



Law Enforcement Against Perpetrators of Physical Destruction of Tourist Attractions in Bali

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Abstract. Indonesia is a country rich in culture and tourism. Tourism is a dynamic activity that involves many humans and brings various fields of business to life. The importance of the role of tourism in economic development in various countries is beyond doubt, and tourism is one of the development sectors currently being promoted by the government. However, the lack of supervision and understanding of the community often causes destruction and pollution of the tourist attraction environment because visitors or visitors to the place, both local and foreign tourists, think that the attraction is a public place and free for anyone who visits there. The aim research is to know how is the regulation against the physical destruction of tourist attractions following Bali Regional Regulation No. 5 of 2020 and the criminal responsibility for the perpetrators of the physical destruction of tourist attraction objects located in Bali Province. This research uses normative legal research types. The regulation regarding the destruction of tourist attractions is regulated in Article 7 paragraph (1) of Bali Provincial Regulation Number 5 of 2020 concerning Standards for the Implementation of Balinese Cultural Tourism explains the prohibition on damaging tourist attractions that can reduce the aesthetics of the place. Responsibility for the destruction of tourist attractions by tourists can be entangled with Article 37 paragraph (1) of Bali Provincial Regulation Number 5 of 2020 concerning Standards for implementing Balinese Cultural Tourism.

Keywords: Law Enforcement · Destruction · Tourist Attractions

1 Introduction

Indonesia is a culturally and economically diverse country. This is clear from the large number of visitors that visit regions scattered across Indonesia's provinces. Tourism is a tourist trap that is repeated or repeated, either intentionally or unintentionally, and can result in a complete experience for the offender. From this perspective, tourist activities are included in tourism activities since they are multiple activities of the tourist activities themselves.

Nowadays, people expect to be able to enjoy a good and healthy environment not only free from environmental pollution that can harm their health but also free from other

disturbances, which, although not harmful to health, can damage the aesthetic aspects of their living environment or the environment in which they live. So the issue of aesthetics and cleanliness is also a concern for many people (Destiny Rahmadi, 2013: 5). Human actions can decrease the quality of the beauty of the tourist environment because tourism is a social activity (Wardiyanta, 2006: 85).

The threat of destruction and environmental pollution of tourist attractions is an important aspect in maintaining and preserving tourist attractions as national assets that contribute to national development by providing employment fields, other economic activities, and foreign exchange income for a country.

The destruction and environmental pollution of tourist attractions in Indonesia are often due to the end of tourists or visitors. Both local and foreign tourists think that tourist attractions are public places and free for anyone who visits there. The lack of understanding of the community in interpreting democracy makes people go wild to interpret the word "free", especially in behaviour (Barda Namawi Arief, 2010: 10).

Another environmental consequence of tourism that may be noticed and investigated is the garbage problem. The garbage created by visitors is an environmental issue that might have an impact on the quality of tourist places. Where the size of the tourist destination region is modest, liquid waste mainly originates from hotels, guest rooms, and restaurants distributed across the tourist attraction. These locations are unavoidably included in ecotourism lodging. However, the care and treatment of the ensuing liquid waste is frequently deficient. To address the issue of water pollution, two tactics are commonly implemented: minimize pollutant sources and treat liquid waste so that it does not harm the environment.

The number of cases that have occurred shows that the supervision and monitoring mechanisms by the government and local governments have not been effectively implemented. In addition, the implementation of criminal sanctions against perpetrators of destruction and environmental pollution of tourist attractions in their fields has not been carried out thoroughly. Furthermore, two big questions can also be asked about the usefulness and effectiveness of the threat of coercion (sanctions). First, it may be the ineffectiveness of the law because the threat factor of coercion is less severe. The second may also be because the threat of coercion is not adequately communicated to the community (Achmad Ali and Wiwie Heryani, 2013: 137). Achmad Ali and Wiwie Heryani also emphasized that every legal regulation and law that threatens sanctions should be carried out with maximum socialization in the community so that both the presence, the content of the rules, and the severity of the threat are known to as many citizens as possible.

Based on the presentation of the background of the problem above, the problem to be reviewed further is how is the regulation on the physical destruction of tourist attractions by Bali Regional Regulation No. 5 of 2020. Moreover, what is the criminal responsibility of the perpetrators of the physical destruction of tourist attraction objects in Bali Province?

As a result, the goal of this research is to determine law enforcement against physical damage to tourist attractions as outlined in Bali Regional Regulation No. 5 of 2020, as well as criminal culpability for perpetrators of physical destruction of tourist attraction items in Bali Province.

2 Method

The research entitled Law Enforcement against Perpetrators of Criminal Acts of Physical Destruction of Bali Tourism Attraction Objects (Bali Regional Regulation Study No. 5 of 2020) is an empirical study. It is said to be empirical research because there is a gap between the solen watershed and the sein watershed, which is the gap between theoretical circumstances and legal facts.

Research is a methodical, systematic, and consistent scientific activity including analysis and development (Soerjono Soekanto, 1984: 42). In composing this research, empirical juridical techniques, juridical methods, essentially a way of producing laws based on legal theories, literature, and rules and regulations that apply in society, will be used. Meanwhile, the empirical approach is a method that involves conducting direct observations or study in the field to obtain unvarnished facts in order to improve this research.

The data studied in empirical legal research are of two types, namely primary data and under (Hasan Iqbal, 2002: 83). The Primary Data used in writing this research is sourced or obtained from interviews in the field conducted by holding a Forum Discussion Group (FGD) of the Prov Tourism Office. Bali and other related agencies, while the primary data sources are the data obtained by the most important sources, in this case, are the Tourism Office and the Tourism Police. Secondary data is information gathered via literature study rather than straight from the initial source. It is instead derived from data that has been documented in the form of legal documents.

This research uses the Statute Approach and the Case Approach. The statute approach is used to examine several existing legal rules by reviewing Bali Regional Regulation No. 5 of 2022 and whether it is not contradictory to Law No. 10 of 2009. The Case Approach is to analyze how the role of the tourism police with the Tourism Office in tackling acts of physical destruction in tourist attraction areas in Bali Province currently refers to Law No. 10 of 2009 and Bali Regional Regulation No. 5 of 2020.

Data collection was carried out through documentation studies and interviews. The data obtained, inventoried and identified and then classified similar materials, recorded and processed them systematically by the objectives and needs of the research. This documentation technique aims to look for conceptions, theories, opinions, and discoveries related to research problems.

This legal research will use the data analysis method used as qualitative analysis. This implies that data is gathered through the use of document study guidelines and interviews. In this study, using this qualitative analysis approach, real data obtained from both primary and secondary sources will be processed and evaluated by carefully gathering data, categorizing and categorizing links between one data and another. Then, after comprehending the overall data quality, interpretation is performed to grasp the meaning of the data, and interpretation is performed from the researcher's perspective. Since the search for data in the field continues until the analysis stage, the analysis process is continuous. The data will be presented descriptively, qualitatively, and systematically after qualitative analysis.

3 Result and Discussion

3.1 Law Enforcement Against Physical Destruction of Tourist Attractions in Accordance with Bali Regional Regulation No. 5 of 2020

Social life or law enforcement will have an important role in community efforts to reduce crime. In fact, in social life, there are often applications of laws that do not run effectively. As a result, the question of legal effectiveness is inextricably linked to the issue of applying, implementing, and enforcing the law in society in order to achieve legal goals. This indicates that the law has intellectual, legal, and societal implications (Soerjono Soekanto, 2004: 13).

Discussing related tourism, of course, we are talking about the environment. In an environment, of course, there is a law and an indicator of Legal Awareness in it. The theory of legal consciousness from Soerjono Soekanto said legal consciousness is abstract conceptions within humans about the harmony between order and the desired or appropriate peace. However, unfortunately, there are so many damages in tourist attractions in Bali where tourists are completely unaware of the applicable law, based on the results of an interview with Mr Ida Bagus Adi Laksana, SE., M.Si. as the Head of Tourism Destination Development of the Bali Provincial Tourism Office, he said that the damage that occurred in a tourist destination was due to the influence of the weather, of course, including tourists who are not aware of maintaining the beauty of the tour, there are many complaints from the tourist guard that what damaged the area was also never seen in person, and the security around the tour was also ineffective.

Human actions and development processes, as well as nature itself, can have an influence on the environment. The devastation caused by irresponsible tourists is an issue that frequently arises in tourist sites. Many of them carry out the devastation on purpose. This problem is no exception in tourist destinations in Bali. Many tourists intentionally or unintentionally damage the tourist attraction, for example, climbing the Padmasana sacred place area, which is certainly one of the destructions tourist attractions and their impact is to reduce the aesthetics of these tourist attractions even though as we all know together the destruction of tourist attractions has been regulated in Article 7 paragraph (1) and article 37 paragraph (1) of Bali Provincial Regulation Number 5 of 2020 concerning Standards for the Implementation of Balinese Cultural Tourism.

If studied through the point of view of law enforcement against tourists, it is carried out when the tourist is suspected of committing a criminal act as evidenced by the damage or pollution they have done and is known by other people, or the management of tourist attractions which then they report the matter to the authorities and then repressive law enforcement is carried out, namely through the investigation and investigation process which is the beginning of the examination process criminal cases which are the business and responsibility of the Police Institution after that the prosecution process by the public prosecutor to carry out the prosecution given by the prosecutor's institution where the jurisdiction where the criminal act occurs and then the examination is in court and is the end of determining whether a person is guilty or not.

3.2 Criminal Liability for Perpetrators of the Crime of Physical Destruction of Tourist Attractions in Bali

Criminal culpability is defined as a deplorable conduct that must be accounted for by the perpetrator. Accounting for the disgusting conduct to the maker, if the maker is also reproached or not reproached. Even while the maker is very surely convicted in the first instance, the maker is almost probably not convicted in the second.

Criminal liability leads to a petitioner's conviction if he has committed a criminal act and fulfils the elements specified in the law. Viewed from the angle of occurrence of a prohibited act, a person will be held accountable for these criminal acts if the act is unlawful (*rechtsvaardigingsgrond*). If it examines the angle of ability to be responsible, then only someone who is "capable of responsibility can be held accountable". A person or suspect of a criminal act will not be found criminally accountable or sentenced to a criminal act if he does not perform a criminal act, according to the components of the law included in criminal responsibility. The criminal conduct must be against the law, but even if someone does perform a criminal act, he may not necessarily be convicted. The individual who performed a criminal conduct will only be convicted if it is demonstrated that he did it lawfully and persuasively.

Tourism activities are not only concerned with the economic problems of the country as multisectoral sector tourism is not in a vacuum but exists in a large system whose components are interrelated with each other with various aspects, including the socio-cultural environment of political security and so on, since the last few days tourism has even become one of the prime-movers in socio-cultural changes in various regions, especially in the tourist destination area.

Apart from the beneficial effects of tourism, it also has a number of negative consequences. Tourism is an activity that directly touches and includes the community in order to have a variety of effects on the local community. Tourism's influence has garnered the greatest attention in the literature, particularly its impact on local populations and the environment.

The influence of popular tourist locations is a concern for the socio-economy, the impact on socio-culture, and tourism impacts many elements of people's life, such as security politics and environmental impact. Human actions and development processes, as well as nature itself, can have an influence on the environment. The application of criminal punishment against offenders of tourist attraction damage and environmental pollution in Bali is governed by article 37, paragraph (1) of The Regional Regulation of Bali Province Number 5 of 2020 Concerning Standards for the Implementation of Bali Cultural Tourism.

The application of sanctions for perpetrators of tourist exploitation of tourist attractions, as specified in Article 37 paragraph (1) of the Bali Provincial Regulation Number 5 of 2020 concerning Standards for the Implementation of Balinese Cultural Tourism, will result in a maximum sentence of three (three) months imprisonment or a maximum fine of Rp. 50,000,000 (fifty million rupiah).

Studied from the aspect of imposing criminal sanctions, it is hoped that it can prevent the destruction and pollution of tourist attractions. The potential for tourism development is closely related to the environment and resources, so this is considered to bring order to the community. In this case, tourists participate in preserving tourist attraction objects.

4 Conclusion

Based on the foregoing, it is possible to conclude that the arrangements for the destruction of tourist attractions are regulated in Article 7 paragraph (1) and Article 37 paragraph (1) of Bali Provincial Regulation Number 5 of 2020 concerning Standards for the Implementation of Balinese Cultural Tourism, which explain the prohibition on damaging tourist attractions that can reduce the aesthetics of the place. The damage that occurs in a tourist destination but due to the influence of the weather, of course, including tourists who are not aware of maintaining the beauty of the tour, there are many complaints from the tourist guard that what damages this area is also never seen directly, and the security around the tour is also ineffective.

If it is related to legal responsibility for the destruction of tourist attractions by tourists, as stated in Article 37 paragraph (1) of the Bali Provincial Regulation Number 5 of 2020 concerning Standards for the Implementation of Balinese Cultural Tourism, with a maximum imprisonment of 3 (three) months or a maximum fine of Rp. 50,000,000 (fifty million rupiah). Criminal sanctions are only of a deterrent effect on the perpetrator without thinking about the recovery or rehabilitation of those resulting from the act of destroying the perpetrator himself.

5 Suggestion

Based on the formulation of the problem and the conclusions previously presented, the author provides advice, namely that it is expected that the application of Article 37 paragraph (1) of the Regional Regulation (PERDA) of Bali Province Number 5 of 2020 concerning Standards for the Implementation of Bali Cultural Tourism with a maximum imprisonment of 3 (three) months or a maximum fine of Rp. 50,000,000 (fifty million rupiahs), therefore the implementation of criminal sanctions in the regulation not only has a deterrent impact on the perpetrators, but criminal sanctions as a rehabilitation of the perpetrator's harmful activities on tourist sites. As well as optimizing synergy between the government and law officers and also involving the role of customary village functions (pedalling) which are well carried out persuasively and reflectively.

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