



ILEGAL COASTAL DEVELOPMENT AND ITS ENVIRONMENTAL IMPACTS: POLICY CHALLENGES IN VILLA CONSTRUCTION ALONG DEN CARIK BEACH, BULELENG

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Abstract

The illegal construction of villas along the coastal area of Den Carik Beach, Buleleng Regency, presents a critical challenge in spatial planning, environmental protection, and law enforcement. These unauthorized developments have caused significant ecological degradation, disrupted coastal ecosystems, and restricted public access to coastal spaces. This paper normatively analyzes the legal and policy implications of such unlawful development and examines the regulatory challenges in achieving sustainable coastal management. Employing a normative legal approach through literature-based analysis, this study reviews relevant statutory provisions, including Law No. 26 of 2007 on Spatial Planning, Law No. 27 of 2007 in conjunction with Law No. 1 of 2014 on the Management of Coastal Areas and Small Islands, and regional regulations applicable in Buleleng Regency. The findings indicate that the lack of legal enforcement, weak regulatory oversight, and overlapping authorities are the main contributing factors to continued violations in coastal zones. This article recommends the reform of the legal and institutional framework, including regulatory harmonization between national and regional laws, strengthening administrative supervision, and increasing accountability in the permitting process. Furthermore, the study underscores the importance of embedding ecological justice and environmental sustainability as fundamental principles in coastal development policies, especially in areas where ecological function intersects with tourism value.

INTRODUCTION

Coastal areas are strategic zones that play a crucial role in supporting the economic, social, cultural, and ecological dimensions of a region. These areas serve as habitats for a wide variety of flora and fauna, act as natural barriers protecting shorelines from sea abrasion, and function as spaces for recreation and tourism. In addition to being the primary area for fishermen and tourism-related activities, coastal zones also hold significant ecological value due to their rich biodiversity and complex ecosystems. Today, coastal regions offer immense opportunities for tourism development, contributing to local and national economic growth.

However, the dynamics of development in coastal areas often give rise to a range of problems, particularly concerning spatial governance and legal violations. These issues pose serious threats to environmental sustainability and often stem from weak regulatory enforcement, poor planning, and insufficient environmental oversight. The rapid growth of tourism infrastructure, although economically promising, frequently proceeds without adequate environmental consideration.

This phenomenon is clearly evident in the Den Carik Beach area, located in Buleleng Regency, Bali. Despite its ecological sensitivity and the need for protection, the coastal zone has come under significant pressure due to the uncontrolled and large-scale construction of villas. Many of these developments are carried out without the necessary legal permits, lack Environmental Impact Assessments (EIA/AMDAL), and violate existing spatial planning regulations. As a result, the coastal ecosystem has been increasingly degraded, the natural protective functions of the shoreline have been compromised, and potential conflicts of interest between business actors, local communities, and government institutions have intensified. Based on these circumstances, this study aims to examine and highlight the topic titled: **“ILLEGAL COASTAL DEVELOPMENT AND ITS ENVIRONMENTAL IMPACTS: POLICY CHALLENGES IN VILLA CONSTRUCTION ALONG DEN CARIK BEACH, BULELENG.”**

RESEARCH METHODS

This study employs a normative juridical method, which is a legal research approach conducted by examining primary and secondary legal materials relevant to the issue of illegal coastal development, particularly in the case of villa construction along Den Carik Beach, Buleleng Regency. This approach aims to analyze the applicable legal norms and evaluate the effectiveness of policy frameworks in regulating and addressing violations of spatial planning and environmental protection in coastal areas. The normative approach in this research focuses on the analysis of statutory regulations, such as Law No. 26 of 2007 on Spatial Planning, Law No. 27 of 2007 in conjunction with Law No. 1 of 2014 on the Management of Coastal Areas and Small Islands, and relevant regional regulations enacted in Buleleng Regency concerning spatial planning, building permits, and environmental conservation. The legal materials were collected through library research, involving the identification, classification, and review of legal documents, scholarly literature, and other secondary sources relevant to the research focus. The analysis was conducted using a descriptive qualitative method, where the substance of laws and prevailing policy practices is systematically described and interpreted. The findings are then analyzed to identify regulatory gaps, challenges in policy implementation, and to formulate policy reform

recommendations based on the principles of environmental sustainability and ecological justice.

RESULTS AND DISCUSSION

Environmental Impacts of Illegal Villa Development in the Coastal Area of Den Carik, Buleleng

The illegal construction of villas in the coastal area of Den Carik, Buleleng Regency, represents a serious violation of Indonesia's environmental law and spatial planning principles. This development poses significant threats to the ecological balance of the coastal ecosystem. Coastal areas play a strategic role in the national ecological system, functioning as buffer zones between land and sea, serving as habitats for diverse flora and fauna, and providing livelihoods for local communities, especially fishermen.

According to Law No. 27 of 2007 in conjunction with Law No. 1 of 2014 on the Management of Coastal Areas and Small Islands, coastal zones must be managed sustainably through strict and participatory zoning planning. The construction of villas in this area—carried out without environmental permits and in violation of coastal setback provisions—clearly contravenes several legal instruments, including:

- a. Articles 26 and 36 of Law No. 32 of 2009 on Environmental Protection and Management, which mandate that any activity with potential environmental impacts must obtain environmental documents (AMDAL or UKL-UPL) as a mandatory prerequisite before the issuance of business or development permits.
- b. Article 50 points a and b of Law No. 26 of 2007 on Spatial Planning, which stipulate that land use must conform to regional spatial plans and must not cause environmental degradation.
- c. The Regional Regulation of Buleleng Regency on Spatial Planning (RTRW), which designates the coastal setback zone as a protected area where the construction of permanent buildings is strictly prohibited.

Fundamentally, such illegal development violates three main principles in environmental law:

1. **Precautionary Principle:**
This principle requires that all activities with the potential to cause environmental harm must be prevented, even in the absence of complete scientific certainty. In the context of villa development in Den Carik, construction in coastal areas should be preceded by thorough environmental assessments and clearly defined permits in accordance with the AMDAL requirements.
2. **Preventive Action Principle:**
Emphasizes the need to avoid environmental damage before it occurs, rather than repairing it afterward.
3. **Sustainable Development Principle:**
Permits development as long as it does not disrupt the ecological, social, and economic balance in the long term.

If we relate the environmental impacts of illegal villa development in Den Carik to existing laws and environmental principles, it can be concluded that such development results in substantial ecological damage, as follows:

- a. **Destruction of Coastal Ecosystems:**

The Buleleng coastline is renowned for its biodiversity. Reports show that the villas in Den Carik have encroached 30–50 meters into the coastal setback area, significantly threatening coastal ecosystems such as mangrove habitats and essential marine biota that maintain oceanic balance.

- b. **Increased Risk of Natural Disasters:**
Coastal development without environmental assessments (AMDAL) significantly raises the risk of natural disasters such as coastal abrasion, erosion, tidal flooding, tsunamis, disrupted water systems, and potential landslides.
- c. **Violation of Environmental Regulations:**
Villa construction that encroaches on the coastal setback area potentially violates Regional Regulation No. 3 of 2024 concerning Public Order and Spatial Planning. This demonstrates a lack of compliance with regulations designed to protect the coastal environment from development-induced degradation.
- d. **Socio-Economic Impacts:**
The development of villas on customary village lands in Den Carik without clear agreements has triggered conflicts between villa operators and the local community. Such developments often displace traditional livelihoods—particularly small-scale fishing—thus undermining the local economy and cultural practices.

Legal Policy Governing Development in Coastal Areas

Development in Indonesia's coastal regions is governed by various legal regulations designed to protect the ecological function of coastal areas and ensure sustainable spatial utilization. Coastal areas have a strategic position as a buffer zone between the sea and the land, so all forms of development in it must comply with spatial planning and environmental protection provisions. In the case of the construction of illegal villas in the coastal area of Den Carik, Buleleng, there are a number of legal policies that expressly regulate and prohibit the practice of construction without permits in the coastal border zone.

First, Law No. 27 of 2007 jo. Law No. 1 of 2014 concerning the Management of Coastal Areas and Small Islands states that every activity in the use of coastal space must refer to the Zoning Plan for Coastal Areas and Small Islands (RZWP3K). This zoning is the legal basis that determines which areas can be used, and which must be protected. Development without reference to zoning is a violation of the principle of integration and sustainability of coastal area management.

Second, Law Number 32 of 2009 concerning Environmental Protection and Management requires every activity that has the potential to cause environmental impacts to have an EIA or UKL-UPL document as a condition for the issuance of environmental permits. In Article 36 paragraph (1), it is emphasized that development without an environmental permit is a form of administrative violation and can be subject to strict sanctions, including the termination of activities and the restoration of environmental functions.

Third, Law Number 26 of 2007 concerning Spatial Planning stipulates that the use of space must be in accordance with the Regional Spatial Plan (RTRW) and is strictly prohibited from damaging the environment. Article 50 emphasizes that any

use of space that is not in accordance with the spatial plan or that causes environmental damage is an illegal act that can be subject to administrative, civil, and criminal sanctions.

In addition, the Buleleng Regency Regional Regulation on RTRW states that coastal border areas are categorized as coastal protected areas, which are not allowed for permanent development activities, except for conservation purposes or public facilities that do not damage the ecosystem.

In addition, there are several other supporting regulations such as:

1. Presidential Regulation No. 51 of 2016 concerning Coastal Boundary Boundaries, which establishes the coastal boundary line as a permanent development prohibition area.
2. Regulation of the Minister of ATR/BPN No. 17 of 2016 concerning Zoning Guidelines for Coastal Areas and Small Islands.
3. Minister of Environment and Forestry Regulation No. P.38/MENLHK/2019 concerning Types of Businesses and/or Activities that Must Have an EIA.

The presence of these regulations shows that the state has provided a fairly complete legal apparatus to regulate development in coastal areas. However, weak oversight, lack of law enforcement, and the still rampant practice of unlicensed development indicate that policy implementation is still a serious challenge. Therefore, firm and consistent law enforcement is urgently needed to maintain the sustainability of the coastal environment and ensure fair and environmentally friendly development.

Challenges of Implementation and Law Enforcement against Illegal Development

The Regulations on Goods and Regulations in Indonesia provide a strong legal framework in regulating development in coastal areas, and the implementation and enforcement of the law on the ground still face serious challenges. This can be seen in the case of the construction of illegal villas in the coastal area of Den Carik, Buleleng, which took place without an environmental permit and violated spatial planning provisions.

a. Weak Supervision and Coordination Between Institutions

The handling of spatial and environmental violations involves many government agencies at the central and regional levels. Unfortunately, coordination between these institutions often does not run optimally. As a result, supervision of development in coastal areas becomes ineffective, and it is not uncommon for one institution to not know of violations that have occurred due to the lack of an integrated reporting system.

b. Limited Capacity and Resources

Limited budgets, technology, and human resources who have technical expertise in the field of environmental supervision and spatial planning are obstacles for areas like Buleleng. This insufficient capacity makes field supervision rarely carried out periodically and thoroughly, thus making room for illegal development activities to continue.

c. Low Levels of Legal Compliance

Many developers, especially in the property and tourism sectors, have a minimal understanding of zoning rules, coastal boundaries, and environmental document obligations. Even when violations are known, administrative sanctions are often not imposed firmly, which makes the deterrent effect suboptimal.

d. The Existence of Economic and Political Interests

In some cases, illegal development is carried out by parties with economic power or proximity to local political elites. This situation weakens the neutrality of law enforcement officials and increases the chances of legal compromises that are contrary to the spirit of environmental protection and spatial justice.

e. Lengthy and Less Responsive Legal Procedures

Enforcement of environmental and spatial planning violations requires a long process, ranging from field audits, verification of violations, to enforcement of sanctions through administrative, civil, or criminal channels. These lengthy procedures often fail to catch up with the pace of illegal construction that has already been carried out, making recovery more difficult and expensive.

CONCLUSION

The illegal construction of villas in the coastal area of Den Carik, Buleleng Regency, constitutes a serious violation of the principles of environmental law and spatial planning in Indonesia. Development activities conducted without environmental permits, without undergoing the Environmental Impact Assessment (AMDAL) process, and encroaching upon the coastal setback zone have resulted in significant damage to coastal ecosystems, increased the risk of natural disasters, and triggered social conflicts between investors and local communities. Based on normative analysis of legal instruments such as Law No. 26 of 2007 on Spatial Planning, Law No. 27 of 2007 in conjunction with Law No. 1 of 2014 on the Management of Coastal Areas and Small Islands, and Regional Regulations of Buleleng Regency, it can be concluded that the legal framework governing coastal development is relatively comprehensive. However, weak monitoring, limited institutional capacity, and low compliance by developers remain the primary factors contributing to persistent violations in coastal zones.

RECOMMENDATION

1. Revitalization of Monitoring Functions by Central and Local Governments

There is a need to reform the monitoring system using spatial data technology and community involvement to oversee development activities in coastal areas, especially in zones prone to violations.

2. Optimization of Law Enforcement through a Multidisciplinary Approach

Legal actions against violations of spatial and environmental regulations should integrate administrative, criminal, and civil law perspectives and be carried out transparently to prevent interference from vested interests.

3. Capacity Building for Institutions and Human Resources

Continuous training is necessary for regulatory officers, policymakers, and stakeholders in the field of coastal management based on principles of sustainability and ecological justice.

4. Legal Protection for Indigenous and Local Communities

The government must guarantee the rights of local communities affected by illegal development and ensure broader participation in spatial planning and coastal resource utilization.

5. Evaluation and Harmonization of National and Regional Policies

Regular synchronization between national policies (such as RTRWN and RZWP3K) and regional regulations (RTRW and local spatial bylaws) is essential

to prevent jurisdictional conflicts and legal loopholes exploited by illegal developers.

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