

THE ROLE OF THE TRADITIONAL VILLAGE IN THE DEVELOPMENT OF MATAHARI TERBIT BEACH, SANUR, DENPASAR CITY

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Abstract

Matahari Terbit Beach in Sanur is one of the strategic coastal areas in Denpasar City serving economic, social, cultural, religious, and tourism functions. Rapid tourism development has significantly affected coastal spatial planning, requiring governance capable of balancing development, environmental preservation, and the protection of customary values. The Traditional Village (Desa Adat), as a customary law community institution in Bali, possesses authority derived from traditional rights recognized under Indonesian national law and Balinese customary law. This research aims to examine the authority of the Traditional Village in managing Matahari Terbit Beach and to identify the obstacles encountered in its implementation. This study employed an empirical legal research method using statutory, conceptual, and sociological approaches. Data were collected through literature studies, field observations, and interviews with customary village authorities and relevant government institutions. Data were analyzed using qualitative descriptive methods. The findings indicate that the Sanur Traditional Village plays a strategic role in regulating sacred zones, community economic areas, fishermen's zones, tourism areas, and environmental conservation based on the philosophy of Tri Hita Karana. This authority is exercised through cooperation with the Denpasar City Government, the Bali Provincial Government, the Traditional Village-Owned Enterprise (BUMDA), and active community participation. However, implementation still faces several challenges, including increasing tourism activities, spatial changes caused by the development of Sanur Harbor, limited inter-agency coordination, inadequate management of street vendors, insufficient public facilities, and the lack of synchronization between development policies and customary interests. Therefore, strengthening legal regulations, institutional coordination, and community participation is essential to achieve sustainable coastal management.

Keywords: Traditional Village, Coastal Management, Matahari Terbit Beach, Tri Hita Karana.

INTRODUCTION

Indonesia is an archipelagic nation with an extensive coastline, making the management of coastal areas a vital component of national development. Coastal zones serve not only an ecological function as environmental buffers but also fulfill social, cultural, economic, and national defense roles. In Bali Province, coastal areas possess particularly complex characteristics; beyond serving as a premier international tourism destination, the coastline also

constitutes a sacred space for the performance of various religious ceremonies by the Hindu community.

Sanur's Matahari Terbit Beach is a strategic area in Denpasar City that serves multiple functions: as a tourism destination, a conservation zone, a space for community economic activity, a fishing area, and a sacred site for the Melasti ceremony and various other religious rituals. With the growth of the tourism sector, the area has experienced increased development activity, resulting in changes to the coastal spatial layout, heightened environmental pressure, and conflicts of interest between cultural preservation, economic development, and environmental protection. These conditions necessitate a management system capable of balancing all competing interests.

In this context, the Desa Adat (Customary Village) holds a pivotal position. The Desa Adat in Bali represents a form of customary law community that enjoys constitutional recognition—specifically under Article 18B, Paragraph (2) of the 1945 Constitution of the Republic of Indonesia. This article affirms the recognition of customary law community units and their traditional rights, provided they remain extant and align with societal evolution and the principles of the Unitary State of the Republic of Indonesia. This recognition is further reinforced by Bali Provincial Regulation Number 4 of 2019 concerning Desa Adat in Bali, which empowers these villages to safeguard customs, culture, the environment, and village assets, as well as to pursue development grounded in local wisdom.

The role of the Desa Adat (Customary Village) in the development and organization of Matahari Terbit Beach, Sanur, extends beyond merely preserving customs and traditions; it encompasses regulating spatial use, overseeing community economic activities, protecting sacred areas, managing community-based tourism, and ensuring environmental conservation based on the Tri Hita Karana philosophy. This philosophy establishes the balance of relationships-between humans and God (Parhyangan), among humans (Pawongan), and between humans and nature (Palemahan)-as the foundation for sustainable development in Bali.

On the other hand, coastal area development has also introduced various new challenges. Developments such as the construction of Sanur Port, rising tourism investment, the growth of informal vendors, land-use changes, and an increasing number of tourists have placed pressure on the institutional capacity of the Desa Adat (Customary Village) to exercise its authority. Furthermore, coordination among the local government, technical agencies, tourism business operators, and the Desa Adat requires strengthening to prevent overlapping authority in coastal area management.

Given these circumstances, this study addresses two primary issues: the regulatory framework governing the Desa Adat's authority regarding the spatial arrangement of Sanur's Matahari Terbit Beach, and the obstacles encountered in exercising that authority. This research aims to contribute to the development of local government law, customary law, and environmental law-specifically regarding collaborative models between the government and customary law communities-to achieve sustainable coastal area management.

METHOD

This study constitutes empirical legal research, examining the implementation of legal norms within the practices of governance and community life. Empirical legal research goes beyond merely analyzing statutory provisions; it investigates how the law is applied by legal subjects in real-world contexts-specifically regarding the exercise of authority by the Customary Village in managing the coastal area of Matahari Terbit Beach, Sanur. By combining a normative approach with empirical facts, this study provides an overview of the effectiveness with which the Desa Adat exercises its authority to achieve sustainable coastal area governance.

RESULTS AND DISCUSSION

Regulation of Customary Village Authority in the Arrangement of Matahari Terbit Beach, Sanur

The existence of Customary Villages in Bali Province represents a manifestation of state recognition regarding the existence of customary law communities, as guaranteed by Article 18B, Paragraph (2) of the 1945 Constitution of the Republic of Indonesia. This recognition grants the legitimacy to regulate and manage the interests of the customary community based on their ancestral rights, cultural values, customs, and the customary law prevailing within the community. This recognition was further reinforced by Bali Provincial Regulation Number 4 of 2019 concerning in Bali.

From the perspective of state administrative law, authority constitutes both a right and an obligation conferred by legislation upon a government body to perform specific legal acts. Philipus M. Hadjon explains that authority is a legal power derived from attribution, delegation, or mandate; consequently, every government action must be grounded in a clear legal basis. Thus, the authority of the Desa Adat (Customary Village) regarding the management of coastal areas stems not merely from customary practices but also derives legitimacy from the national legal system.

Matahari Terbit Beach in Sanur is a strategic area serving multiple functions: as a tourism destination, a conservation zone, a fishing area, a space for community economic

activity, and a sacred site for Balinese Hindu religious ceremonies. Given this functional complexity, the management of the coastal area cannot be handled solely by the government; it requires the active involvement of the Desa Adat as the holder of social and cultural authority.

1. Coastal Area Zoning

The Customary Village (Desa Adat), in collaboration with the Denpasar City Government, has established zoning for the area based on social, cultural, economic, and environmental functions. This zoning encompasses sacred areas, tourism zones, community economic zones, fishing zones, and mangrove forest conservation areas. The zoning aims to prevent conflicts regarding spatial use while maintaining a balance between customary interests and tourism development.

2. Preservation of Tri Hita Karana Values

All policies regarding the management of Matahari Terbit Beach are grounded in the Tri Hita Karana philosophy, which emphasizes balanced relationships between humans and God (Parhyangan), among humans (Pawongan), and between humans and the environment (Palemahan). This philosophy is put into practice through the preservation of sacred areas, restrictions on activities that could pollute the environment, the implementation of communal cooperation (ngayah), and the monitoring of tourist behavior.

3. Customary Village-Based Economic Management

The Sanur Customary Village established a Customary Village-Owned Enterprise (BUMDA) to manage economic activities in the Matahari Terbit Beach area. Through the BUMDA, various community economic activities are managed professionally, ensuring that the economic benefits of the tourism sector can be directly enjoyed by the indigenous community.

4. Partnerships with Local Government

The Customary Village exercises its authority through cooperation with the Denpasar City Government, the Bali Provincial Government, the River Basin Agency, the Tourism Office, the Environmental Agency, and other technical bodies. This collaboration serves as an implementation of participatory governance (collaborative governance).

Challenges Faced by the Customary Village in the Redevelopment of Matahari Terbit Beach, Sanur

In general, the exercise of authority by the *Desa Adat* (Customary Village) regarding the organization and management of Matahari Terbit Beach in Sanur has proceeded well; however, implementation challenges persist that affect the effectiveness of coastal area management. These obstacles stem not only from legal aspects but are also influenced by tourism growth, development dynamics, institutional coordination, and social changes within the community.

According to the theory of legal effectiveness proposed by Soerjono Soekanto, the successful implementation of a legal regulation is influenced by five factors: legal substance, law enforcement officials, facilities and infrastructure, the community, and legal culture. Based on this theory, the various challenges faced by the Sanur Desa Adat can be analyzed as follows.

1. Increased Tourism Activity

Matahari Terbit Beach in Sanur is a premier tourist destination in Denpasar City, visited daily by both domestic and international tourists. While the rising number of tourists positively impacts the local community's economic growth, it simultaneously places pressure on the coastal area's carrying capacity.

The surge in tourism activities has led to increased waste volumes, traffic congestion, a greater need for parking spaces, and the use of public areas in ways that often disregard the functions of customary (adat) zones. These conditions necessitate more intensive oversight by the Customary Village (Desa Adat) to maintain a balance between economic, social, cultural, and environmental interests.

Furthermore, rising investment in the tourism sector threatens to reduce the open spaces traditionally used by the indigenous community for religious activities. Consequently, any development must respect the existence of sacred areas in accordance with the Tri Hita Karana philosophy.

2. Impact of Sanur Port Development on Spatial Layout

The construction of Sanur Port-a national strategic project-has significantly altered the spatial layout of the Matahari Terbit Beach area.

The port has improved maritime transport access to Nusa Penida, Nusa Lembongan, and Nusa Ceningan, resulting in a substantial increase in tourist numbers. However, this heightened activity has also caused a shift in the function of certain coastal areas that previously served as public spaces for the indigenous community. Increased tourist mobility has driven up the demand for parking facilities, passenger terminals, and supporting infrastructure, while also necessitating traffic management around the beach area. Under these circumstances, the Customary Village must adapt

its area management without compromising the integrity of previously designated sacred sites or conservation zones.

3. Suboptimal Inter-agency Coordination

Coastal area management involves various government institutions with distinct areas of authority. These include the Denpasar City Government, the Bali Provincial Government, the Bali-Penida River Basin Agency, the Tourism Office, the Environment Agency, the Transportation Agency, the National Land Agency, the Administrative Village (Desa Dinas), and the Customary Village (Desa Adat).

The involvement of numerous institutions with overlapping or distinct authorities often hinders optimal coordination. In some instances, differences in perception persist regarding the direction of regional development, permitting mechanisms, and development program priorities.

Philipus M. Hadjon explains that every exercise of governmental authority must be carried out based on the principles of legality and coordination to prevent conflicts of authority between government bodies. Therefore, a more effective coordination mechanism is required through a joint forum involving the local government and the Customary Village.

4. Regulation of Street Vendors

Street vendors play a vital role in supporting the economic activities of the community surrounding Matahari Terbit Beach, Sanur. Most of these vendors are locals who rely on the tourism sector for their livelihoods.

However, the growing number of vendors has often led to disorganized use of public space. Some vendors occupy pedestrian walkways or areas intended as public open spaces, thereby diminishing tourist comfort.

The Customary Village has undertaken various regulatory efforts including designating trading locations, providing guidance to the community, and coordinating with the Denpasar City Government. Nevertheless, land constraints have prevented these measures from being fully implemented.

5. Limited Facilities and Infrastructure

Another challenge facing the Customary Village is the limited infrastructure and facilities supporting the management of the beach area. Research indicates that several facilities require improvement, including:

1. parking areas;
 2. public restrooms;
 3. waste disposal bins;
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4. pedestrian walkways;
5. green open spaces;
6. area lighting;
7. tourist information centers;
8. facilities for people with disabilities.

These facility limitations impact tourist comfort and affect the overall effectiveness of area management.

6. Harmonizing Customary Interests with Tourism Development

The most complex challenge lies in maintaining a balance between economic development through the tourism sector and the preservation of Balinese customs and culture. Matahari Terbit Beach is not merely a tourist area; it is also a sacred site used for the Melasti and Nganyut ceremonies, as well as various other Hindu religious activities.

Development that is overly investment-oriented risks encroaching upon the sacred spaces of the indigenous community. Conversely, excessive restrictions on development could hinder improvements in community welfare. Therefore, a collaborative governance model is required—one that involves the local government, (Customary Villages), the community, academics, and business stakeholders in every stage of planning and policymaking regarding coastal area development. This model aligns with the Tri Hita Karana philosophy, which establishes harmonious relationships-between humans and God (Parhyangan), among humans (Pawongan), and between humans and the environment (Palemahan)-as the foundation for sustainable development in Bali.

The existence of the Desa Adat within Indonesia's state governance system represents a form of state recognition of customary law communities, as affirmed in Article 18B, Paragraph (2) of the 1945 Constitution of the Republic of Indonesia. This provision grants constitutional legitimacy to the state's respect for customary law community units and their traditional rights, provided they remain active and consistent with societal evolution and the principles of the Unitary State of the Republic of Indonesia. This constitutional recognition is implemented in Bali Province through Bali Provincial Regulation Number 4 of 2019 concerning Desa Ada in Bali, which empowers these customary villages to administer customary governance, preserve culture, protect the environment, manage customary assets, and participate in regional development.

Research findings indicate that the Sanur Customary Village has exercised its authority by zoning areas for sacred sites, community economic activities, fishing, tourism, and conservation—all grounded in the Tri Hita Karana philosophy. The exercise of this authority demonstrates that the Customary Village functions not merely as a traditional institution managing religious activities, but has evolved into a local institution playing a strategic role in governance and community-based development.

CONCLUSION

Based on the research findings and discussion regarding the role of the Desa Adat (Customary Village) in the development and organization of Matahari Terbit Beach, Sanur, Denpasar City, the following conclusions can be drawn:

1. The regulation of the Desa Adat's authority regarding the development of Matahari Terbit Beach, Sanur, rests on a strong legal foundation, both constitutionally and under statutory law. Recognition of the existence of customary law communities—as stipulated in Article 18B paragraph (2) of the 1945 Constitution of the Republic of Indonesia and Bali Provincial Regulation Number 4 of 2019 concerning Desa Adat in Bali—grants the Desa Adat the legitimacy to regulate, manage, and preserve the coastal area based on ancestral rights and customary values upheld by the community.³⁴ This authority is exercised through the zoning of sacred areas, tourism zones, community economic zones, fishing zones, and conservation areas, all guided by the Tri Hita Karana philosophy. The Desa Adat also coordinates with the Denpasar City Government, the Bali Provincial Government, the Desa Adat-owned enterprise (BUMDA), and the community to maintain a balance between tourism development, cultural preservation, and environmental protection.
2. The exercise of the Desa Adat's authority still faces various challenges, including: increasing tourism activity that strains the coastal area's carrying capacity; spatial changes resulting from the construction of Sanur Port; suboptimal inter-agency coordination; the need for further refinement in the management of street vendors; limited supporting facilities and infrastructure; and the need to harmonize economic development interests with the preservation of the indigenous community's sacred areas.

Suggestion

Based on the research findings, the author offers the following recommendations:

1. The Bali Provincial Government and the Denpasar City Government need to strengthen regulations governing coordination mechanisms between local government and Desa Adat (Customary Villages) regarding coastal area management, so as to prevent overlapping authority during development implementation.
2. The community needs to continue increasing its participation in maintaining cleanliness, security, and environmental sustainability, as well as preserving sacred areas in accordance with Tri Hita Karana values, as a shared responsibility for the preservation of the Matahari Terbit Sanur Beach area.

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