

Regulating Coastal Setbacks Through Spatial Planning Law Enforcement

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ABSTRACT

This study examines the enforcement of spatial planning law in regulating coastal setback utilization in Nusa Penida, Klungkung Regency, Bali, where rapid tourism development has intensified pressure on protected coastal zones. The research aims to assess the effectiveness of legal enforcement mechanisms in controlling coastal setbacks and to identify institutional and regulatory factors that hinder compliance. An empirical legal research design is adopted, integrating statutory, conceptual, and sociological approaches. Primary data were gathered through semi-structured interviews with local government officials and relevant stakeholders, while secondary data were obtained from legislation, regional spatial planning documents, and official records. Qualitative analysis was conducted by relating normative spatial planning provisions to observed enforcement practices in the study area. The findings indicate that coastal setback regulation has not been effectively implemented, largely due to the absence of detailed spatial planning instruments, limited supervisory capacity, and reliance on administrative discretion rather than clear technical standards. These conditions weaken legal certainty and constrain the consistent application of zoning rules and sanctions. The study concludes that the formulation of detailed spatial plans and the strengthening of enforcement mechanisms are critical to improving coastal setback governance and supporting sustainable coastal management in island tourism regions.

Keywords: Coastal Setbacks; Spatial Planning Law; Law Enforcement; Coastal Governance

INTRODUCTION

Coastal areas constitute one of the most vulnerable spatial zones because of their ecological sensitivity and exposure to intensive developmental pressures. In archipelagic countries, coastal zones function simultaneously as environmental buffers, public spaces, and economic assets, particularly in tourism-driven regions. To safeguard these functions, spatial planning systems commonly establish coastal setbacks as legally protected buffer zones, intended to prevent uncontrolled shoreline development, reduce environmental risks, and preserve public access. Therefore, coastal setback regulation plays a critical role in aligning economic utilization with environmental protection and long-term spatial sustainability (Beatley, 2009).

In Indonesia, coastal setback regulations form an integral part of the national spatial planning framework. Presidential Regulation No. 51 of 2016 defines coastal setbacks as land areas extending at least 100 m landward from the highest tidal water mark, subject to adjustments based on the coastal morphology (Republic of Indonesia, 2016). This provision require regional governments to integrate coastal setbacks into regional spatial plans and detailed spatial planning instruments. However, normative regulations do not automatically ensure effective control. Empirical experience indicates that violations of coastal setback provisions persist, particularly in regions that are experiencing rapid tourism expansion. (Kay & Alder, 2005)

The effectiveness of coastal setback regulations is closely linked to the capacity of spatial planning law enforcement. Spatial planning law not only prescribes permissible land use, but also establishes enforcement instruments, including zoning provisions, supervision mechanisms, incentives and disincentives, and administrative and criminal sanctions. Without operational planning instruments, particularly Detailed Spatial Plans (Rencana Detail Tata Ruang/RDTR), these enforcement mechanisms often remain difficult to

apply. As a result, spatial control may shift from a planning-based system to an administrative process reliant on discretionary assessments, weakening legal certainty and regulatory consistency (Healey, 2007).

This challenge is particularly evident in the island tourism regions. Tourism development tends to concentrate investment along coastlines, where natural scenery generates a high economic value. In the absence of clear technical boundaries and effective enforcement, coastal setback zones become vulnerable to incremental encroachment through licensing practices and post-hoc administrative justifications. Such conditions undermine the protective function of spatial planning law and raise concerns regarding distributive justice as regulatory outcomes may differ between similarly situated actors (Rawls, 1999).

Nusa Penida, located in the Klungkung Regency, represents a critical empirical setting in which to examine these dynamics. As a rapidly developing island tourism destination, Nusa Penida has experienced an increasing utilization of coastal space, including within areas designated as coastal setbacks. Although the Regional Regulation of Klungkung Regency No. 1 of 2024, concerning the Regional Spatial Plan for 2024–2044, formally classifies coastal setbacks as protected areas, empirical conditions reveal that control over coastal setback utilization has not been implemented effectively. A central factor contributing to this situation is the absence of an RDTR, which limits the government's ability to determine spatial conformity and apply sanctions consistently (Regional Government of Klungkung Regency, 2024).

From a theoretical perspective, the effectiveness of spatial planning law enforcement can be examined through legal system theory, which emphasizes the interaction between legal substances, institutional structures, and legal culture. While a regulatory substance governing coastal setbacks exists, the supporting institutional structure, particularly technical planning instruments, remains underdeveloped. Moreover, the prevailing legal culture tends to prioritize administrative compliance through permits rather than substantive conformity with spatial plans. This misalignment weakens the enforcement outcomes (Friedman, 1975). Legal certainty theory further suggests that unclear technical standards undermine predictability, whereas theories of distributive justice highlight the risk of unequal treatment when enforcement relies heavily on discretionary decision-making (Radbruch, 2006).

Against this background, this study aimed to analyze the effectiveness of spatial planning law enforcement in regulating coastal setback utilization in the Nusa Penida Klungkung Regency. This study seeks to identify institutional and regulatory constraints that hinder enforcement and assess how existing spatial planning instruments function in practice. An empirical legal research approach was employed, integrating statutory analysis with field-based data from interviews and document reviews. By linking normative legal provisions with observed enforcement practices, this study addresses a critical gap in the literature concerning the operational effectiveness of coastal setback regulations in tourism-driven island regions.

RESEARCH METHOD

This study adopts a socio-legal research approach that integrates doctrinal legal analysis with empirical investigation to examine the enforcement of spatial planning laws in regulating coastal setback utilization. This approach enables a comprehensive assessment of normative legal frameworks and their practical implementation within governance institutions. The research design is qualitative and descriptive-analytical, and aims to capture the interaction between regulatory instruments, institutional practices, and spatial outcomes in coastal areas.

The scope of this study focuses on the utilization and enforcement of coastal setback provisions within the jurisdiction of Nusa Penida District, Klungkung Regency, Bali Province. The research object comprises legal norms governing coastal setbacks, institutional actors responsible for spatial planning enforcement, and land use practices occurring within designated coastal setback zones. This scope allows this study to evaluate the consistency between spatial planning regulations and on-the-ground development activities.

The primary materials consist of statutory instruments related to spatial planning, coastal management, and environmental protection, including national legislation, regional regulations, and planning policy documents. Empirical data were collected through semi-structured interviews with key stakeholders, including spatial planning officials, licensing authorities, environmental agencies, and local community representatives. These interviews were complemented by field observations of coastal areas to document patterns of land use and development within the setback zones. Secondary materials included academic journal articles, policy reports, and judicial decisions relevant to spatial planning enforcement.

This research was conducted in Nusa Penida as a strategic coastal tourism area characterized by increasing development pressure and ecological vulnerability. This location was selected to reflect the broader challenges faced by coastal regions experiencing rapid tourism-driven land-use changes.

Data collection techniques involved document analysis, in-depth interviews, and direct observation. Document analysis was used to assess regulatory consistency and institutional mandates, while interviews provided insights into enforcement practices, constraints, and discretionary decision making. Observational data support the triangulation of findings by linking regulatory analysis with spatial realities.

Operationally, law enforcement effectiveness is defined as the degree to which spatial planning regulations governing coastal setbacks are consistently applied through licensing control, supervision, and sanctioning mechanisms. Coastal setback utilization refers to any form of land use or development that occurs within a legally designated coastal buffer zone. Institutional capacity is defined as the availability of legal instruments, technical spatial plans, and organizational resources required to implement a spatial planning law.

Data analysis was conducted using qualitative content analysis and normative-empirical synthesis. Legal materials were analyzed to identify regulatory mandates and enforcement mechanisms, while empirical data were coded thematically to capture patterns of institutional behavior and compliance outcomes. The findings were interpreted by linking empirical evidence with theoretical perspectives on legal certainty, spatial governance, and regulatory enforcement. This analytical strategy enables the study to assess not only whether coastal setback regulations exist but also how effectively they function within the spatial planning system.

RESULT & DISCUSSION

The licensing data summarized in Table 1 reveal differentiated patterns of regulatory compliance among tourism accommodation businesses operating along Pantai Semaya, Pantai Tanjung Sangiang (Mushroom Beach), and Pantai Batu Belek (devil's tear). In Pantai Semaya, all identified tourism establishments have a complete set of administrative permits including spatial conformity approval (PKKPR), building approval (PBG), and environmental permits. This suggests that tourism development in this area has been relatively well integrated into formal licensing procedures and subjected to administrative oversight.

In contrast, Pantai Tanjung Sangiang demonstrated mixed compliance levels. While several accommodation and restaurant businesses possess the required permits, at least one establishment operates without formal authorization. A similar situation is observed in Pantai Batu Belek, where commercial activities exist without business permits. These findings confirm that unlicensed tourism-related activities continue to operate within coastal zones, which are normally regulated as coastal setback areas.

Beyond the distinction between licensed and unlicensed businesses, the results indicate that administrative compliance does not necessarily translate into substantive compliance with coastal setbacks. Field observations show that several licensed establishments are located close to the shoreline, raising concerns regarding adherence to legally prescribed setback distances. This indicates that licensing approvals may have been granted without rigorous spatial verification, thus highlighting the structural gap between administrative legality and spatial conformity.

Table 1. Tourism Accommodation Licensing in Coastal Areas

No.	Nama Pantai	Nama Usaha	Perizinan Usaha	Ket.
1	Pantai Semaya	Silo Beach Club	PKKPR, PBG, Ijin Lingkungan	Berijin
		Semaya Beach Resort	PKKPR, PBG, Ijin Lingkungan	Berijin
2	Pantai Tanjung Sangiang (Mushroom Beach)	The Kannit Restorant/ The Kudi Restorant	-	Tidak Berijin
		Mola Mola House & Resto	PKKPR, PBG, SPPL	Berijin

No.	Nama Pantai	Nama Usaha	Perizinan Usaha	Ket.
		<i>The Tannis Beach Resort</i>	PKKPR, IMB, SPPL	Berijin
		<i>Sanghyang Bay Bar & Restaurant</i>	PKKPR, PBG, SPPL	Berijin
		<i>Hai Tide Beach Resort</i>	PKKPR, IMB, SPPL	Berijin
3	Pantai Batu Belek (<i>Devil's Tear</i>)	Pertokoan <i>Devil's Tear</i>	-	Tidak Berijin

Source: Processed data, 2025

The findings demonstrate that coastal setback governance in Nusa Penida is characterized by a procedural enforcement orientation, where regulatory effectiveness is assessed primarily through the presence of permits rather than through compliance with spatial and environmental standards. This pattern aligns with international coastal governance studies, which show that permit-based regulatory systems often fail to prevent environmentally sensitive development when not supported by detailed spatial instruments or consistent enforcement mechanisms (Kay & Alder, 2005).

The continued operation of unlicensed businesses within coastal setback zones reflects the weak enforcement credibility and limited deterrence. Regulatory compliance theory suggests that when violations are sanctioned inadequately, non-compliance becomes a rational choice for regulated actors (Gunningham et al., 2003). In the study area, tolerance of unlicensed activities undermines the authority of the spatial planning law and reduces incentives for voluntary compliance.

These findings further reveal the structural limitations of local spatial planning implementation. The reliance on the PKKPR and administrative licensing instruments without the support of a Detailed Spatial Plan (RDTR) significantly constrains enforcement effectiveness. Without parcel-level zoning clarity, enforcement authorities lack objective spatial references to determine whether development activities encroach on the coastal setback boundaries. Healey (2007) emphasized that spatial planning loses regulatory capacity when implementation depends on discretionary administrative judgment rather than binding spatial standards. Empirical evidence from Nusa Penida strongly supports this argument.

From a legal theory perspective, the findings illustrate the gap between formal legal norms and material effectiveness. Although coastal setback provisions are clearly articulated in planning and regulatory instruments, their enforcement has failed to ensure legal certainty. According to Radbruch (2006) the concept of legal certainty, the predictable and consistent application of law requires clear operational standards, and the absence of detailed spatial instruments transforms coastal setback regulation into a flexible and negotiable framework, weakening its normative authority.

The governance pattern observed in Nusa Penida reflects a broader structural condition widely identified in the environmental and land governance literature, particularly within regulatory systems characterized by rapid legal expansion but limited institutional consolidation (Karina et al., 2024). Empirical studies have demonstrated that the proliferation of environmental and spatial regulations does not automatically translate into effective protection when enforcement institutions remain fragmented and weakly coordinated (Sembiring, 2024). In such settings, regulatory compliance is commonly interpreted through procedural benchmarks rather than being evaluated against substantive spatial and environmental outcomes, reinforcing a persistent gap between formal legality and regulatory effectiveness (Karina et al., 2024). Thus, the Nusa Penida case exemplifies a systemic governance challenge rather than isolated local failure. This structural condition also explains the institutional preference for administrative accommodations over corrective enforcement. When enforcement agencies operate under conditions of limited technical capacity and unclear spatial benchmarks, discretionary decision making becomes a practical substitute for rule-based governance (Sembiring, 2024). Over time, this practice normalizes the flexible interpretation of spatial norms and weakens the deterrent function of regulation. As a result, coastal setback rules gradually lose their preventive character and become instruments for legitimizing development rather than constraining it, thereby entrenching regulatory inconsistency and undermining the credibility of spatial planning law as a mechanism for environmental control (Judijanto et al., 2024).

The findings also raise important concerns regarding environmental sustainability and public-interest protection. International research has demonstrated that development within coastal setback zones accelerates shoreline erosion, increases exposure to coastal hazards, and diminishes public access to coastal resources (Beatley, 2009). The presence of both licensed and unlicensed tourism facilities near the shoreline in Nusa Penida suggests that coastal setback regulations have not functioned effectively as a preventive environmental safeguard.

Moreover, inconsistent enforcement increases the risk of regulatory inequality. The comparative regulatory governance literature highlights that discretionary enforcement increases the likelihood of unequal treatment and undermines perceptions of fairness and legitimacy (Black, 2008). In Nusa Penida, businesses operating within similar spatial contexts experience different regulatory outcomes, which are largely determined by administrative discretion rather than objective spatial criteria.

Overall, the results indicate that the coastal setback regulation in Nusa Penida operates largely as a symbolic regulatory instrument. While formal rules and licensing procedures exist, enforcement remains insufficient to balance tourism-driven development pressure with environmental and spatial justice. Strengthening coastal setback governance requires the formulation of detailed spatial planning instruments, systematic monitoring of coastal land use, and the consistent application of sanctions. Without these reforms, coastal setback regulation risks would remain administratively compliant and substantively ineffective.

CONCLUSION

This study found that the enforcement of spatial planning law in regulating coastal setback utilization in Nusa Penida remains largely procedural and has not achieved substantive effectiveness. Although administrative licensing requirements are formally applied, empirical evidence shows that both licensed and unlicensed tourism businesses continue to operate within coastal setbacks. The results demonstrate a clear gap between administrative legality and compliance with spatial planning objectives, particularly with respect to setback boundaries.

These findings further indicate that the absence of detailed spatial planning instruments limits the capacity of enforcement authorities to objectively assess and control coastal development. As a result, enforcement practices rely heavily on administrative discretion, which weakens legal certainty, reduces consistency in regulatory outcomes, and creates the risk of unequal treatment among regulated actors. Moreover, the persistence of development activities near the shoreline suggests that coastal setback regulations have not functioned effectively as a preventive environmental protection measure.

Overall, the study concludes that strengthening coastal setback governance requires moving beyond permit-oriented enforcement toward plan-led spatial control, supported by detailed zoning instruments, systematic monitoring, and consistent sanctioning. Without these reforms, coastal setback regulations are likely to remain symbolically enforced and insufficient to balance tourism-driven development with environmental protection and spatial justice in coastal areas.

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