



Law Enforcement Against Villa Licensing in Badung Regency

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Abstract. This research examines law enforcement related to licensing in Badung Regency, that a permit is an administrative law device used by the government to control its citizens. The existence of licensing activities carried out by the government in essence is to create conditions that development activities are in accordance with their designation, in addition to being more efficient and effective in the context of service to society and development. If the existing problems are not immediately anticipated with fast and intensive control, it is feared that it will reduce the revenue received by the Badung Regency government and affect the activities that will be carried out by the Badung Regency government. One of the supports for tourism is by building villas, and other supporting facilities. This research uses an empirical method, by investigating the terms of the relevant rules and regulations and how they are put into practice in society. From the results of the study, it was found that in the establishment of tourism accommodation, especially villas, there are several licenses that must be fulfilled by business actors, namely: Spatial Information, Online Single Submission, Environmental Permit, Building Permit, or Certificate of Registration for a Tourism Business in the form of an Environmental Management Unit-Environmental Monitoring Unit, or Amdal. Regarding the requirements and registration of permits in establishing villas, from the Office of Integrated Services and One-Stop Investment. In law enforcement that is carried out, it is not fully maximized and optimal, there is still no firm and consistent law enforcement apparatus in taking action against unlicensed villa buildings.

Keywords: Licensing, Control and Law Enforcement, Business Actors.

1 Introduction

Law requires various devices with the aim that the law has good performance. One performance that distinguishes it from others is that the law has rules that are coercive, meaning that if the rules of law are poured into a statute then everyone must implement it.

In addition, to control every activity or behavior of individuals or collectivities that are preventive in nature is through permits, which have similarities such as dispensations, permits, and concessions. A permit is a state administrative decision that allows an act that is generally prohibited, but is permitted and is concrete.

Here, permits are envisioned as tools that can enhance economic efficiency, particularly in initiatives to investigate regional original income (PAD) and speed up investment. A government license is intended to establish a secure and orderly environment where each activity is carried out in keeping with its designated purpose. As opposed to that, because income is crucial to achieving regional autonomy, the government's motivation for licensing is frequently tied to PAD. It is impossible to achieve regional autonomy without sufficient revenue.

The rapid pace of development that has an impact on the increasing demand for space (land) both for government, private and community interests faced with the limited potential land available has resulted in the emergence of many villas that do not have permits, both business licenses and building permits.

If the existing problems are not immediately anticipated with fast and intensive control, it is feared that it will reduce the revenue received by the Badung Regency government (PAD) and have an impact on the government of the Badung Regency's actions.

In connection with the background description above, it can be seen that there are still violations committed by managers and villa owners against the permits required to establish villas. Thus, the topic covered in the pertinent paper is how the licensing of villa development in Badung Regency relates to law enforcement?

2 Research Method

By looking at pertinent laws and regulations like the Republic of Indonesia's Regulation of the Minister of Tourism and Creative Economy Agency No. 29 of 2014 regarding Villa Business Standards and Badung Regent Regulation No. 13 of 2012 regarding the procedures for registering tourism businesses, where there is a gap between *das sollen* (Law in Book) legislation and *das sein* (Law in Action) implementati To supplement the findings of empirical research, primary data sources were gathered through interviews with pertinent participants in this study. While secondary data sources for this research were gathered through direct or indirect quotations from books, journals, scientific papers, and relevant laws and regulations.

3 Results and Discussions

3.1 Law Enforcement Against Unlicensed Villas In Badung Regency

One of the actions in the public policy process is law enforcement, which frequently goes against expectations and even puts the policy product in the path of the policy maker. In formulating policies, the government frequently ignores the genuine requirements of the community. Policy implementation is the process of putting decisions into action after they have been made, such as when a law or other legislative regulation is passed, an executive order is issued, a court order is issued, or when regulatory standards are issued, and when a policy's effects on society are determined. Even if a policy is implemented appropriately, there is still a chance that it will fail to accomplish the objectives that its creators intended. This happens when the implementation process is subpar.

When describing the Pamong Praja Police Unit Office's efforts to enforce the law, it is important to note that since the goal of law enforcement is to uphold moral principles that include justice and truth, it extends beyond those individuals who are typically associated with the profession. The Pamong Praja Police Unit Office is one of the local government agencies with the authority to monitor and punish people who violate community peace and order, according to Badung Regency Regional 7th Regulation of 2016 concerning Public Order and Community Peace.

Before taking action against licensing infractions, A. A. Oka Ambara Dewi, the head of the Regional Regulations Enforcement Division and Regulations of the Regional Head, states that there must be complaints from the public or patrol reports by members of the Badung Regency Pamong Praja Police Unit. According to data provided by the Pamong Praja Police Unit Office, business actors violated 354 permits in 2019. These violations included 83 cases of building construction permit violations (IMB), 63 cases of spatial information violations (ITR), 70 cases of environmental permit violations, whether they were SPPL, UKL-UPL, or Amdal, 70 cases of online single submission violations (OSS), and 68 cases of violations of the tourism business registration certificate (Tanda Daftar Usaha Pa).

Soerjono Soekanto claims that there are five factors that typically influence how law enforcement responds to villas that violate licensing. These are as follows:

1. The easier it will be to enforce a legal restriction, the more important the legal aspect is. On the other hand, it will be more challenging to enforce the law the worse the rule of law is. In general, it can be said that excellent legal rules are rules that hold true from a legal, sociological, and philosophical perspective.
2. The success of law enforcement efforts in society is greatly dependent on the parties who create and enforce the law, as well as the parties directly involved in the process, such as the police, prosecutors, judiciary, advocates, and correctional institutions.
3. Tools or infrastructure that support law enforcement; without particular tools or infrastructure, law enforcement cannot function properly. These resources include, among other things, human resources who are educated and skilled, effective organization, appropriate equipment, and so on. Law enforcement cannot accomplish its objectives if these conditions are not met.
4. Community considerations, including the setting in which the law is applied or is not applied. Public legal knowledge is the most crucial component of the community that affects law enforcement. The likelihood of effective law enforcement increases with public legal understanding. On the other hand, effective law enforcement will be more challenging the less knowledgeable the population is of the law. Having legal awareness entails:
 - a. Knowledge of the law
 - b. Appreciation of the function of the law
 - c. obedience to the law

5. Cultural influences, including those resulting from labor, artistic production, and taste based on the human spirit in relationships with life. The easier it is to enforce laws, the more they will correspond to societal norms. Conversely, it will become more challenging to adopt or enforce the relevant legal regulation if it is in conflict with or adverse to society's culture.

Based on the factors above, when associated with law enforcement against villa licensing in Badung Regency, then:

1. The legal factors themselves (laws and regulations), which are defined as Regional Ordinance No. 26 of 2013 regarding the Regional Spatial Plan of Badung Regency 2013-2033 and Badung Regent Regulation Number 49 of 2018 regarding One-Stop Integrated Services Online Implementation Guidelines have explicitly outlined the application process for a Spatial Information permit (ITR), Concerning electronically integrated business licensing services, government regulation number 24 of 2018 has clearly regulated the permit procedures contained in the Online Single submission (OSS), Guidelines for the Preparation and Assessment and Examination of Environmental Documents in the Implementation of Electronically Integrated Business Licensing Services are outlined in Regulation of the Minister of Environment and Forestry Number P.26 / MENLHK / SETJEN / KUM.1 / 7/2018 and Badung Regent Regulation Number 20 of 2015 concerning Types of Business / Activities that are Required to Have Environmental Management Efforts and Environmental Monitoring Efforts. In relation to the Implementation of Electronically Integrated Business Licensing Services: Guidelines for the Preparation, Assessment, and Examination of Environmental Documents and Badung Regent Regulation Number 20 of 2015 concerning the process for requesting environmental licenses, whether it be through Amdal, UKL-UPL, SPPL, or other channels, is governed by Types of Business / Activities that are Required to Have Environmental Management Efforts and Environmental Monitoring Efforts in Badung Regency. The Regional Regulation of Badung Regency Number 27 of 2013 concerning the Implementation of Building Permits and the Regulation of the Minister of Tourism Number 10 of 2018 concerning Electronically Integrated Business Licensing Services in the Parallel Sector both clearly define the application process for building permits (IMB) in Badung Regency.
2. The law enforcement factor, so what is meant by the law enforcement factor is that the authority to take action against violations of villa licenses in Badung Regency is the Badung Regency Pamong Praja Police Unit Office, this is based on Regional Regulation Number 7 of 2016 for Public Order and Community Peace in Badung Regency.
3. Facilities that support law enforcement, so what is meant by the facilities and facilities factor in law enforcement against villa licensing is that the Badung Regency Pamong Praja Police Unit cannot periodically monitor because it is constrained by limited operational costs.
4. Community Factors, that the form of public concern by reporting villas that violate licenses is still low.
5. Cultural Factors, namely the culture of business actors in orderly rules is still low.

4 Conclusion

When enforcing the law against unauthorized villas in Badung Regency, Pamong Praja Unit Office did so in accordance with Government Regulation Number 16 of 2018 concerning Pamong Praja Police Unit and Badung Regency Regional Regulation Number 7 of 2016 concerning Public Order and Community Peace. In order to address violations of regional regulations and regional head regulations, the Badung Regency Pamong Praja Police Unit Office has

taken the following actions: it has sent warning letters 1 and 2 to violating business actors; if they continue to do so, it has issued a summons 1; and, if they do not appear, the matter will be handled by the judicial team, who may order a temporary suspension of operational activities.

Soerjono Soekanto asserts that there are five factors that often influence how law enforcement responds to villas that breach permits. These are as follows: the actual legal aspect; factors involved in law enforcement, i.e., those who create and implement the law; infrastructures or facilities supporting law enforcement as factors; community-specific elements, namely the setting in which the law is applied or is applicable; specifically, work, creativity, and taste based on human *karsa* in the association of life have an impact on culture.

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