

Law Enforcement Regarding Spatial Use in Residential Areas According to the Badung Regency Spatial Plan

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Abstract

Spatial utilization is a crucial aspect of development, aiming to strike a balance among economic, social, and cultural interests and environmental sustainability. As a hub for economic growth and tourism in Bali Province, Badung Regency faces various challenges regarding spatial utilization—specifically, the expansion of residential areas that does not fully align with the Regional Spatial Plan (RTRW). This situation has led to the conversion of agricultural land, a reduction in Green Open Spaces (RTH), and increased environmental pressure, while also creating legal issues regarding the control of spatial utilization. This study aims to analyze law enforcement concerning residential spatial utilization in accordance with the Badung Regency RTRW and to identify the obstacles local government faces in supervising and taking action against spatial planning violations. The study employs a normative legal method supported by empirical research, utilizing statutory, conceptual, and field-based approaches. A descriptive-qualitative analysis was conducted using primary, secondary, and tertiary legal materials gathered through literature reviews and fieldwork. The results indicate that law enforcement regarding spatial utilization in Badung Regency has been implemented through instruments such as licensing, supervision, control, the imposition of administrative sanctions, and inter-agency coordination. However, the effectiveness of law enforcement remains hindered by obstacles such as weak supervision, high investment pressure, low public compliance with the RTRW, limited personnel resources, and suboptimal inter-agency coordination. Therefore, it is necessary to strengthen information technology-based supervision systems, enhance legal certainty in the issuance of spatial utilization permits, consistently enforce sanctions, and increase public participation to achieve sustainable development in Badung Regency.

Keywords: *Law Enforcement, Spatial Utilization, Spatial Plan (RTRW), Residential Areas, Badung Regency.*

INTRODUCTION

Indonesia is a state governed by the rule of law, placing the law as the foundation for all aspects of governance and national development. One manifestation of this principle is the regulation of spatial utilization, which aims to ensure orderly development, maintain environmental balance, and provide legal certainty regarding land use by the public. Article 33, Paragraph (3) of the 1945 Constitution of the Republic of Indonesia affirms that the land, waters, and natural resources contained therein are controlled by the state and utilized for the greatest possible prosperity of the people. This provision serves as the basis for the enactment of Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles, which empowers the state to regulate the use, utilization, and allocation of land in accordance with the public interest.

Regulations concerning spatial utilization were subsequently reinforced through Law Number

26 of 2007 concerning Spatial Planning and Government Regulation Number 21 of 2021 concerning the Implementation of Spatial Planning. Both regulations mandate that all spatial utilization must adhere to the Regional Spatial Plan (RTRW) to ensure that development proceeds sustainably, takes environmental carrying capacity into account, and provides protection for both protected areas and cultivation areas. Badung Regency is one of the areas experiencing the highest rates of development growth in Bali Province. The rapid expansion of the tourism sector has driven an increasing demand for residential areas, hotels, villas, restaurants, commercial centers, and various supporting facilities. While this growth has positively impacted the local economy, it has also placed pressure on spatial planning—manifesting as the conversion of agricultural land, a reduction in Green Open Spaces (RTH), development in areas inconsistent with designated land use, and the emergence of various spatial utilization violations.

The Badung Regency Government has enacted Badung Regency Regional Regulation Number 4 of 2025 concerning the Badung Regency Spatial Plan for 2025–2045 to serve as a guideline for controlling regional development. However, in practice, residential developments are still found that do not comply with zoning regulations or the Detailed Spatial Plan (RDTR). This situation indicates that the existence of regulations has not yet been fully matched by effective law enforcement in the field. This issue warrants examination, given that law enforcement serves as a primary instrument for achieving legal certainty, justice, and legal utility in the realm of spatial planning. Law enforcement entails not only the imposition of sanctions for violations but also encompasses supervision, guidance, control, and inter-agency coordination to ensure that all spatial utilization complies with statutory regulations. Thus, this study focuses its discussion on the enforcement of spatial use regulations in residential areas in accordance with the Badung Regency Spatial Plan (RTRW), as well as the obstacles affecting the effectiveness of such enforcement.

RESEARCH METHODS

This study employs normative legal research supported by empirical research. The normative legal research is conducted through an examination of legislation, legal principles, legal theories, and doctrines related to spatial planning and the enforcement of laws governing spatial utilization. An empirical approach was employed to gather data on the enforcement of spatial use regulations by the Badung Regency Government through observations and interviews with relevant agencies.

The approaches employed include the statute approach, the conceptual approach, and the empirical approach. The statutory approach involves examining Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles, Law Number 26 of 2007 concerning Spatial Planning, Government Regulation Number 21 of 2021 concerning the Implementation of Spatial Planning, and

Badung Regency Regional Regulation Number 4 of 2025 concerning the Badung Regency Spatial Plan (RTRW) for 2025–2045. The legal materials utilized consist of primary, secondary, and tertiary sources. Data analysis was conducted using a descriptive-qualitative approach, involving the inventorying, classification, and subsequent interpretation of all legal materials to derive answers to the research problem.

RESULTS AND DISCUSSION

Obstacles to Law Enforcement Regarding Spatial Utilization in Residential Areas under the Badung Regency Spatial Plan (RTRW)

In essence, the enforcement of laws regarding spatial utilization aims to ensure that all development activities align with established spatial plans. However, in practice, enforcement efforts in Badung Regency face various obstacles that hinder the optimal control of spatial utilization. These challenges stem not only from regulatory issues but are also influenced by institutional factors, the community, legal culture, and the rapid pace of investment in the region. According to Soerjono Soekanto's theory of legal effectiveness, the success of law enforcement is influenced by five key factors: the law itself, law enforcement officials, facilities and infrastructure, the community, and legal culture. These five factors are interconnected; thus, a weakness in any one of them impacts the overall effectiveness of law enforcement.

1. Weak Oversight of Spatial Use

The first obstacle is the lack of optimal oversight regarding spatial utilization. The vast territory of Badung Regency and the high level of construction activity mean that field inspections cannot cover all construction sites on a regular basis. Consequently, a significant number of projects are completed before local government officials can conduct inspections. This situation indicates that the oversight function—acting as a preventive instrument—is not operating at full capacity, even though such oversight is a crucial component of the spatial planning system aimed at preventing violations from the very planning stage. In addition to limited personnel, monitoring is still conducted using conventional methods, meaning that geospatial information systems and digital technologies are not yet fully utilized to track changes in land use.

2. High Pressure on Tourism Investment

Badung Regency is a national tourism hub with immense investment appeal. High demand for the development of hotels, villas, restaurants, and residential areas has placed increasing pressure on land use. In certain instances, economic interests have taken precedence over environmental protection, driving development in areas not originally designated for settlement. The conversion of productive agricultural land into commercial zones is a tangible

consequence of this intense investment pressure. If this situation is not consistently managed, the availability of Green Open Spaces (RTH), sustainable food agriculture areas, and protected zones will diminish, thereby threatening the sustainability of regional development.

3. Low Public Compliance with the Spatial Plan (RTRW)

Another obstacle is the public's still-low level of legal awareness regarding the importance of aligning land use with the Regional Spatial Plan (RTRW). Some members of the public still believe that land rights grant them complete freedom to build without regard for the spatial functions designated by the government. This view conflicts with the principle of national agrarian law, which asserts that every land right carries a social function, as stipulated in Article 6 of Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles. Therefore, land use must take into account the public interest, environmental sustainability, and applicable spatial planning regulations. A lack of public outreach regarding the Spatial Plan (RTRW) also means that the community does not understand the permitting procedures or the legal consequences of undertaking construction that does not align with designated land use.

4. Limitations in Personnel Resources

Another obstacle is the limited human resources available for monitoring and enforcing spatial planning regulations. The number of supervisory personnel is disproportionate to the vast area requiring oversight and the high volume of construction projects that must be monitored annually. Furthermore, there is a continuing need to enhance the competence of officials regarding digital mapping technology, Geographic Information Systems (GIS), and the latest spatial planning regulations to ensure that monitoring processes become more effective and accurate.

5. Suboptimal Inter-agency Coordination

Law enforcement regarding spatial utilization involves various agencies, including the Public Works and Spatial Planning Agency, the Investment and One-Stop Integrated Service Agency, the Public Order Agency (Satpol PP), the Environmental Agency, the Land Office, and village governments. In practice, inter-agency coordination has not yet been fully effective, frequently resulting in data discrepancies, delays in information sharing, and a lack of synchronization in monitoring activities. This situation contributes to slow enforcement actions against buildings that violate spatial planning regulations.

According to Lawrence M. Friedman, the effectiveness of a legal system is influenced by three key components: legal substance, legal structure, and legal culture. These three elements must function in balance for the law to be applied effectively. In the context of spatial planning in Badung Regency,

the legal substance is already in place through various laws and regulations; however, the institutional structure and public legal culture still require strengthening, meaning the objectives of spatial planning have not yet been fully realized. Based on this analysis, it can be concluded that the obstacles to enforcing spatial utilization laws in Badung Regency are multidimensional in nature. Therefore, resolving these issues requires more than just the creation of new regulations; it also necessitates improving the quality of officials, strengthening technology-based monitoring systems, enhancing inter-agency coordination, and fostering a legal culture among the public to ensure compliance with the Regional Spatial Plan (RTRW) provisions.

Legal Analysis of Law Enforcement Regarding Spatial Use under the Badung Regency Spatial Plan (RTRW)

Law enforcement regarding spatial utilization is essentially an implementation of the rule-of-law principle—as affirmed in Article 1, Paragraph (3) of the 1945 Constitution of the Republic of Indonesia—which mandates that all actions by the government and the public be based on applicable law. In the realm of spatial planning, this principle is realized through the regulation of spatial utilization, which must adhere to the Regional Spatial Plan (RTRW) as an instrument for controlling development. Law Number 26 of 2007 concerning Spatial Planning establishes the legal basis requiring every person to comply with spatial plans determined by the government. This obligation stems from the social function of land rights—as stipulated in Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles—meaning that land use must not only consider individual interests but also safeguard the public interest, environmental preservation, and sustainable development.

When analyzed through the lens of Gustav Radbruch's theory of legal certainty, the law must realize three fundamental values: legal certainty (*Rechtssicherheit*), justice (*Gerechtigkeit*), and utility (*Zweckmäßigkeit*). These three values must be balanced so that law enforcement is not merely oriented toward the formal application of norms but also provides legal protection for the community and ensures sustainable development. In the context of Badung Regency, Badung Regency Regional Regulation Number 4 of 2025 concerning the Badung Regency Spatial Plan (RTRW) for 2025–2045 has effectively established certainty regarding spatial patterns, spatial structures, protected areas, cultivation areas, agricultural zones, and residential areas. However, the continued existence of developments that do not comply with zoning regulations indicates that normative legal certainty has not yet been fully realized in practice.

According to Sudikno Mertokusumo, legal certainty serves as a safeguard for the public against arbitrary actions, enabling individuals to clearly understand their rights and obligations. Consequently,

local governments are obligated to provide easily accessible, transparent, and accurate information regarding spatial planning so that the public understands the limitations on spatial utilization prior to undertaking any development. An analysis based on Soerjono Soekanto's theory of law enforcement reveals that the effectiveness of law enforcement is influenced by five factors: the law itself, law enforcement officials, facilities and infrastructure, the community, and legal culture. Research findings indicate that these five factors still present various obstacles to the enforcement of spatial utilization regulations in Badung Regency.

Regarding the substance of the law, regulations concerning spatial planning are actually quite comprehensive, ranging from Law Number 26 of 2007 and Government Regulation Number 21 of 2021 to Badung Regency Regional Regulation Number 4 of 2025. Nevertheless, there remain certain technical provisions requiring harmonization to ensure that oversight and enforcement actions can be carried out more effectively.

In terms of legal structure, inter-agency coordination has not yet functioned optimally. Law enforcement regarding spatial utilization involves numerous institutions, including the Public Works and Spatial Planning Agency (PUPR), the Investment and One-Stop Integrated Service Agency (DPMPTSP), the Public Order Agency (Satpol PP), the Environmental Agency, the Land Office, and village governments. The lack of optimal integration among licensing, land, and spatial utilization data has hindered the effectiveness of oversight. Furthermore, regarding legal culture, a segment of the public still believes that land ownership grants absolute freedom to build without regard for Spatial Planning (RTRW) regulations. This perspective indicates a need to enhance public legal awareness concerning the social function of land through ongoing legal education and outreach initiatives.

This perspective aligns with Lawrence M. Friedman's theory, which posits that the effectiveness of law is largely determined by three key elements: legal substance, legal structure, and legal culture. These three elements must function harmoniously to ensure the effective application of the law within society. Furthermore, according to Jimly Asshiddiqie, law enforcement should not be viewed merely as the imposition of sanctions on violators; it also encompasses processes of prevention, supervision, guidance, and the strengthening of public compliance with the law. Consequently, a preventive approach must be prioritized over a repressive one, particularly regarding the regulation of spatial utilization. Research indicates that a preventive approach can be realized through the digitalization of permitting systems, the use of satellite imagery and Geographic Information Systems (GIS) to monitor land-use changes, and the integration of land data with spatial planning information systems. Utilizing such technology accelerates the detection of spatial utilization violations, enabling supervisory actions to be taken before construction is completed.

In addition to strengthening oversight, consistency in the application of administrative sanctions is a crucial factor. Sanctions—ranging from written warnings, the temporary suspension of construction activities, and the revocation of Building Approval (PBG) to building demolition and criminal penalties as stipulated in Law Number 26 of 2007—must be applied proportionately, regardless of the violator's status. Consistent enforcement enhances the deterrent effect while strengthening legal certainty in spatial planning implementation. Consequently, the author argues that the enforcement of spatial use regulations in Badung Regency requires strengthening not only in terms of regulations but also regarding institutional capacity, surveillance technology, inter-agency coordination, and public legal awareness. Such efforts will support the realization of sustainable spatial planning, provide legal certainty for the public and investors, and maintain a balance between economic development and environmental sustainability.

CONCLUSION

Based on the research findings and discussion regarding the enforcement of spatial use regulations for residential areas in accordance with the Badung Regency Spatial Plan (RTRW), the following conclusions can be drawn:

1. Law enforcement regarding spatial use in residential areas within Badung Regency has been carried out based on the provisions of Law Number 26 of 2007 concerning Spatial Planning, Government Regulation Number 21 of 2021 concerning the Implementation of Spatial Planning, and Badung Regency Regional Regulation Number 4 of 2025 concerning the Badung Regency Spatial Plan (RTRW) for 2025–2045. Implementation is conducted through spatial use control mechanisms, including licensing processes, supervision, evaluation of spatial use conformity, and the imposition of administrative sanctions—ranging from written warnings, temporary suspension of construction activities, and the freezing or revocation of permits, to the demolition of buildings that violate spatial planning regulations. However, this enforcement has not been fully effective, as there are still instances of residential, villa, and commercial developments that do not comply with RTRW zoning regulations.
2. Obstacles to spatial use law enforcement in Badung Regency are influenced by several factors: suboptimal field supervision, high investment pressure in the tourism sector, low public compliance with RTRW regulations, limited human resources among supervisory officials, and suboptimal inter-agency coordination regarding supervision and enforcement actions. Based on Soerjono Soekanto's theory of legal effectiveness and Lawrence M. Friedman's legal system theory, these obstacles demonstrate that the effectiveness of law enforcement is determined not only by legal substance but is also influenced by legal structure and the community's legal

culture. Therefore, strategic measures to achieve sustainable spatial planning in Badung Regency include institutional strengthening, improving the quality of information technology-based supervision, integrating licensing and spatial planning systems, and raising public legal awareness.

Suggestion

Based on these conclusions, the author offers the following recommendations:

1. The Badung Regency Government needs to enhance the effectiveness of spatial use monitoring by utilizing information technology, Geographic Information Systems (GIS), satellite imagery, and digital monitoring systems integrated with land and licensing data. Such measures are expected to enable the early detection of any land-use changes that do not comply with the Regional Spatial Plan (RTRW), thereby allowing for swift and appropriate control actions.
2. The local government needs to step up public outreach and education regarding the importance of compliance with the RTRW, the social function of land rights, and the legal consequences of spatial use violations. Fostering a culture of legal awareness among the public is crucial for achieving voluntary compliance, ensuring that law enforcement does not rely solely on the imposition of sanctions.

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