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Renegotiating Boundaries on Bali Coastal Tourist Resorts

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Abstract. This paper proposes a definition and application of the territorial boundary inBali coastal tourist resortsbetween private owners and public space, to overcome ongoing disputes over land ownership between privately run organisations and the state. The rationale behind this investigation is in response to significant problems in these areas arising from different interests, activitiesand priorities being in conflict. The investigation focuses on the territorial demarcations of beaches in which a lack of effective planning law has resulted innegative impacts on social, economic, political and environmental interests.According to recent research, the areais impacted upon by physical problemsemerging not only from offshore but also onshoreactivities. If this problem is not properly resolved then there will be serious implicationsfor social cohesion and environmental sustainability, adversely affecting all parties and Bali as a whole. Therefore, a reviewof the legal, spatial and socio-political aspects of the boundary will hopefully contribute to finding a solution to sustain the areas as the most popular tourist attractions in Bali.

Introduction

Bali is just a small Island which is approximately 5,632.66 square kilometres in area or 0.29% of the total landmass of Indonesia.It is located between Java and Lombok Island which is bordered by two different characteristic straits. Bali strait on the west is approximately 2.5 kilometres wide and very shallow which is in contrast to Lombok Strait on the east which is up to 30 kilometres wide and 1300 metres deep [1].The total coastline of the island is about 430 kilometres long, and the shape of the island could be likened to a turtle or swan (with smaller islands associated with cygnets or turtle's egg), with distances about 153 km (95 miles) from east to west and around 112 km (70 miles) from north to south. Six small islands located at the south-east and western sides are Nusa Penida, Nusa Lembongan, Nusa Ceningan, Serangan, Nusa Dua, and Menjangan Island.

Even though Bali is a tiny island with a small population, it has become more popular than the rest of Indonesia for tourism since the beginning of the twentieth century. As J.Copeland & Murni (2010) claims even though Bali is a small island it has a big reputation as being probably the most famous tropical island in the world for foreign visitors [2]. The significant growth in tourism began with the opening of the first hotel of Bali Beach Hotel in 1966 and Ngurah Rai International Airport in 1967 [3]. In that time, Sanur and Kuta Beach were the leading tourist resorts on the island, which developed intensively in the beginning followed by Nusa Dua resort, Candi Dasa as well as Lovina Beach at other locations in the year of 1970s-1980s. From these resorts, only Nusa Dua resort was built with planning and design considerations. The Government saw this resort as a model of effective design for tourist development that could be applied elsewhere in Bali. However, this initiative failed, with other resorts being constructedwithout the same level of planning and design considerations.

The intensity of touristdevelopment in coastal areas has brought several negative impacts on the environment of the regions along with other related social problems. To anticipate the increasing growth of tourism elsewhere, the government of Bali Province released an important document called Land Use Planning (RTRWP) No. 16/2009 article 66 that stipulated that there are only 16 tourist areas that are permitted to be developed in Bali [4]. Interestingly, almost all tourist areas are located in the coastal regions, whilst only two areas are not; Batu Ampar and Ubud Village (see fig.1). In this planning policy italso details a setback line for building structures (beach frontier) which is a minimum of 100 metres from the High Water Level (HWL) in which this open

space serves a sacred/ritual purpose for the benefit of the Balinese people. Meanwhile, according to the President Policy No. 32/1990, this space will remain a protected zone which can be used by the general public only [5]. In reality however, this setback boundary line has not been implemented by government and the council in most of the coastal tourist areas of the island. The result of this lack of proper implementation of planning law is that many recent beach-front commercial developments are uncontrolled and unplanned.
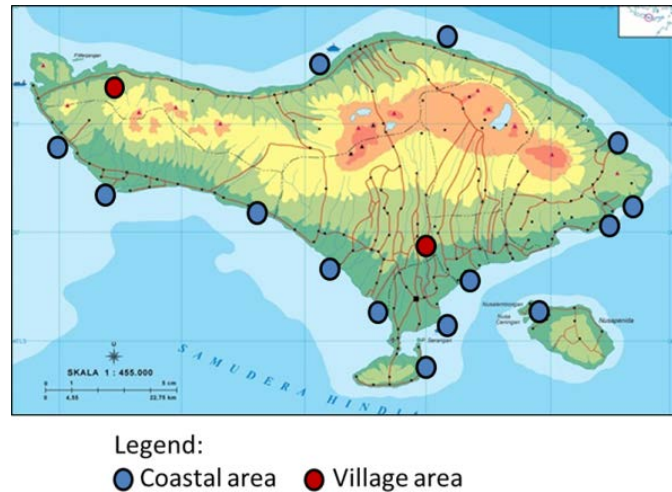

Fig. 1.Map of Bali [6], in relation to the locations of the 16 tourist sites,which are 14 sites at coastal areas and 2 sites at village areas.

By renegotiation these boundaries, it is hoped that a more effective and sustainable control system will be established for future developments that provide a safe public access for traditional festival events and public gathering on beaches.Besides that there are several advantages that can be gained from such renegotiated boundaries between private and state ownership, by avoiding disputes, strengthening beach management and law enforcement, as well as protecting the beach space from the increasing pressure of onshore activities and developments. Though facilitating a boundary seems simple enough, its function has a multiplier effect in coastal tourism management. It will serve a crucial role in the establishment of the Integrated Coastal Zone Management (ICZM). Through the ICZM, every problem arising on the beach can be handled and solved properly by an integrated institution into a well-coordinated team.

Background of the problem

To identify the background of the problem in Bali coastal tourism or coastal tourist resorts, one has to approach the topic from several directions, each of which may have contributed to the current problem. These possible factors derive from management aspects such as planning, organising, actuating and controlling.

Planning. Planning process requires strategic steps to be properly implemented, in terms of development in every sector or areas including the development of coastal tourist resorts.Tourism is usually a driving factor in most commercial aspects of Balinese society, leading to the spread of other related developments. This not only impacts on the existing built environment, with its residues of a traditional building morphology, but also the human environment in terms of public space and the idea of a civic realm. As Donald V.L. Macleod (2004) clarifies the unique and powerful force of tourism can change local communities and rapidly transform the physical surroundings [7]. Although the tourism sector can contribute to obtain a positive impact in economic sectors, it can also bring negative impacts in some aspects

of life such resulting in environmental degradation, loss of local wisdom and local language, change of life style, etc. So what are the long-term repercussions in Balinese coastal tourist resorts today in which most resorts are unplanned developments? The current issues, in relation to beach access and setback lines of hotel and restaurant buildings, have emerged which are often published in the local media, giving sometimes a negative impression to local Balinese of such hotels as those in the Tanah Lot and Seminyak areas, restaurants at Sanur and Nusa Dua resort. Almost all coastal tourist resorts do not comply with the regulation of setback lines stipulating 100 metres from the HWL.

Organising. In national level, there are two ministries that are responsible for handling coastal and marine developments; both are Ministry of Public Works, and Ministry of Marine and Fishery. They work according to their programmes from national to local levels. Unfortunately it seems there is no coordination between them, in which it usually takes place in the development of fishery ports. Government officials have recognised that there is conflict between national laws, conflict between national policy and customary law, and ultimately uselessness of law when it is not properly enforced [8]. Even in Bali, *desa adat* as a traditional village in which they also have an authority based on their law as known as *awig-awig* to handle coastal areas as long as parts of their territory. In addition, one agency which sometime does not appear in this coordination is the National Land Agency (Badan Pertanahan National/BPN); even though the agency plays a key role in handling land ownership cases. Undang-Undang No.32/2004 about local autonomy as the new law for local government in giving them a wider authority to manage their territory [9], however it is assumed that there is still lack of coordination among stakeholders in terms of problem solving.

Actuating. The actuating stage is determined by planning and organising process. Due to less coordination among them, the implementation of programmes in the field will be difficult to carry out. Since tourism is a global industry, involving a range of international agencies, it is curious to expect the local village (*desa adat*) alone to manage their territorial and planning issues, even though they have been given an authority in beach management by the local government through releasing a decree as a legal duty. This is because *desa adat*is based on national law, and is not an agency to execute every problem emerging in the beach areas. The offences arising from the implementation of a building's setback, for instance, does not automatically result in the construction being halted, since the local council does not have sufficient legal authority to enforce this. This is partly due to the fact that the enforcement entails several processes; one of these is a building permit which has to be approved by the government. Hence, the building offences on the field can be the result of personal interest, or that of an agency or group.

Controlling. Bali coastal area with its beautiful scenery has the highest beneficial value in the tourist industry in the country due to being one of the best tourist attractions in the world; hence every metre squared of beach front or land is highly rated, whilst investors who own tourist facilities will tend to use the beach space optimally for their guest services with little consideration of its public role. This attitude is typical of commercial businesses in the littoral regions of Bali. The characteristic features of beaches as locations of tourist facilities, reveals a different condition from other locations, given that he topography of beach-front or sea side areas is subject to unclear definitions of boundary which can be exploited by commercial interests. Hence encroachment of beaches by tourist developments is more likely to occur. It often takes place during the construction phasewhen changes to the building envelope to be implemented, therebyjeopardising public needs and the beach environment. To properly monitor land ownerships in the existing resorts of these locations requires participation and commitment of all parties.This is based on past experience in which the government tried to establish a team to conduct surveys for recording legal boundaries of private land ownership in

Kuta Resort relating to the implementation in 2006 of the Bali Beach Conservation Project (BCCP for Kuta). The team, however, failed to handle this work due to less willing participation and coordination [10]. This is, of course, a serious problem for the government as the policy maker to manage the coastal tourist resorts.

The boundary line concept

In attempting to address this issue of illegal encroachment on public space, there is an urgent need to install sign as the boundary markers between private and public/state ownership is urgent to be carried out in all coastal tourist resorts. There are three models of boundary conditions, which are usually used in some coastal tourist resorts; soft boundary, hard boundary, and combination of both.

Soft boundary. The placement of tree in a row as a boundary line between private and public space is articulated as the use of soft boundaries. This conceptcan be implemented fairly effectively in tropical climate zones since it can improve the outdoor thermal temperature and to prevent humid wind or vapour from the sea. The groups of tree can also be used effectively for solar protection. Whilst, light and shading because of the planting, it makes the beaches appear more natural. The use of any vehicle on the beach can be avoided so the beach becomes more tranquil and healthy. The guest and the tourist facilities' owners prefer this model as it seems not too strong (or at the same timeineffective), so there is still an opportunitytouse fully public spaces. One of the tourist resorts which has adopted this model is Playa Dorada Resorts, Puerto Plata in Puerto Rico (South America) which is located in tropical climate zones. The idea of placing trees is to make greenbelt areas on beachfront soft boundaries,are able to be used as a buffer zone from sea wind flows (see fig. 2).

Fig. 2.Playa Dorada Resort, Puerto Plata, Puerto Rico [11]

Hard boundary. The use of hard structure such as pathway/walkways, streets, or walls is a less compromising option in terms of bordering private and public spaces. Its implementation may appear less natural since such boundary markers gives a strong delineation between the beach and tourist facilities. However, it is very effective to prevent encroachment of public spaces and more preferable by the public. In addition, it is also easier to control and maintain the space of the beach and its surroundings which are handled by the government.Copacabana Beach as one of the most favourite coastal tourist resorts in Brazil applied this concept by using highway as the boundary line in which it means that the sensitivity of the spacein front of the beach as mentioned above can be avoided. This wide access is not solely used for prevention and protection, but it is alsoused for beach maintenance purposes, such as; beach cleaning, sand nourishment, and aid of emergency (fig.3).

Fig. 3.Copacabana Beach Resort, Brazil [12]

Combination concept

A combination between soft and hard boundary is a more common option which allows some areas for negotiation (such as for public/private seating areas on beach front), whilst others are more strictly enforced (as such as building lines and rights of way). Hard structures can be manipulated by the placement of trees in parallel position with the street access. It will be better the placement of the trees at both sides of the street, so the appearance of the street which is a bit contrast with the beach nature can be reduced maximally. This approach is able to tackle several issues in relation to beach management system, particularly in control and maintenance. On the other hand, this concept is more expensive than the concepts above, which is not only in the construction and placement but also in the maintenance of these beach facilities. In fact, this combination wasimplemented in some existing tourist resorts such as Sanur, Nusa Dua, and Kutain last ten years which were built by the central government. Unfortunately, it seems less effective to prevent the possible encroachment, as it was constructed after the development of the resort. The wide of street access, for instance, is not sufficiently enough to be used by vehicles for supporting beach maintenance.

In relation to the use of theseprinciples and the background challenges, it can be highlighted thatthe ideal boundary line which is most effective to be implemented in Bali is the combination principle. It is not difficult to find an example in the use of the this combination since it can be seen at Kuta beach resort, i.e. Jalan Pantai in front of Hard Rock Hotel in Kuta.. According to the chairman of Parum Samigita (Seminyak, Legian and Kuta society) this access was initiated from individuals, the local government only facilitated it so it can be said it was not the government initial programme. The length of the boundary following the shoreline is approximately 2 kilometres. Besides the street access as the boundary line, it is also completed other landscape elements: trees and wall, although the wall protection might betoo high leading to the obstruction of the beach beautiful scenery (fig.4). There is real evidence at this area that the concentration of the beach users and guests with various activities has taken place in the beach section. Therefore, this approves that it gives advantages for all parties.

Fig. 4. Image of Jalan Pantai Kuta as a good example of the physical boundary

Conclusion

The street access as the boundary line is an essential element in spatial design guidelines of tourist coastal resorts in Bali and in other places in the world. This is because the encroachment of public space in such areas can take place in many different situations, depending on many factors such a human behaviour, effective beach management, and appropriate regulations. Nevertheless, the design concept of the boundary line should be determined at the planning stage and participation with the relevant. Membership of consultation group, which takes responsibility for resolving the different interests of boundaries, needs to be carefully determined, to accommodate public views in a way that reaches the best solution for all. The boundary will become more effective as a result of such process, and should be determined before the utilisation of the beaches/coastal areas for tourist resorts. In order to control and monitor easily the boundary, the control tools such benchmarks on the field and Geographical Information System (GIS) are needed along with the development of resorts that are sensitive to the needs of the local populace and the environment.

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