



Violation of Law Against Exploitation of New Tourist Attraction

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Abstract. Violation of the law against the exploitation of new tourist attractions in the Bali area Must have firm sanctions Because the exploitation of the place has an impact on the preservation of the environment Indonesia is one of the world's tourist destinations due to the tropical climate of biodiversity, culture and supporting regional factors, but it cannot be avoided that as a tourist destination it also causes impacts on the other side, especially on the environmental side. Bali, one of the most well-known tourist destinations in the world, is one of the tourist destinations in Indonesia. Around the 1930s, the idea of Bali as a vacation spot started to take hold. This idea is also shown in the 1958 American movie South Pacific. Everything about island life in the southern ocean is blended into the fictional island of Bali Hai in the movie. Due to the popularity of Bali, and the large number of tourists who visit, it results in overcrowding in several tourist attractions, so that it encourages the exploitation of new places, this of course causes several impacts, both positive and negative impacts. This study aims to analyze how the legal impact on the exploitation of new tourism sites, both in terms of environmental law, whether it is in accordance with Law no. 32 of 2009, agrarian law contained in UUPA No. 50 of 1960, Regional Regulation no. 3/1974 and later replaced by Perda 3/1991 on Cultural Tourism, as well as customary law for local communities. This research uses a normative research type with a statutory approach and a conceptual approach.

Keywords: Exploitation · Newtourist attraction · Law

1 Preliminary

Bali is a very popular tourist destination among domestic and foreign tourists. Bali is also very popular among domestic travelers because most of the inhabitants of this thousand temple island are Hindu while Indonesia is a country where the majority of the population is Muslim. Many temples that tourists can find easily on the island. In addition, traditional Balinese culture is still very strong in coloring the daily lives of its people This causes Bali to have its own magnet for local and foreign tourists. Among foreign tourists, Bali is famous for the charm of its natural beauty that is second to none. That's what causes foreign tourists to be willing to fly to Bali to get a natural charm that doesn't exist in their home country. The island to the east of Java Island has been

given the name Bali since 914 AD, this is known and proven by the Blanjong Inscription written by Sri Kesari Warmadewa.

The name Bali Island existed long before the name Indonesia appeared, the Dutch colonial government began to promote the island of Bali as a tourist destination in 1920 to 1930. The beauty of the island of Bali began to be known to the world thanks to the famous foreign tourists, helping to publicize it.

This is what makes the island of Bali increasingly famous in the world arena, so it is not surprising that at this time Bali is better known to the world than Indonesia. As part of the State of Indonesia, the popularity of the island of Bali, which is shaped like a chicken, has been known to the world since Indonesia was not yet independent.

The image of Bali as a tourist destination also began to emerge around the 1930s, it can also be seen in the 1958 US film *South Pacific*. In the film, everything about life on the islands of the southern ocean is combined into a fictional island called Bali Hai. For the people of Indonesia, the famous name of Bali in the eyes of the world is a matter of pride, even the prime minister of India, Jawaharlal Nehru, gave the nickname Dawn of the world to the island of Bali in 1950.

President Soekarno was motivated to build the Tampak Siring Palace as a presidential palace and often visited the place President Soekarno also held performances for mothers and Balinese arts. During the New Order government, the island of Bali was also the center of a strategy to increase tourism activities in Indonesia, all of these activities made Bali's name more famous in the eyes of the world.

There are several places in Bali that are already very famous, such as Kuta, Sanur and Nusa Dua the effect of the famousness of a place resulting in full or crowded tourism places resulting in the loss of the tradition of authenticity of the environment in the area.

To reduce the density of a place, exploitation of a new place is an alternative to fullness in the old environment or place, this causes the exploitation of Balinese nature and culture for the sake of tourism which results in uncontrolled land exploitation, widespread violations of rules, the emergence of increasingly tourism service business practices. Unhealthy, ignoring the local interests of the community, increasingly leaving the cultural life and local wisdom of the Balinese people. Even without realizing it, there has been a stronger external domination supported by the development of information systems and technology which is increasingly detrimental to Bali's domestic interests, this bad condition cannot be allowed to continue, because it will threaten Bali's position and the interests of future generations.

Therefore, it is imperative that Bali be fundamentally and thoroughly organized in line with Nangun Sat Kerthi Loka Bali's regional development vision through the Planned Universal Development Pattern towards a New Era of Bali. Local regulations are required to organize Bali tourism in the New Era, which must be infused with customary, traditional, and cultural values derived from Sad Kerthi's local wisdom, in order to carry out this goal.

2 Method

This study's methodology is empirical normative, combining statutory and conceptual approaches.

3 Results and Discussion

The growth of tourism has an impact on society that is both positive and harmful. Among the advantages of tourism growth are;

- (1) expand employment
- (2) increasing business opportunities
- (3) increase income
- (4) preservation of local culture
- (5) the introduction of local culture by tourists.

While the negative impact of tourism will cause

- (1) the occurrence of additional population pressure due to new arrivals from outside the region;
- (2) the emergence of commercialization;
- (3) the development of a consumptive lifestyle;
- (4) environmental disturbance;
- (5) increasingly limited agricultural land;
- (6) culture digestion

All positive and negative impacts will indirectly cause legal problems in the community, especially on the negative impacts of points 4 and 5. The Republic of Indonesia with a democratic system of government. That while the general welfare of the populace is paramount, it must be constrained by laws and regulations Article 33, paragraph 3, of the 1945 Constitution regulates this situation.

“The state controls the soil, the water, and the natural resources found therein, and uses them as much as possible for the benefit of the people. The Basic Agrarian Law No. 50 of 1960 was also reiterated in Law No. 32 of 2009, which states that Environmental Protection and Management (PPLH) is a systematic and integrated effort made to preserve environmental functions and prevent pollution and/or environmental damage and includes planning, utilization, control, maintenance, supervision, and law enforcement.

There are three impacts of tourism exploitation or overtourism on nature. The first implication is the pollution of beaches and waterways.

Second, deforestation, or deforestation, is the activity of cutting down forest or tree stands so that the land can be converted to non-forest use and thirdly is energy waste, including excessive use of electricity and water. Additionally, the issue of breaking the law in newly developed tourist destinations must be taken into consideration, both in terms of environmental law and the new land area.

In the first implication Pollution of beaches, and waterways or waterways.

This is very visible with the amount of plastic waste In which Indonesia is one of the largest plastic consumer countries in the world.

According to the Ministry of Maritime Affairs and Fisheries, China leads the world in terms of plastic trash production in 2019 with 8.81 million metric tons/year, followed by Indonesia with 3.21 million metric tons/year. Natural environmental degradation of plastic garbage takes a very long time—sometimes hundreds of years—and is very

difficult. One of the factors contributing to the amount of plastic waste in the beach area is tourists' ignorance of the importance of keeping the area clean by not littering, as well as the absence of disposal facilities nearby, a lack of government oversight, and the lack of strict penalties for locals or visitors who litter.

In the second implication, namely deforestation or known as deforestation, this happens a lot in mountainous areas where the place will be exploited as a tourist area. Come, If the forest is bare, then no transpiration occurs. This reduces the rainfall. Decreased rainfall can cause droughts that are fatal to plants, animals, and humans. The government is the party most responsible for making changes to make tourism sustainable.

The third implication is the waste of energy There will be an excessive use of electricity and energy here, at this time we know the world is also experiencing an energy crisis, saving energy is one of the efforts in overcoming the energy crisis. The most ironic in terms of tourism development is Tourists come to Bali wanting to see the rice fields but On the one hand, rice fields are now increasingly rare, except in areas that have not been fully exploited, where the role of rice fields is replaced by villas or hotels. According to my analysis, the permits to establish hotels, villas and shop houses have not been limited by local regulations, So that the community members can easily convert their owned land, from what was previously used for rice fields to villas, hotels or shop houses. From an economic perspective, villas, hotels, and shop houses are more profitable than land planted with rice, which only provides enough rice for harvesting for around 4–5 months. With the implementation of Regional Regulation No. 16 of 2009 concerning regional spatial planning and Law No. 41 of 2009 concerning sustainable agricultural land, the government's role in this situation is crucial because, if left unchecked, agricultural land will eventually become a rarity and only exist in the immediate vicinity. The value of Balinese Taksu will decline in rural locations that have not been exploited by tourism.

In addition to preserving the environment, maintaining the function of agricultural land is also to maintain the food security of the Balinese people themselves And not all land can be used as agricultural land, especially rice fields, it would be a pity if areas suitable for rice fields due to the need for exploitation of tourism areas are converted into hotels, villas, shop houses for tourism needs.

Because of this, it is hoped that Perda RTRWP Bali, also known as Regional Regulation Number 3 of 2020 concerning Amendments to Regional Regulation Number 16 of 2009 concerning Spatial Planning for the Province of Bali for 2009–2029, will be implemented with an escort. The Regional Regulation on Zoning Plans for Coastal Areas and Small Islands, which is the second (RZWP3K).

“In structuring and utilizing space, the reference is to the Regents/Mayors throughout Bali, Perda RTRWP, Perda ZWP3K and the Environmental Law. If there is a violation the Governor can immediately give sanctions. Also SOEs operating in Bali such as Pelindo III, AngkasaPura 1, ITDC, PLN and others are required to comply with the existing regional regulations and the environmental law.

4 Conclusion

Exploitation of new tourism places is unavoidable with the rapid development of tourism in Bali, this creates pride for the Balinese people themselves, that Bali is one of the best tourist destinations in the world.

However, the government and the community should be able to respond to this well, so that the natural beauty is not damaged, and the function of agricultural land can be optimized and directed.

The government must be resolute and carry out the sanctions in the land functions. It is hoped that Perda RTRWP Bali, also known as Regional Regulation Number 3 of 2020 concerning Amendments to Regional Regulation Number 16 of 2009 concerning Spatial Planning for the Province of Bali for 2009–2029, will be implemented with an escort in order to control and direct the rate of exploitation of new tourist destinations.

Second, the Regional Regulation on Zoning Plans for Coastal Areas and Small Islands states that when organizing and using space, Bali's Regents/Mayors, Perda RTRWP, Perda ZWP3K, and the Environmental Law should be taken into consideration. If there is a violation the Governor can immediately give sanctions. Also SOEs operating in Bali such as Pelindo III, AngkasaPura 1, ITDC, PLN and others must comply with the existing regional regulations and the environmental law.

Bibliography

1. Journal kementan 25 agustus 2021.
2. Undang-undang no 32 tahun 2009.
3. Baliprawara.com 14 mei 2020 KosterAkuiTelahTerjadiEksplotasiAlamdanBudaya Bali Demi KepentinganPariwisata.
4. balebengong.id 25 jan 2020 "pariwisataeksploitasitanpahenti"

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