust the spatial plan to the existing use of space, there will be hesitation in taking action.

Tourism accommodations such as villas, restaurants, guesthouses, and other tourism accommodations on Bingin Beach in Badung Regency do not yet have Building Construction Permits (IMB). It is known that at the beginning of construction, business actors' understanding of spatial planning regulations and licensing procedures was still limited. The lack of socialization of regulations by the local government and the existence of other accommodation developments that had been built earlier without legal clarity created the perception that development in the area could be carried out as long as it had economic value and was not immediately enforced by the authorities. In this case, it shows that the implementation of spatial planning does not only depend on the existence of regulations, but also on the effectiveness of legal communication and consistency of enforcement in the field.

Regulations on spatial utilization are clearly stipulated in various laws and regulations, such as Law No. 26 of 2007 on Spatial Planning, Badung Regency Regulation on Spatial Planning (RTRW), and various provisions on tourism accommodation development permits. These regulations require that all spatial utilization be carried out in accordance with the spatial plan and must meet the established licensing requirements. However, the conditions in the Bingin Beach area show that the implementation of these provisions has not been optimal. Based on data obtained in the field, there are still dozens of tourism accommodation buildings that have been constructed without meeting the applicable licensing requirements or spatial planning provisions. This shows that there is a gap between the applicable legal provisions and the practice of spatial utilization in the field. This situation reflects that the existence of comprehensive regulations does not necessarily guarantee legal compliance if it is not followed by effective supervision and consistent law enforcement.

Based on the theory of legal certainty, the development of tourism accommodation on Bingin Beach, even though regulations on spatial planning and licensing have been clearly regulated, weak supervision and delays in taking action against violations have meant that the objectives of legal certainty have not been fully achieved. Furthermore, when viewed from the theory of authority, local governments have the authority to supervise and enforce the law against spatial use violations. This authority is essentially obtained through attribution or

delegation granted by legislation to local governments. In practice, this authority is exercised by the relevant local government agencies, one of which is the Civil Service Police Unit (Satuan Polisi Pamong Praja), which is responsible for enforcing local regulations and maintaining public order in the Badung Regency. Thus, the dismantling of buildings that violate spatial planning regulations is part of the local government's authority to enforce the law.

Spatial planning violations in the Bingin Beach area also have a significant impact on the coastal environment and the interests of the community. The construction of tourist accommodations that do not comply with coastal boundary regulations has the potential to cause environmental damage, disrupt the balance of the coastal ecosystem, and reduce community access to coastal areas that should be public spaces. Therefore, spatial planning law enforcement is very important to ensure that the use of space in coastal areas remains in accordance with its function and purpose, so that environmental sustainability and community interests can be maintained.

These regulations have not yet been effectively implemented, which, based on utilitarian theory, essentially places the law as a means to achieve the greatest benefit for the interests of the wider community, not merely to protect the interests of certain individuals. In the perspective of Jeremy Bentham and John Stuart Mill, a legal policy is considered good if it results in greater happiness, welfare, and social benefit than the harm it causes.

In the context of spatial planning, utilitarian theory views restrictions or prohibitions on development not as arbitrary restrictions on rights, but as a means of ensuring the use of space that provides long-term benefits for the community, the environment, and future generations. Therefore, compliance with spatial plans is important because space is a limited resource that must be managed for the common good.

In the field of rules and regulations that have been made based on applicable laws, this includes legal certainty, which states that historically, legal certainty has existed since the idea of separation of powers emerged, so that the task of creating laws is in the hands of the legislature, while judges (the judiciary) are only tasked with voicing the contents of the law. Montesquieu's opinion, written in his book *Des lois des Loïs* (The Spirit Of Laws) in 1788 (18). The concept of legal certainty covers a number of interrelated aspects. One aspect is the arbitrariness of other individuals, judges, and the administration (the government, in this case, which makes applicable rules and grants permits to entrepreneurs so that they have clear legal certainty for their businesses and cannot be challenged by letters issued by government agencies).

Legal certainty is possessed by owners of tourism accommodation businesses who have legal status for their businesses, namely a permit to manage a tourism accommodation business, which they should possess. This is a belief in legal certainty that should be associated with individuals in relation to what individuals expect to be done, including a belief in the consistency of administrative (government) decisions that have been made.

Based on the results of research in the Bingin Beach area, it was found that some tourism accommodation buildings had been standing for quite a long time before the local government took enforcement action. This condition shows that violations of space utilization did not occur suddenly, but took place gradually over a long period of time. Normatively, the construction of a building must go through several stages of licensing, namely obtaining Spatial Information (ITR), obtaining Spatial Utilization Activity Conformity (KKPR), obtaining Building Approval (PBG), and obtaining a business license through the OSS system. These provisions are part of the spatial use control system as regulated in Law Number 26 of 2007 concerning Spatial Planning and clarified through Government Regulation Number 21 of 2021 concerning the Implementation of Spatial Planning and Government Regulation Number 16 of 2021 concerning the Implementation Regulations of the Building Law.

However, based on conditions in the field, several tourism accommodation buildings on Bingin Beach are suspected of not complying with all stages of the licensing process since the beginning of construction. This shows a gap between the applicable legal provisions and the actual practice of spatial use in the field. There are several factors that have allowed these buildings to stand for a considerable length of time before the local government took action to enforce the regulations, namely:

- a. Weak supervision in the early stages of development. In the spatial planning system, control over the use of space should be carried out from the planning stage to the implementation of development. If supervision is not carried out effectively from

- the outset, buildings that do not have permits can develop and even operate as tourist accommodation.
- b. The high growth of the tourism sector in the Bingin Beach area as a popular tourist destination in Badung Regency. The high demand for tourist accommodation has led to the emergence of various types of lodgings that are quickly built by business operators, sometimes without regard for compliance with spatial plans or applicable licensing regulations.
 - c. The geographical conditions of the Bingin Beach area, which is located on the coast and cliffs, have led to many buildings being constructed in stages with simple construction. This gradual development often does not go through the complete licensing procedures as required by law.
 - d. There are limitations in coordination between local government agencies in controlling land use. In practice, development control involves several agencies, such as the spatial planning agency, the licensing agency, and local law enforcement officials. If coordination between these agencies is not optimal, supervision of development can be less effective.

Based on these conditions, the demolition of buildings carried out by the local government is a form of law enforcement against spatial use violations. This action can also be seen as an effort by the local government to restore the function of space in accordance with the spatial plan and to maintain order in coastal development. Thus, the problems that occurred at Bingin Beach were not only related to building permit violations, but also reflected challenges in the implementation of the spatial use control system. Therefore, it is necessary to strengthen supervision from the early stages of development and improve coordination between local government agencies so that similar violations do not occur again in the future.

Based on the theory of utility, the demolition of tourism accommodation buildings in the Bingin Beach area can be understood as an effort by the local government to restore the function of the space in accordance with the established spatial plan. In the context of spatial planning, development control aims to maintain a balance between space utilization, environmental sustainability, and the interests of the wider community. Normatively, the construction of tourism accommodation buildings must meet various licensing requirements, including obtaining Spatial Planning Information (ITR), obtaining Spatial Utilization Activity Conformity (KKPR), obtaining Building Approval (PBG), and having a business license through the OSS system. These provisions are legal instruments that aim to ensure that all development is carried out in an orderly manner and in accordance with the spatial plan as stipulated in Law Number 26 of 2007 concerning Spatial Planning, Government Regulation Number 21 of 2021 concerning the Implementation of Spatial Planning, and Government Regulation Number 16 of 2021 concerning the Implementing Regulations of the Building Law -Building Law.

From the perspective of legal utility theory, the existence of buildings that do not comply with spatial planning provisions has the potential to cause various negative impacts, such as coastal environmental damage, spatial disorder, and potential conflicts over space utilization in the future. Therefore, the enforcement and demolition of buildings can be seen as an effort by the government to provide greater benefits to the interests of the wider community, particularly in preserving coastal areas and the sustainability of the tourism sector.

However, on the other hand, the demolition of these buildings also causes losses to building owners and tourism businesses that have been operating in the area. This situation highlights the dilemma between individual interests and the interests of the wider community. In the context of legal utility theory, the government's decision to demolish can be understood as a policy choice that aims to provide greater benefits to the public interest than to the interests of certain individuals.

The application of utility theory in the case of building demolition in the Bingin Beach area shows that local government policy is not only aimed at enforcing the law, but also at maintaining the sustainability of coastal spatial planning, which has ecological and economic value for the community. Thus, the demolition can be seen as an effort to realize more orderly and sustainable use of space, providing long-term benefits for the community.

The emergence of these pros and cons shows a gap between the applicable legal norms and the actual development practices in the field. Normatively, building construction must follow strict licensing procedures. However, in practice, supervision of construction is often not carried out optimally in the early stages, so that buildings without permits can still be built and developed into tourist accommodations. In addition, the rapid development of the tourism sector in the Bingin Beach area has also been a factor driving the rapid construction

of accommodations to meet the needs of tourists. This situation has led some business operators to prioritize physical construction over compliance with the administrative procedures stipulated in the laws and regulations.

Law Enforcement Policy in the Development of Tourism Accommodation on Bingin Beach, Badung Regency, Bali

Law enforcement of public policy is one of the activities in the public policy process that often conflicts with expectations, even turning the policy product into a stumbling block for the policy-making process itself (19). Public policymakers often fail to see what the community actually needs when formulating policies (20). Policy implementation is the stage of executing decisions between the formation of a decision and the formation of a policy, such as the articles of a law or other legislative regulations, the issuance of an executive regulation, and the issuance of a court decision, or the issuance of regulatory standards and the consequences of policies for the community.

Law enforcement as a process is essentially the application of directives that involve making decisions that are not strictly regulated by legal rules but have elements of personal judgment (21). Conceptually, the essence of law enforcement lies in harmonizing values as outlined in established rules and attitudes as a series of final stages of value interpretation, in order to create, maintain, and preserve peaceful coexistence. This concept, which has a philosophical basis, requires further explanation so that it becomes more concrete.

Law enforcement is a process of realizing legal desires into reality (22). What is referred to as legal intent here is nothing more than the thoughts of the legislative body as formulated in legal regulations. Legal regulations are the formulation of the thoughts of lawmakers as set forth in legal regulations, which will determine how law enforcement is carried out.

Regulations regarding administrative sanctions are clearly stipulated in Article 61 of Law Number 26 of 2007 concerning Spatial Planning. Thus, the demolition of buildings is a form of administrative sanction that is legally valid if the construction does not comply with the spatial plan or is carried out without a permit.

Based on an interview with the Bendesa Adat (traditional village leader) of Pecatu, I Made Sumerta, it is known that the management of tourism accommodation businesses in the Bingin Beach area prior to the demolition was initially entirely under the management of the Pecatu Traditional Village. According to him, economic activity in the area had been developing since around the 1980s, which at that time was still simple in nature, consisting of street vendors, small stalls, and small businesses owned by the local community that served tourists who came to the beach area.

During that period, the status of the land in the Bingin Beach area was not clearly recognized as land under the authority of the Badung Regency Government. Therefore, the management of the beach area was mostly carried out informally by the local community under the supervision of the Pecatu Traditional Village as a traditional institution that played an important role in regulating the social life of the community in the area.

Entering the 2000s, tourism development in the Bingin Beach area experienced a significant increase. This condition encouraged the emergence of various forms of tourism accommodation such as simple lodgings, homestays, and other tourism service businesses managed by the community. During this period, the Pecatu Traditional Village began to take a more active role in managing the area, including regulating the use of space by people running tourism businesses. The community members who owned businesses in the area were then required to make regular contributions to the Pecatu Traditional Village as a form of contribution to the management of the area. However, in line with the development of spatial planning policies in the Province of Bali, the management of coastal areas, including the Bingin Beach area, began to be directed to comply with the applicable laws and regulations. One of the policies that forms the basis for these spatial planning regulations is Bali Provincial Regulation No. 2 of 2023 concerning the 2023-2043 Bali Provincial Spatial Plan, which regulates the planning and utilization of space in the Bali Province in a more integrated manner.

After the regulation came into effect, the authority to manage the Bingin Beach area, which was previously under the supervision of the Pecatu Traditional Village, was handed over to the Badung Regency Government as part of efforts to reorganize the use of space in coastal areas. The transfer of authority was carried out so that the management of the area could be adjusted to spatial planning provisions and licensing systems that apply nationally and regionally. In line with this policy, people who own tourism accommodation businesses in the Bingin Beach area are expected to meet various licensing requirements in accordance

with applicable regulations, such as obtaining spatial use permits, building construction permits, and tourism business licenses. However, in practice, the licensing process has not been fully completed by business operators, resulting in the local government issuing demolition orders for a number of buildings that are considered to not comply with applicable spatial planning and licensing regulations.

This situation shows a gap between the long-standing practice of land use in the Bingin Beach area and the spatial planning policies that have begun to be implemented more strictly by the local government. It also reflects the dynamics in the management of the tourism area, which was previously informal and community-based, and has now shifted to a more formal management system through legal mechanisms and licensing regulated by the local government.

The policy that forms the basis for spatial planning in Bali Province is Bali Provincial Regulation No. 2 of 2023 concerning the 2023-2043 Bali Provincial Spatial Plan, which regulates the integrated and sustainable planning, utilization, and control of space in the Bali Province. This regional regulation serves as a guideline for local governments in directing regional development in accordance with spatial functions and taking into account the balance between economic, social, cultural, and environmental sustainability activities.

This regulation is in line with the provisions of Law Number 26 of 2007 concerning Spatial Planning, particularly Article 3, which states that the implementation of spatial planning aims to create a national spatial area that is safe, comfortable, productive, and sustainable. This provision emphasizes that spatial utilization must be carried out in an orderly manner in accordance with the spatial plan established by the government.

Based on Bali Provincial Regulation Number 2 of 2023, the direction of Bali's spatial planning policy is regulated in Article 6, which explains that Bali's spatial planning is directed at realizing sustainable regional development and supporting the development of strategic sectors, including the tourism sector. In this context, the development of tourism facilities, such as tourism accommodation, must take into account compliance with the applicable spatial plan. The use of space in tourism areas is regulated in Article 95 of Bali Provincial Regulation Number 2 of 2023, which provides guidance on zoning and development of tourism areas while taking into account environmental carrying capacity and area functions. This provision emphasizes that all tourism accommodation development must comply with the provisions on space utilization as stipulated in the spatial plan.

In order to ensure compliance with spatial plans, mechanisms for controlling spatial utilization are also regulated in Law No. 26 of 2007 on Spatial Planning, specifically in Article 61, which states that everyone who utilizes space must comply with the established spatial plan. In the event of a violation of these provisions, the local government may enforce the law by imposing administrative sanctions or taking enforcement measures.

These provisions form the legal basis for local governments to take enforcement action against buildings that do not comply with the spatial plan for the area. In the context of this study, this policy can be seen in the law enforcement actions taken against tourism accommodation buildings in the Bingin Beach area of Badung Regency that did not meet licensing requirements and did not comply with spatial planning regulations. In addition to spatial planning regulations, building construction must also meet building licensing requirements as stipulated in Government Regulation No. 16 of 2021 concerning Regulations on the Implementation of the Building Law. Article 24 explains that every building to be constructed must have a Building Construction Permit (PBG) as a form of legal validity for the construction of the building. This provision replaces the Building Construction Permit (IMB) system that was previously in effect.

Thus, based on the provisions of Law Number 26 of 2007 concerning Spatial Planning, Government Regulation Number 16 of 2021 concerning Buildings, and Bali Provincial Regulation Number 2 of 2023 concerning the 2023-2043 Bali Provincial Spatial Plan, the construction of tourism accommodation must comply with spatial planning and building permit requirements. If the development does not meet the stipulated requirements, the local government has the authority to enforce the law, including taking action to control and demolish buildings that violate spatial utilization regulations.

In discussing law enforcement carried out by the Civil Service Police Unit, the essence of law enforcement is to realize values or principles that embody justice and truth, so law enforcement is not only the task of conventional law enforcement officials. The Civil Service Police Unit is one of the local government agencies authorized to control and take action against people who disturb public order and peace, as stipulated in Article 5 of Badung Regency Regulation Number 7 of 2016 concerning Public Order and Community Peace.

Based on Government Regulation No. 16 of 2018 concerning the Civil Service Police Unit, its main tasks are to assist regional heads in enforcing regional regulations and regional head regulations, as well as to maintain public order and tranquility and provide protection for the community. In addition, in carrying out its duties, the Civil Service Police Unit has functions based on Article 6 of Government Regulation No. 16 of 2018 concerning the Civil Service Police Unit.

Based on an interview with Mr. Dewa Nyoman Rai Dharmadi, Head of the Civil Service Police Unit of Badung Regency, who was delegated as an informant, he stated that before taking action against permit and spatial planning violations that occur at Bingin Beach in Badung Regency, there must be a complaint from the community or a patrol report by the Badung Regency Civil Service Police Unit. This is in accordance with Article 4 of Badung Regency Regulation Number 7 of 2016 concerning Public Order and Community Peace.

Based on data provided by the Civil Service Police Unit, the violations committed by business operators involved 48 tourism accommodation buildings in the form of villas, restaurants, homestays, lodgings, and similar tourist buildings that violated building permits (IMB), violated spatial information (ITR), and violated environmental permits, including SPPL, UKL-UPL, The issuance of a Third Warning Letter (SP3) to the entrepreneurs who manage the 48 tourism accommodation buildings shows that the stages of administrative law enforcement have been carried out in accordance with applicable procedures, prior to the execution of the demolition of the buildings.

Based on the organizational structure of the Badung Regency Civil Service Police Unit, there are four divisions under the Head of the Civil Service Police Unit, namely the Community Development Division, the Regional Regulation and Regional Head Regulation Enforcement Division, the Public Order and Community Peace Division, and the Community Protection Division. In this case, the division authorized to take action against permit violations in Badung Regency is the Division of Enforcement of Regional Regulations and Regional Head Regulations.

When taking action against tourism accommodation buildings standing on Bingin Beach in Badung Regency, violations were committed against Provincial Regional Regulations and Regency/City Regional Regulations regarding spatial planning, which is a green area, and unlicensed, warning letters had been issued, However, because no effort was made to comply and after receiving a recommendation from the Bali Regional Representative Council, the demolition process was carried out based on the Badung Regent's demolition order Number 600.1.15.2/14831/SETDA/SAT.POL.PP.ti

In addition to enforcing violations of Regional Regulations or Regional Head Regulations, the duties of the Badung Regency Civil Service Police Unit include maintaining public order and community peace, such as implementing preventive measures through guidance, socialization, and monitoring of compliance by the community and business entities, providing protection to the community, securing local government activities and assets, and coordinating with law enforcement officials and relevant regional agencies. This is regulated in Article 11 of Government Regulation Number 16 of 2018 concerning the Civil Service Police Unit.

With the existence of Government Regulation No. 16 of 2018 concerning the Civil Service Police Unit, business actors who violate Regional Regulations and Regional Head Regulations, as is commonly known, are subject to the three (3) basic values put forward by Gustav Radbruch, where the orientation is to create harmony in the implementation of the law. As the purpose of the law is to protect humans both actively and passively. Actively means efforts to create a social condition in which humans live in a natural process. Passively means efforts to prevent arbitrary actions and abuse of rights in a fair manner. Efforts to realize this protection include, among others, realizing order and regularity, realizing true peace, realizing justice for the whole community, and realizing the welfare of the entire people.

The enforcement of the law in its application by means of delegation, namely the transfer of authority by other organs and/or officials, is a theory in administrative law that exists in the theory of obtaining authority, namely Attribution, Delegation, and Mandate. In its application by means of delegation, namely the transfer of authority by organs or agencies and/or government officials holding authority to other organs and/or officials, This is included in Philipus M. Hadjon's theory of authority, which states that it is the authority of the local government to delegate the authority to handle violations of tourism accommodation establishments on Bingin Beach in Badung Regency to the Badung Regency Civil Service Police Unit.

From the perspective of the theory of authority, law enforcement actions against the construction of tourist accommodation without a permit are a form of the implementation of local government authority in regulating the use of space. Local governments have the authority to regulate and control the use of space in their regions in accordance with the provisions of laws and regulations. This authority is then exercised by local law enforcement officials, namely the Civil Service Police Unit, which has the task of enforcing local regulations and maintaining public order in the area.

The demolition of tourism accommodation buildings in the Bingin Beach area of Badung Regency is a form of the implementation of local government authority in enforcing spatial planning and building permit regulations. This was done because some of the buildings in the area did not have complete permits and did not comply with the applicable spatial use regulations.

From the perspective of legal certainty theory, the enforcement of the law against long-standing tourism accommodation buildings also raises questions about the consistency of law enforcement by local governments. Based on field research, most of the tourism accommodation buildings in the Bingin Beach area have been standing since the 1980s and have gradually developed from small businesses owned by the local community. In the early stages of its development, the management of the area was mostly carried out by the local community and traditional villages, so the formal licensing system from the local government was not strictly enforced.

This situation shows that law enforcement against spatial planning violations in the Bingin Beach area has not been carried out consistently since the construction of these buildings began. Law enforcement was only carried out after the implementation of a more stringent spatial planning policy and increased government attention to tourism area management. From a legal certainty perspective, this situation can cause uncertainty for people who have been running businesses in the area for a long time. This is because buildings that have stood for years were ultimately declared to be in violation of spatial planning regulations and had to be demolished by the local government. Therefore, in implementing law enforcement policies, local governments should not only focus on enforcement, but also provide information and guidance to the community so that development in tourism areas can proceed in accordance with applicable laws.

Thus, law enforcement regarding the development of tourism accommodations in the Bingin Beach area can be understood as an effort by the local government to exercise its authority to enforce spatial planning regulations. However, on the other hand, the implementation of this policy must also take into account the principle of legal certainty so that the community has clarity regarding the rules for spatial utilization and the licensing procedures that must be fulfilled in carrying out tourism business activities.

4. Conclusion

The implementation of spatial planning regulations in the development of tourism accommodation on Bingin Beach in Badung Regency has not been optimal. This can be seen from the large number of tourism accommodation buildings that have been constructed without complying with licensing requirements and violating coastal boundaries. This situation has arisen due to several factors, including weak government supervision from the initial stages of development, a lack of understanding among business operators regarding licensing procedures, rapid growth in the tourism sector, and a lack of coordination between agencies in controlling land use.

Law enforcement against spatial planning violations in the Bingin Beach area is carried out by the local government through administrative sanctions, including the control and demolition of buildings that do not comply with spatial planning and licensing regulations. These actions are part of the local government's authority to enforce spatial planning regulations in order to preserve the coastal environment and maintain order in land use, although in practice they still raise legal uncertainties for businesses that have been operating in the area for a long time.

References

- Afrilia, D., & Bondowoso, S. B. (2025). Pertanggungjawaban direksi BUMN terhadap kerugian negara berdasarkan regulasi pemerintahan sektor perusahaan dan pidana. *Lex Strict: Jurnal Ilmu Hukum*, 4(1), 13–22.
- Argarani, D., Afriati, D., Sari, M. I., & Setyanto, A. R. (2025). Dampak aktivitas industri terhadap perubahan tata guna lahan dan urbanisasi di wilayah pesisir. *Jurnal Media Akademik*, 3(11).
- Astara, I. W. W. (2025). *Politik hukum pariwisata, ekowisata, dan persoalan tanah untuk kepentingan industri pariwisata*. Pustaka Larasan.
- Astara, I. W. W., Wijaya, I. K. K. A., & Wesna, P. A. S. (2025). Strengthening the legal framework of Subak-based ecotourism in Bali: Between cultural policy and legal pluralism. *Scientific Law*, 2025(4), 78–83. <https://doi.org/10.55284/zw0r9751>
- Budiartha, I. (2016). *Hukum outsourcing: Konsep alih daya, bentuk perlindungan, dan kepastian hukum*. Setara Press.
- Dahuri, R. (2001). *Pengelolaan sumber daya wilayah pesisir dan lantan secara terpadu*.
- Fadilla, H. (2024). Pengembangan sektor pariwisata untuk meningkatkan pendapatan daerah di Indonesia. *Benefit: Journal of Business, Economics and Finance*, 2(1), 36–43. <https://doi.org/10.70437/benefit.v2i1.375>
- Fajar, M., & Achmad, Y. (2013). *Dualisme penelitian hukum normatif & empiris*. Pustaka Pelajar.
- Fauzan, A. (2024). Model implementasi kebijakan publik. *Innovative: Journal of Social Science Research*, 4(3), 17929–17938.
- Firman, Z., Laia, A., & Laia, B. (2023). Kebijakan publik melihat produk hukum undang-undang pemberantasan tindak pidana korupsi serta implementasinya dalam praktek penegakan hukum di Indonesia. *Jurnal Panah Keadilan*, 2(2), 50–65.
- Indrawati, M., & Sari, Y. I. (2024). Memahami warisan budaya dan identitas lokal di Indonesia. *Jurnal Penelitian dan Pendidikan IPS*, 18(1), 77–85.
- Malaka, Z. (2025). Tinjauan sosiologi hukum tentang penegakan hukum di Indonesia. *Tarunalaw: Jurnal Law Syariah*, 3(1), 70–77. <https://doi.org/10.54298/tarunalaw.v3i01.292>
- Malau, P., Depari, D. A., Poniman, S., & Wardana, D. S. E. (2025). Peran hukum dalam mengatur pembangunan ekonomi berkelanjutan di Indonesia. *Jurnal Kajian Hukum dan Kebijakan Publik*, 3(1), 20–30.
- Mardiyantoro, C., Herlina, H., & Mulyeni, S. (2023). Strategi pengembangan sumber daya manusia dan ekonomi kreatif dalam peningkatan pariwisata. *Jurnal Sosial Humaniora Insentif*, 6(1). <https://doi.org/10.36787/jsi.v6i1.1201>
- Putra, D. F. H., Setyowati, E., & Hidayati, F. (2024). Analisis anomali kebijakan: Prospek terhadap kualitas kebijakan. *Jurnal Ilmiah Administrasi Publik*, 10(1), 40–51.
- Simamora, J., & Sarjono, A. G. A. (2022). Urgensi regulasi penataan ruang dalam rangka perwujudan pembangunan berkelanjutan. *Nommensen Journal of Legal Opinion*, 59–73. <https://doi.org/10.51622/njlo.v3i1.611>
- Soerjani, M., Ahmad, R., & Munir, R. (1987). *Lingkungan sumber daya alam dan kependudukan dalam pembangunan*. Penerbit Universitas Indonesia.
- Suprihatno, A., Yusup, D. K., & Astarudin, T. (2025). Pengaturan pengelolaan tanah sempadan pantai menurut hukum positif dan hukum Islam. *Qanuniya: Jurnal Ilmu Hukum*, 2(1), 41–58.
- Suriadi, L. M., Denya, N. P., Shabrina, Q. A., Yuliana, R., Agustina, G., Kuspraningrum, E., et al. (2024). Perlindungan sumber daya genetik ekosistem mangrove untuk konservasi lingkungan dan keseimbangan ekosistem. *Jurnal Analisis Hukum*, 7(2), 234–253. <https://doi.org/10.38043/jah.v7i2.5206>
- Tahir, A. (2014). *Kebijakan publik dan transparansi penyelenggaraan pemerintahan daerah*.
- Widiartana, P. W., Maruti, K. A. M., & Wiryanthi, N. P. E. M. (2025). Penegakan hukum tata ruang atas pembangunan pariwisata di sempadan pantai (Studi kasus Pantai Bingin Bali). *Kertha Wicaksana*, 19(2), 102–111.