

Legal Regulation for Coastal Areas for the Purpose of Traditional Ceremonies and Tourism Activities

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ABSTRACT

Coastal areas have the potential to improve the economy and community welfare. The area can be used as an ecotourism object and a sacred place for the Hindu community, used for traditional ceremonies. Each has the right to the activities carried out. However, visitors can interfere with ceremonial activities both regarding feelings, beliefs, culture, traditions, and the sacredness of traditional ceremonial activities, such as wearing clothes that is not by local norms, swimming activities in places where the ceremony is taking place, and even the conducts that are not by the Hindu religious and customary norms in Bali. Therefore, there is a need for a legal regulation for ecotourism activities and traditional ceremonies from both the government and village managers. The problems studied in this paper include legal regulation governing the implementation of traditional ceremonies and ecotourism on the coast in the traditional village of South Kuta and the implications of the relationship between ecotourism and traditional religious ceremonies in ecotourism sites. The research method applied to achieve the objectives of the present research is the normative-empirical legal method. With this method, the provisions of the applicable laws and regulations are reviewed, and the applicability in society is observed. The study results found that regulations set by the government and awig-awig formed by traditional villages and traditional religious ceremony activities were prioritized, compared to ecotourism activities during the ceremony.

Keywords: *Ecotourism, Law Enforcement, Implication.*

1. INTRODUCTION

Indonesia is an archipelagic country rich in abundant natural resources from biological and non-biological [1]. One of the natural resource-based tourism developments that live in the traditional villages of south kuta sub-district in the coastal area. A beach is where the highest tide meets the mainland. Furthermore, the coastline is the water line connecting the highest tide's meeting point with the mainland. The coastline will be formed following the configuration of the coastal land/land itself, while the coast is a meeting area between the influence of land and the influence of the ocean [2]. Thus, in coastal areas, the effects of activities on land are still felt or visible (for example, the appearance of pollutants, sedimentation, and watercolor). In line with this thought, the notion of the coast was also put forward by ammirudin. he distinguishes the meaning of the coast used in indonesia and that used in the international world. The definition of *the coastal area* used in indonesia is the meeting area between land and sea, towards the land the coastal area which includes the land part, both dry and submerged in water, which is still influenced by the

characteristics of the sea, such as tides, sea breezes, and saltwater infiltration.

Meanwhile, towards the sea, the area is still influenced by natural processes on lands, such as sedimentation, freshwater flow, and those caused by human activities, such as deforestation and pollution. according to the international agreement, the coastal area refers to the transitional area between the sea and the land towards the land, which includes areas still affected by seawater splashes or tides, and towards the sea, which includes the continental shelf area [3]. From this definition, it can be concluded that the coast covers a broader area than the definition of the coast.

The coastal area has a magnificent ecosystem, ranging from coral reefs, mangroves, beaches, and sand. In addition to abundant natural wealth, coastal resources also can improve the economy and welfare of the community in that they can be used as tourism objects. Tourism is a form of cultural utilization obtained from coastal ecosystems as a tourist area by exploring its beauty [1].

The coastal area, apart from being used as an ecotourism object, is also used as a sacred place for the activities of local wisdom of the local community, such as traditional hindu religious ceremonies, which are a form of the local cultural identity of a community or traditional village that must be preserved and passed down from generation to generation [4].

Apart from being an object of tourism, the coast is one of the sacred places of hinduism to carry out traditional-ceremonial activities. Each has the right to the activities carried out. Tourists have the right to travel as regulated in the law of the republic of indonesia number 10 of 2009 concerning tourism, namely article 18 paragraph (1) letter a and regarding religious activities such as traditional ceremonies are also regulated in article 22 paragraph (1) of the law of the republic of indonesia number 39 of 1999 concerning human rights [5].

In carrying out ecotourism activities and traditional ceremonies, traditional villages are based on regional regulation number 4 of 2019 concerning balinese traditional villages, which include traditional village tasks, such as advancing custom, religion, tradition, art, culture, and local wisdom, which can be the implementation of applicable customary law to maintain cultural traditions and the smooth running of traditional religious ceremonies. Hence, in this case, legal arrangements for tourists visiting these areas need to be established, considering the number of visitors who do not respect the ceremonial activities, both in terms of wearing clothes that are not by hindu traditional and religious norms in bali, swimming activities at the ceremony is taking place, to the conducts of the visitors that can interfere with ceremonial activities - whether it involves feelings, beliefs, culture, traditions and the sacredness of the place where the traditional ceremony is held.

In regional regulation number 16 of 2009 concerning spatial planning of the province of bali, the implementation of the concept of *tri hita karana* - which is the philosophy of life of the balinese people - is regulated. The concept of the *tri hita karana* contains three elements to build balance and harmony, namely the relationship between humans and their fellow humans, the relationship between god and humans, and the relationship between humans and the environment. The concept is expected to be applied by tourists, both local and international tourists. to realize this expectation, legal regulations need to be established to regulate the relationship between ecotourism and local communities carrying out traditional hindu religious ceremonies. of course, this is intended to create a sense of mutual respect so that the religious aspect can become a tourist attraction that offers the values of local wisdom, especially in religious ceremonies, without eliminating the traditions passed down from to generation.

Based on the description above, the problem studied in this paper is the issue of legal arrangements for coastal areas in traditional ceremonial activities and tourism

activities, especially on the coast of traditional villages in south kuta, and the implications of the relationship between tourists and local communities who are carrying out traditional religious ceremonies in ecotourism areas.

2. METHOD

According to Kartini Kartono, research methods are ways of thinking and doing, which are well prepared to conduct research and achieve goals [6]. From the description above, it can be understood that research is a planned activity carried out with the scientific method to obtain new legal materials to obtain the truth or untruth of an existing symptom. Research is a (scientific) means in the development of science and technology. This is because research aims to reveal the truth in a systematic, methodological, and consistent manner. The analysis is carried out through the research process, and construction is made on the collected and processed data [7]. Legal research is conducted to discover solutions to legal issues that arise, so it can be said that legal research is research within the framework of know-how in law to obtain prescriptions (regulatory instructions) regarding what should be done to the issues raised [8]. In the present research, the researcher applies normative-empirical legal research. This research method combines elements of normative law and empirical law in the form of added data. Normative-empirical legal research will deepen understanding of the implementation of normative legal provisions (laws) in reality in every particular legal event in a community, especially on legal arrangements for coastal areas and the relationship between ecotourism activities traditional ceremonies.

3. RESULT AND DISCUSSION

Indonesia is a country consisting of islands, which has a strategic value in terms of the potential for developing a vast national territory due to the many various advantages. This shows that the coastal area has functioned as a center for the activities of a significant number of communities. The many regulations governing the management of coastal and marine resources sometimes lead to overlap in their management.

Management of coastal areas is carried out in a planned manner by considering the characteristics, uniqueness, geomorphology of beaches and their ecosystem conditions, and the size of the island. This means that the management of coastal areas in one area will vary, following the differences in the characteristics and uniqueness of the coastal area. These forms of management can be seen in Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands, which has been amended to become Law Number 1 of 2014 concerning Amendments to Law Number 27 of 2007 concerning Management of Coastal Zone and Small Islands. The form of management can be described as follows:

In coastal areas with sloping beaches and open to the high seas, conversion of mangroves into ponds or

settlements will cause strong coastal erosion and degradation of water quality, so it needs to be limited.

The rapidly increasing rate of coral reef damage due to mining and destructive fishing activities needs to be controlled with strict regulatory norms and sanctions.

Utilization of small islands needs to be limited and prioritized for conservation, ecotourism, limited aquaculture, research/research, and small-scale fishing industry bases; because small islands generally have limited freshwater with shallow soil solum, intensive management of small islands need to be limited so that the islands do not sink or sink.

In coastal areas above folds/faults, earthquakes and tsunami disasters will often occur, so disaster mitigation actions are needed in their management.

In coastal cities, the need for land encourages the development of coastal reclamation activities or the construction of coastal structures. Reclamation or construction of coastal buildings that do not pay attention to the characteristics of the coastal area can cause damage to adjacent coastal areas. So it is necessary to set up a mechanism so as not to cause victims to other parties.

In coastal areas whose ecosystems have been damaged, rehabilitation is needed to recover to support the life of marine biota and humans.

The relatively rich coastal resources are often the center of economic growth, and the population is densely populated. However, most of the population is relatively poor, and this poverty triggers pressure on the coastal resources that are the source of their livelihood. If this is ignored, it will have implications for increasing damage to coastal ecosystems. In addition, there is still a tendency that industrialization and economic development in coastal areas often marginalize local coastal residents, as happened in Aceh, Riau, and Pantura Java. Therefore, community empowerment norms are needed.

In the management of coastal areas, their vulnerable nature needs to be protected but can also be used to meet the needs of life. Therefore, a policy in the management of coastal areas is needed to balance the level of utilization of coastal resources for economic purposes without compromising the needs of future generations through the development of conservation areas [9].

Indonesia is a state of law. It is stated in Article 3 Paragraph (1) of the 1945 Constitution of the Republic of Indonesia that Indonesia is a state that adheres to the rule of law and places the law as the highest position [6, 7]. The Coastal area serves as one of the tourism objects based on ecotourism and is being used as a holy place to implement religious ceremonies. Therefore, the management of coastal areas needs to be carried out based on the provisions in Law Number 27 of 2007 concerning the Management of Coastal Areas and Small Islands. To find out which areas are tourist attractions on the coast of South Kuta, it is necessary to look thoroughly at Regional Regulation Number 7 of 2018, especially

Article 26 Paragraph (5), which regulates the Detailed Spatial Planning and Zoning Regulations of the South Kuta Sub-district.

The development of ecotourism in regions in Indonesia is supported by Ministerial Regulation Number 33 of 2009 concerning Guidelines for Development of Ecotourism in Regions. In addition, the Provincial Government of Bali also issued Regional Regulation Number 2 of 2012 concerning Cultural Tourism which aims to regulate tourism activities based on local wisdom. In ecotourism activities, tourists have the right to the activities they carry out. This is regulated in the Law of the Republic of Indonesia Number 10 of 2009 concerning Tourism, namely in Article 18 Paragraph (1) letter a and Article 20.

In a context like in Bali, besides being used as a tourist attraction, the coastal areas are also used as a holy place to carry out religious ceremonies, namely traditional ceremonial activities carried out by Hindu religious communities who also have the right to carry out religious activities. This has also been regulated in Article 18B of the 1945 Constitution of the Republic of Indonesia, which states that the State recognizes and respects customary law community units and their traditional rights as long as they are still alive and by community development and the principles of the Unitary State of the Republic of Indonesia, which is regulated by law [12]. Then, in Article 29, it is stated that the State guarantees the independence of each resident to embrace their religion and worship according to their religion and belief. This is also regulated in the provisions of Article 22 paragraph (1) of the Law of the Republic of Indonesia Number 39 of 1999 concerning Human Rights, which states that everyone is free to embrace their religion and worship according to their religion and beliefs.

Judging from this, related to traditional ceremonies which are part of religion and the coast is a sacred place for Hinduism, the Regional Government of Bali Province issued Regulation Number 7 of 2018. In Article 14, Paragraphs (2) and (3) of the regulation regarding a sacred beach subzone used for religious ceremonies for Hindus in South Kuta is regulated [13]. Various potentials are owned and used as ecotourism objects (tourism) on the coast of South Kuta Beach, such as beach beauty, culinary tourism, marine tourism, and culture. Local wisdom such as traditional Hindu ceremonies carried out on the coast cannot be separated from the right to the activities carried out. In addition to the role of the government, the role of traditional villages is also significant in maintaining the traditions and culture of local wisdom.

Based on the Bali Provincial Regulation Number 4 of 2019 concerning Traditional Villages in Bali, the duties of a traditional village include advancing customs, religion, traditions, arts, culture, and local wisdom, which can be the implementation of applicable customary law to maintain cultural traditions. In Article 13 Paragraph (a)

of the Regional Regulation of the Province of Bali Number 4 of 2019, every traditional village has an Awig-Awig. Article 14 Paragraph (1) of Awig-Awig of Traditional Village mentions parahyangan, pawongan, and palemahan of traditional village. Then, Article 14, Paragraph (2) explains that it aims to maintain an ordinary life in the traditional village. Hence, it is harmonious, orderly, and peaceful and efficient, and effective by the principles of giliksaguluk, parasparo, salunglung sabayantaka, and sarpana ya [14]. Traditional villages are given the authority to compose awig-awig, which have magical religious characters. The sanctions are strictly adhered to and obeyed by indigenous peoples compared to formal laws. In addition, Awig-Awig is a basic rule regarding the behavior of Balinese people, which cannot be separated from the "rechtsgemeenschap" of the traditional village [15].

With the activities of ecotourism objects carried out by tourists and traditional religious ceremonies carried out by Hindu communities on the coast, based on Law Number 10 of 2009 concerning Tourism in Article 5 points a and b, tourism is organized under the following principles:

Upholding religious norms and cultural values as the embodiment of the concept of life in the balance of the relationship between humans and God Almighty, the relationship between humans and fellow humans, and the relationship between humans and the environment; and

Upholding human rights, cultural diversity, and local wisdom. Furthermore, Article 25 Paragraph (a) of the Law of the Republic of Indonesia Number 10 of 2009 concerning Tourism states that every tourist is obliged to maintain and respect religious norms, customs, culture, and values that live in the local community. This was followed by the Bali Provincial Regulation Number 4 of 2019 concerning Traditional Villages in Bali, namely Article 3 Paragraph (c), which stipulates that the regulation of traditional villages aims to promote custom, tradition, art, and culture, as well as local wisdom of the traditional village community in a Sakala and Niskala manner.

From the explanation above, in the author's opinion, in traditional ceremony activities on certain days, traditional ceremony activities are prioritized over ecotourism activities by upholding religious norms and cultural values, such as respecting ongoing traditional ceremony activities both in terms of clothing to behavior. This certainly should be known by tourists before visiting the coastal areas, that is to say, whether the area is being used for religious ceremonies.

In addition to the above, with the activities carried out in the coastal area by tourists and local communities, legal protection of coastal ecosystems needs to be made so that coastal sustainability is maintained. This has been regulated in Law Number 5 of 1990 concerning Conservation of Biological Natural Resources and Their Ecosystems and Law of the Republic of Indonesia

Number 32 of 2009 concerning Environmental Protection and Management [12, 13]. In this case, the author believes that in the relationship between the two activities, in the context of sustainability, there is an obligation to jointly maintain the preservation of natural resources on the coast, especially in the South Kuta area.

4. CONCLUSION

From the discussion that has been elaborated in the previous section, conclusions can be drawn, namely that with the regulations that have been set by the government and also the awig-awig that traditional villages have made, it can be said that activities related to traditional religious ceremonies are prioritized and prioritized, compared to ecotourism activities during the ceremony. Concerning the relationship between ecotourism and local communities that carry out traditional Hindu religious ceremonies and established regulations, ecotourism activities and traditional ceremonies can both run on mutual respect. This is because traditional ceremonies nowadays are seen by local and international tourists as a tourist attraction that deserves attention in religious ceremonies without eliminating the traditions passed down from generation to generation, which will undoubtedly be the main attraction for a region.

REFERENCES

- [1] D. A. S and D. Milla, "Potensi Pemanfaatan Ekosistem Pesisir Pantai Labuhan Haji Lombok Timur sebagai Daerah Ekowisata," *J. Biol. Trop.*, vol. 17, no. 1, pp. 15–22, 2017.
- [2] S. A. Diraputra, "Sistem Hukum dan Kelembagaan Dalam Pengelolaan Wilayah Pesisir Secara Terpadu," in *Prosiding Pelatihan Pengelolaan Wilayah Pesisir Terpadu*, 2001, p. 72.
- [3] A. A. D. Imami, *Hukum Penataan Ruang Kawasan Pesisir (Harmonisasi dalam Pemangunan Berkelanjutan)*. Bandung: Logoz Publishing, 2014.
- [4] Herdiyanti and J. Cholilah, "Pergeseran Modal Sosial dalam Pelaksanaan Upacara Adat Mandi Belimau Di Dusun Limbung Desa Jada Bahrin Kecamatan Merawang Kabupaten Bangka," *J. Soc.*, vol. 5, no. 2, pp. 1–15, 2017, [Online]. Available: <https://society.fisip.ubb.ac.id/index.php/society/article/view/51>.
- [5] *Undang-Undang Republik Indonesia Nomor 10 tahun 2009 Tentang Kepariwisataaan*.
- [6] K. Kartono, *Metode Pembuatan Kertas Kerja atau Skripsi Ilmu Hukum*. Bandung: PT. Mandar Maju, 1995.
- [7] S. Soekanto and S. Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. Jakarta: Raja Grafindo Persada, 2014.

- [8] P. M. Marzuki, *Penelitian Hukum*. Jakarta: Kencana, 2005.
- [9] *Undang-Undang Nomor 27 Tahun 2007 tentang Pengelolaan Wilayah Pesisir dan Pulau-Pulau Kecil diubah dengan Undang-Undang Nomor 1 tahun 2014 tentang Perubahan atas Undang-Undang Nomor 27 Tahun 2007 tentang Pengelolaan Wilayah Pesisir dan Pulau-Pulau Kecil*.
- [10] S. D. Adipatni, "Perlindungan Hukum terhadap Wisatawan yang Mendapat Perlakuan Diskriminatif," *J. Magister Huk. Udayana*, vol. 7, no. 1, pp. 122–132, 2018, doi: <https://doi.org/10.24843/JMHU.2018.v07.i01.p10>.
- [11] *Undang-Undang Dasar Negara Republik Indonesia Tahun 1945*. .
- [12] I. W. Astara, *Pertarungan Politih Hukum negara dan Poilitik Kebudayaan*. Denpasar: Udayana University Press, 2010.
- [13] *Peraturan Daerah Kabupaten Badung Nomor 7 Tahun 2018 Rencana Detail Tata Ruang dan Peraturan Zonasi Kecamatan Kuta Selatan. 24 Juli 2018. Lembaran Daerah Kabupaten Badung Tahun 2018 Nomor 7. Bali*.
- [14] *Peraturan Daerah Provinsi Bali Nomor 4 Tahun 2019 tentang Desa Adat di Bali. 28 Mei 2019. Lembaran Daerah Provinsi Bali Tahun 2019 Nomor 4*.
- [15] I. Rideng, *Sengketa dalam Desa Adat*. Purwokerto: CV. Pena Persada, 2020.
- [16] *Undang-Undang Republik Indonesia Nomor 32 Tahun 2009 tentang Perlindungan dan Pengelolaan Lingkungan Hidup*.
- [17] *Undang-Undang Nomor 5 Tahun 1990 tentang Konservasi Sumber Daya Alam Hayati dan Ekosistemnya*.