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JURIDIC ASPECTS OF THE DEVELOPMENT OF THE SEMPUANA HOLY WATER SPRING AS A TOURISM ATTRACTION IN DALUNG VILLAGE, BADUNG

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Abstract

One of the sacred springs/bejis that attracts attention for research is the Beji Sempuana, which is used by the local village community in the process of spiritual purification, generally this process is carried out before starting religious ceremonies such as Piodalan in the area of Pura Dalem Nataran Tegal Jaya, Dalung or mass burning of corpses (Ngerit). This Beji is located on the border of the Sempuana River which needs to be preserved due to the conversion of the surrounding land. This study aims to examine the legal basis for the development of a site into a tourist attraction. The method used in this study, namely observation to the object of research, interviews and documentation. Interviews were conducted with community leaders and local residents. The data analysis technique used in this study is a qualitative descriptive method, which provides a review of the interpretation or meaning of the data and information obtained. The results of this study indicated that the Beji Sempuana site can be developed as a leading tourist attraction in Badung Regency, in addition to the natural beauty of the surroundings, the existence of cultural heritage objects and Beji Sempuana and religious ceremonies as tourist attractions. The buildings at Beji Sempuana and Pura Dalem Nataran are also unique with traditional Balinese architecture. This Beji Space pattern still applies the Tri Mandala Concept which is still preserved today.

Keywords: holy springs; legal basis governing; regulations; tourist attractions.

1. INTRODUCTION

Bali consists of eight districts and one municipality administratively and geographically. The province of Bali pays special attention to the field of tourism, so it is very responsive in preserving its natural beauty in such a way, because the source of income for the majority of the population of Bali comes from its tourist areas which are the attention of domestic and foreign tourists. Guided by the rules of regional autonomy, development in the tourism sector is expected to change the

social culture of the community, namely opening up jobs with tourism potential in their respective regions whose management is in accordance with local cultural wisdom.

The diverse and unique culture of Bali is able to attract both domestic and foreign tourists, including all the uniqueness in the process of religious ceremonies in Bali, especially Hindus. One of them is the process of spiritual purification for Hindus which is carried out through the media of holy water (*tirtha*), where this potential

place the area of the holy springs (*beji*) no longer only a sacred area for the Hindu community, but transformed into a sacred area that is able to attract the attention of tourists as a tourist attraction. Good management according to local cultural wisdom can increase visits, both domestic and foreign tourists. Beji Sempuana is one of the holy springs (*beji*) which is currently the concern of the local government. At first the holy water (*tirtha*) in this *beji* was often used by local villagers, but now its use is widespread, even residents of North Kerobokan Village also use it before starting the Piodalan Ceremony at Pura Dalem Nataran, Tegal Jaya, Dalung or Ngerit (mass burning of corpses). On the river wall there are reliefs of large stone carvings which according to local beliefs have existed since time immemorial. Geographically, this *beji* is located on the border of the Sempuana River, because it has the importance mentioned above, it is considered necessary to do research. It is useful not only for the local community but also for academics to know the history of the sacred site of Beji Sempuana so it is necessary to know the legal basis and its application in the development strategy of Beji Sempuana as a tourist attraction.

In an effort to increase economic growth in Dalung Village, Badung Regency, it is necessary to realize that the development of natural and cultural potential in Beji Sempuana is very necessary, in order to be able to lift the economy of the people living around the area. Accelerating the development of facilities and infrastructure that supports the progress of a village requires no small amount of money so that the efforts implemented by the local government, namely developing the natural potential of the village and local cultural wisdom into a tourist village are an alternative to increasing economic growth independently.

Lubis & Siregar (2021) in their study about Aspects of Civil Law in the Development of Culture-Based Tourism revealed that it needs to give legal

protection in terms of safety and security for or visitors, both domestic tourists and foreign tourists. In addition, a study conducted by Sumarsono, Arti, & Soesilo (2020) 'The Development Strategy of Tourism Sector in Ponorogo, Indonesia mentioned that the effort to develop tourism objects is directed according to the criteria that are the priority of the strategy, namely the infrastructure aspect with the support of optimal promotion. Therefore, based on the background of this study above, the purpose of this study is to examine the legal basis for the development of a site into a tourist attraction. The tourist attraction is this case is the Sempuana holy water spring as a tourism attraction in Dalung, Badung.

2. METHOD

The type of research used in this study is empirical legal research, which is conducting observations or research directly to the field in order to get an accurate truth in the process of improving research writing (Efendi & Ibrahim, 2018:149). The approach used is the legal sociology approach, with the discovery of facts, then identification, and finally, the problem solving (Aminuddin & Asikin, 2006:20). Furthermore, after all the data obtained in the study and then it is continued with descriptive qualitative analysis.

3. DISCUSSION

The legal basis governing a site is declared as an object that has a tourist attraction.

According to Law of the Republic of Indonesia Number 10 Year 2009 concerning Tourism, tourist objects or so-called tourist attractions are everything that has uniqueness, beauty and value in the form of a diversity of natural, cultural and man-made wealth that is the target or destination of tourist visits. The Law of the Republic of Indonesia number 22 Year 1999 concerning Regional Autonomy in Article 1 paragraph 8 states that regional autonomy is the authority of the

Autonomous Region to regulate and manage the interests of the local community according to its own initiative based on the aspirations of the community according to the legislation. It is further emphasized in paragraph 9 that an Autonomous Region, hereinafter referred to as a Region, is a legal community unit that has certain regional boundaries authorized to regulate and manage the interests of the local community according to its own initiative based on the aspirations of the people within the bonds of the Unitary State of the Republic of Indonesia.

In Regional Regulation Number 26 Year 2013, concerning the Badung Regional Spatial Plan, specifically Article 32 paragraph 5 letter c, it is stated that one of the local cultural heritage areas in North Kuta District, Badung Regency is located at Beji Sempuana Temple. Meanwhile, according to the Law of the Republic of Indonesia Number 11 Year 2010, concerning Cultural Conservation, it is stated that the cultural heritage area is a geographical space unit that has 2 or more cultural heritage sites that are located close together and or have a distinctive spatial layout. Cultural heritage can be designated as cultural heritage, if it meets the following requirements: As a cultural heritage that is prioritized to be preserved in the regency/city area, represents a distinctive style period, The level of threat is high, Kind of a bit, Limited quantity.

According to Pendit (2009), tourism potential is everything that exists in an area that can be developed into a tourist attraction. In general, tourism potential is divided into two (2) groups, namely: cultural potential and natural potential. Meanwhile, Pitana (2005:103) said there are 7 phases of tourism development or the tourism cycle (destination area life cycle) which have different implications and impacts, theoretically including: (1) the Exploration Phase, (2) the Involvement Phase, (3) Development phase, (4) Consolidation phase, (5) stagnation phase, (6) Decline phase, (7) Rejuvenation phase.

In the Regional Regulation Number 26 Year 2013 concerning the Badung Regional Spatial Plan, 2013-2033, it is stated that the sacred spring area is used to hold religious ceremonies for Hindus. In Badung there are 6 protected areas around springs, one of which is around the holy spring/*Beji Sempuana*, Padang Luwih Dalung Traditional Village. General provisions of the spring border zoning regulations, including: Cultivation activities are not allowed to be built in the area around the spring within a radius of 100 meters, Setting KWT as high as 30% in a radius of 100 meters – 200 meters, It is not allowed to drill underground water in a radius of 200 meters around the spring, Utilization is prioritized for tree planting activities, Control of existing activities around the springs, Can be developed for other activities as long as it does not have a negative impact on the protected function, including : a) Tourism objects without buildings with supporting activities include natural tourism objects (ecotourism) and spiritual tourism after going through a study. b) Cultivation of food crops, horticulture, plantation and animal husbandry activities. c) Arrangement of spring protection to anticipate pollution and damage to springs.

Regulation of the Minister of Public Works and Public Housing of the Republic of Indonesia Number 28/PRT/M/2015 concerning Determination of River Border Lines and Lake Border Lines in Article 1 paragraph 10 states that river border lines are virtual lines on the left and right of riverbeds which are designated as river protection boundaries. The tourist attraction of the holy spring/*Beji Sempuana* is located on the border of the Sempuana River, therefore it is necessary to know the general provisions of the Zoning Regulations for the River Border Area according to the Badung Regency Regulation Number 26 Year 2013, including : 3 meters for an embankment river in an urban residential area, 10 meters for undamaged rivers in urban

residential areas, 25 meters for an embankment river in a rural settlement area, 50 meters for an undamaged river in a rural residential area, 50 meters for rivers that are affected by tides.

Activities permitted in the River Border area, as long as it is not negatively affected by its protected function, include: Utilization for green space, Recreational activities, nature tourism (Ecotourism), water sports, socio-cultural activities, Freshwater cultivation, agriculture, plantation activities, The border of an undamaged river bordering the road shall be regulated in accordance with the provisions of building boundaries, with due observance of the sustainability of rivers and river buildings, Land ownership bordering the river must provide a public open space of at least 3 meters along the river for inspection roads or trail parks.

Article 1 paragraph 1 of the Law of the Republic of Indonesia number 11 Year 2010 concerning Cultural Conservation states that Cultural Conservation is material cultural heritage in the form of Cultural Conservation Objects, Cultural Conservation Buildings, Cultural Conservation Structures, Cultural Conservation Sites, and Cultural Conservation Areas on land and/or or in water whose existence needs to be preserved because it has important values for history, science, education, religion, and/or culture through the process of determination.

Beji Sempuana is developing as a new tourist attraction supported by positive law that is able to lift the economy of the surrounding community.

According to [Warpani & Warpani \(2007\)](#), landscapes, flora and fauna are very attractive tourist attractions. In addition to being enjoyed (to be looked at, admired, to be grateful for), many tourists also want to "do" something in the open, do something other than what is done daily, in direct contact with tourism objects. Environmental Protection and

Management according to the Law of the Republic of Indonesia number 32 Year 2009 concerning article 1 paragraph (2) is a systematic and integrated effort carried out to preserve environmental functions and prevent pollution and/or environmental damage which includes planning, utilization, control, maintenance, supervision, and law enforcement. This law is clearly stated in Chapter X section 3 article 69 regarding prohibitions in environmental protection and management which include prohibitions against polluting, importing hazardous and toxic objects, injecting waste into environmental media, clearing land by burning, and so forth.

The holy spring/*Beji Sempuana* when viewed from its natural potential, is located on the border of the River/*Tukad Sempuana*, Dalung. This river has large stone walls, and since ancient times it has been carved while bathing in holy water with ancient Balinese motifs similar to the giants in wayang stories. The big stone is recognized by the government as a cultural heritage object which is also a tourist attraction. River water with a fairly swift current at this location, also provides a sensation of gurgling water that soothes the soul. Along the river, there are also many large and rare trees, so that under this tree can be used for shade and a jogging track while introducing the name of the river, an old tree that is passed to enjoy the tourist attraction.

In this Beji area, there are also adequate facilities in the form of *wantilan*/ multi-purpose hall which can be used as a place for cultural development of the local community from the past until now. At this location there is also still vacant land which in the future deserves to be arranged and used for supporting tourism activities. Through appropriate efforts in developing the potential of the beji in accordance with the laws and regulations mentioned above, it is hoped that there will be a great opportunity to make it a new tour that highlights tourist attractions in the form of culture and natural beauty

that can be enjoyed by everyone.

4. CONCLUSION

The benefit of this research is to understand what legal rules support and can be used as a legal basis for the development of a site into a tourist attraction and it is hoped that from this research, it is able to provide scientific knowledge about law and its application in tourism development at the *Beji Sempuana* location in Banjar Tegal Jaya, which focuses on preserving the site, the sacredness of the area in the neighborhood and Dalung Village, as well as Badung Regency in general. From the results above, it can be concluded that the *Beji Sempuana* site can be developed as a leading tourist attraction in Badung Regency, in addition to the natural beauty of the surroundings, the existence of cultural heritage objects and *Beji Sempuana* and religious ceremonies as tourist attractions. The buildings at *Beji Sempuana* and *Pura Dalem Nataran* are also unique with traditional Balinese architecture. This *Beji* Space pattern still applies the *Tri Mandala* Concept which is still preserved today.

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