

A STRATEGY FOR SAFEGUARDING THE LEGAL INTERESTS OF BEACH CLUB MANAGEMENT FROM ILLICIT PRACTICES IN THE BADUNG DISTRICT, BALI

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ABSTRACT

The growth of beach clubs in Badung Regency has witnessed an annual increase of 100%. Despite the challenges posed by the pandemic, the beach club tourism industry demonstrated resilience by adhering to limited visitation in compliance with health protocols recommended by the Bali Provincial government. Operational activities continued during the pandemic, featuring various attractions such as live music and DJs. Tourists engaged in activities like dancing to the music, swimming in provided pools, sunbathing in cabanas and daybeds, and dining in restaurants and cafes, while also enjoying beverages at the bar. However, the lively events, often extending into the early morning hours, raised public concerns about the crowd permits held by these businesses, causing disruptions to the surrounding community. The swift expansion of beach club developments, while positively impacting society, has concurrently led to an increase in criminal activities, particularly acts of thuggery. Motivated by strength and power, these criminal acts are often associated with achieving individual or group interests within the realm of crime. To comprehensively understand these dynamics, data collection involved various techniques such as observation, interviews, focus group discussions (FGD), and literature review. Ten beach club managers in Badung Regency participated in in-depth interviews as informants. The analysis of gathered data was conducted using qualitative data analysis methods.

Keywords: Security, Legal Measures, Criminal Behavior

1. INTRODUCTION

Tourism has significantly impacted the lives of the Balinese people over the past thirty years. According to research from the Management Project and Comprehensive Tourism Development Plan for Bali, tourism has emerged as a pivotal driver for Bali's overall development, set to continue leading economic growth in the region (Erawan, 1993). Despite its substantial contributions to society, tourism development has also brought about various adverse effects. Bali is currently grappling with issues such as unregulated development, environmental concerns, population challenges, socio-political implications, cultural degradation due to globalization, and an increase in criminal activities.

Starting in the 1970s, the rapid development of tourism in Bali has had a profound impact on the economy across multiple sectors, creating employment opportunities and attracting investments from both domestic and international sources. Investors have infused capital into businesses directly related to tourism and those complementing the tourism sector. Beyond its economic role,

tourism serves as a crucial means of reducing unemployment, given the versatility of tourism types that can be implemented anywhere (Suwantoro, 2004:36). This economic transformation has given rise to various establishments, including restaurants, recreational areas, mega malls, and beach clubs.

A beach club, characterized by a fusion of traditional and modern architecture with contemporary elements, encompasses buildings and outdoor facilities such as cabanas and daybeds situated on the beach. Typically, a beach club features a restaurant, lounge, bar, and outdoor amenities like a swimming pool and SPA.

Despite the challenges posed by the pandemic, the development of beach clubs in Badung Regency saw a 25% increase in the 2019-2021 period. Throughout the pandemic, beach club tourism businesses demonstrated resilience, adapting to limited visitations in compliance with health protocols recommended by the Bali Provincial government. Notable beach clubs in Bali, including Finns Club in Canggu, Savaya in Uluwatu, Tropicola, Cocoon, and Kudeta Beach Club in Badung Regency, sustained operational activities during the pandemic. These activities, featuring live music and DJs, attracted tourists who engaged in dancing, swimming, sunbathing, and dining, sparking inquiries from the public about crowd permits. These events often extended into the early morning hours, prompting concerns about disruptions to the surrounding community.

The swift expansion of beach club development, with its direct societal implications, has also led to an upsurge in criminal activities, notably thuggery. This form of criminal behavior is driven by an individual's strength and power, aimed at advancing the interests of either an individual or a group, often intertwined with the realm of crime. Recent reports in the mass media have highlighted instances of thuggery, closely linked to the accelerated economic growth. Individuals referred to as thugs act either independently or at the behest of others with business and political interests in Bali.

It is widely known that Bali hosts various gangs, each seeking to augment its influence. Conflicts become unavoidable as thugs or freemen (individuals rejecting societal rules) are inherently associated with violence and criminal acts, causing harm to multiple parties. While the issue of thuggery may not seem directly tied to tourism at first glance, the threat it poses to Bali's security and overall comfort, integral to Bali's identity as a tourist destination, cannot be disentangled from disruptive acts of thuggery. The escalating violence significantly impacts the safety and comfort of visiting tourists, inducing a sense of unease during their travels due to the looming specter of crime. This situation poses considerable detriment to Bali, heavily reliant on tourism as its primary economic driver. Consequently, it becomes imperative to conduct research on legal protection strategies for Beach Clubs in Badung Regency, addressing issues such as crowd permits and thuggery.

Derived from the aforementioned context, the research aims to address the following: Identify the manifestations of thuggery prevalent at Beach Clubs in Bali and examine the legal protection strategy concerning crowd permits and thuggery at Beach Clubs in Bali.

In terms of innovation and urgency, Beach Clubs have emerged as trailblazers in Bali's tourism industry, leading to frequent challenges in managing crowd permits and addressing issues of thuggery. Consequently, this research ensures the exploration of novel aspects within the tourism phenomenon. In the realm of academia, this study contributes to a relatively unexplored area within tourism research in Indonesia, particularly in Bali. The focus is on legal protection strategies for tourism businesses, specifically addressing the current trend-setting entities, namely beach clubs. Researchers have conducted preliminary investigations into legal protection and licensing for startups and tourism businesses in Bali during 2020 and 2021. In the ongoing year, the research extends to a focus on tourism businesses that are presently setting trends, specifically beach clubs.

2. CONCEPTS AND THEORIES

2.1 Definition of Thugism

The term "Thugism" is derived from the Dutch word "vrijman," meaning a free and independent person, combined with "ism," signifying a sect. Thugism is a derogatory expression often used to describe the activities of a group obtaining their income primarily through extortion from other segments of society. The second edition of the Big Indonesian Dictionary by Balai Pustaka defines "thug" in two contexts: (1) as an individual in a private sense, non-military or civilian, and (2) as a term for individuals engaged in unlawful activities such as mugging or robbery. At another level, thuggish behavior is characterized by a tendency to act immorally without moral burden, encompassing crimes of political, economic, or social nature. Thuggery involves usurping others' rights, even those of the public, while projecting an intimidating prowess. The emphasis here is on behavior that induces anxiety, insecurity, and harm to the community or individuals.

According to Ida Bagus Pujaastawa, the term "thug" originates from the Dutch word "vrijman," representing a person free from employment ties with the government or specific entities. In the civil context, free people are those not bound to a particular social structure or system. In the military context, a free person refers to someone either recently completing official military duties or not presently on military duty. The distinction is clearer in Western-style military systems where there is a separation between military and civilians.

In subsequent developments, thuggish behavior has acquired a negative connotation due to its perceived association with violent or criminal acts. However, thugs differ from other criminal groups like pickpockets or snatchers as they are typically well-known in their operational areas, such as trade centers, terminals, highways, and entertainment centers.

3. METHODS

3.1 Research Design

This study employs a qualitative descriptive research design to delve into and comprehend phenomena associated with beach club tourism businesses in Badung Regency. Qualitative research is chosen for its ability to conduct an in-depth examination of individuals' experiences, perceptions, and behaviors within their natural environment (Kusmayadi, 2000:29; Nazir, 1999:63).

3.2 Sampling

3.2.1 Participant Selection The study centers on 10 key respondents, representing a diverse array of beach club tourism businesses in Badung Regency, including Fins Beach Club, Kudeta, Savaya, and Tropicola Beach Club.

3.2.2 Inclusion Criteria Participants are chosen based on their roles and responsibilities within beach club businesses, ensuring a comprehensive understanding of industry operations, challenges, and opportunities.

3.3 Data Collection

3.3.1 Interviews Structured and semi-structured interviews are conducted with key respondents, providing a platform for participants to share insights, experiences, and perceptions related to beach club tourism. Questions cover a range of relevant topics, including business operations, customer interactions, challenges, and future prospects.

3.3.2 Observations Direct observations are carried out at each beach club to complement interview data. This involves observing day-to-day operations, customer interactions, and the overall ambiance of the beach clubs. Observations are documented systematically to ensure accuracy and reliability.

3.4 Data Analysis

3.4.1 Thematic Analysis

Qualitative data analysis involves thematic analysis to identify recurring themes and patterns within the collected data. Transcripts of interviews and observational notes are coded and categorized, allowing for the extraction of meaningful insights. This process facilitates the development of a comprehensive understanding of the phenomena under investigation.

3.4.2 Validation

To enhance the validity and reliability of the findings, member checking is conducted. Preliminary results are shared with key respondents for their feedback and validation. This iterative process helps ensure the accuracy and credibility of the research outcomes.

3.4.3 Data Analysis Techniques and Presentation of Research Results

In essence, data obtained from observation or direct observation takes the form of behavior related to the profession of the sources who are observed and interviewed. The collected data will be transcribed to prepare it for analysis. Subsequently, the transcribed data will be coded and categorized, allowing for thematic analysis to identify recurring patterns. The resulting insights will be interpreted based on the chosen theoretical framework to achieve a comprehensive understanding of the investigated phenomena.

- a. The stages in qualitative data analysis include:
- b. Clarification of all collected data, including notes, video recordings, and photographs.
- c. Transcription of recorded data to facilitate analysis.
- d. Coding or numbering of transcribed data to streamline the analysis process.
- e. Grouping data according to concepts and themes.
- f. Interpretation and analysis of data following a qualitative approach.

Research results will be interpreted through data verification, reduction, presentation, and conclusion-drawing. Findings will be presented using a combination of informal techniques, such as narrative sentences, and formal techniques, including tables, pictures, charts, and graphs, to ensure clarity and comprehensibility. (References: Lofland, 1974; Miles and Huberman, 1988).

4. DISCUSSION

Security and comfort represent the primary factors that attract both domestic and international tourists. Despite intensive promotion efforts by the government and the tourism industry, achieving maximum results relies heavily on realizing effective security measures. Tourist visits to a country not only stem from personal preferences but also hinge on the political relations between their home country and the destination they plan to visit. Diplomatic ties play a significant role in tourism, as countries aim to prevent issues for their citizens, such as travel advisories or warnings, particularly in destinations marked by conflict (e.g., war, riots) or health concerns (e.g., SARS virus). Awareness of Bali's situation, particularly regarding prevalent criminal activities reported in the media, may lead potential visitors to reconsider their holiday plans, opting for alternative destinations to mitigate risks such as pickpocketing, fraud, rape, and robbery.

The substantial threat to security and comfort holds immense importance for tourists who seek satisfaction in their travels rather than encountering problems. The recent surge in thuggish activities in Bali is a cause for concern as it impacts the island's image. Already tainted by acts of terrorism (Bali bomb I; October 12, 2002, and Bali bomb II; October 1, 2005), Bali faces further challenges with various criminal acts perpetrated by thugs, indirectly influencing Bali's portrayal as the "island of the gods"—known for safety, friendly residents, and numerous positive attributes

that should be highlighted. Media reports detailing brutal and cruel acts of thuggery, including the discovery of grenades, guns, and weapons, have instilled fear among locals, let alone foreigners reading about Bali in their home countries. In the digital era, where information knows no boundaries, events spread rapidly worldwide. According to the Big Indonesian Dictionary (KBBI), a thug is defined as a term for individuals engaged in criminal activities like mugging, pickpocketing, and robbery (Tobing, 2004). Consequently, in this context, thugs are perceived as individuals acting arrogantly, either on their own volition or under the influence of others.

Sociological theories assert that humans are inherently social beings with solidarity, love, and noble values. However, psychological theories suggest that external pressures and internal desires influence human actions toward the environment and fellow humans. This insight aids in understanding why humans, under pressures such as the drive for survival, may resort to criminal acts. The presence of tourists in Bali presents opportunities for the advancement of businesses in the tourism industry.

Some business owners in Bali may perceive that achieving success in their ventures is closely linked to personal ambitions or even political interests aimed at acquiring power and authority. Despite this, numerous entrepreneurs wish to avoid association with thugs but find themselves in situations where contact with these individuals becomes unavoidable for various reasons. This reality appears to be exploited by certain groups as an opportunity to generate profits in diverse ways. These groups position themselves as individuals capable of providing a sense of security to those in need, typically possessing physical capabilities in basic self-defense. Their primary trait is the courage to confront anyone perceived as an obstacle or threat to their interests. Referred to as Balinese thugs, these groups often have a charismatic leader who commands respect and fear from followers and the community. While not typically organized in a professional manner, they rely on traditional authority structures led by their charismatic leaders. Bonds within these groups are forged based on the values of social solidarity, as members share common fates and struggles.

Beyond these leader-led thug groups, there are also leaderless thug groups composed of free individuals who organize themselves and only obey those who pay them. Loyalty is cultivated through reciprocal relationships and shared experiences among those striving to survive. Unity among these "free" individuals is strengthened by their collective experiences from the inception of their careers, and they work solely in response to their "master" or whoever is paying them. While they are aware of the power dynamics among different thug groups, they resist aligning with any single group. The emergence of multiple thug groups in Bali has become increasingly conspicuous. Originally concealed, their presence now boldly asserts itself, characterized by arrogance, violence, and even cruelty. It appears as though no entity, not even the security forces, can deter their actions. The fears of Bali becoming unsafe due to thug activities materialized with terror attacks and murders in early 2008. Various speculations circulated, suggesting that the presence of thugs in Bali needed to be curbed as it posed a threat to community security and comfort, including that of tourists.

Balinese thug groups adopt the banjar and soroh style of kinship, with members bound by various ethical codes. Criminal and political figures exploit them. Calls for disbanding these groups were made by the Kuta Traditional Village and the Kuta Community Development Institute (Koran Tempo, 2008). It is imperative to acknowledge that thuggery is a complex issue, not solely driven by economic demands and addressing this issue collectively is crucial.

4.1 Strategies for Combating Thuggery by Beach Club Managers in Badung Regency

Related to the main duties of Beach Club Managers in Badung Regency to maintain public order and security, act as law enforcement, protect and nurture the community, the issue of thuggery, closely associated with legal violations and criminal activities, is one of the crucial responsibilities entrusted to the police. An appropriate action is required to address societal issues that have long been ingrained in everyday life.

4.1.1 Preventive Measures

In preventing thuggery, Beach Club Managers in Badung Regency have conducted legal awareness campaigns for the community. These awareness campaigns are carried out in collaboration with the City Government and relevant agencies. Legal awareness campaigns involve activities aimed at increasing the community's legal awareness through the delivery and explanation of legal regulations in an informal setting. The goal is to cultivate a legal consciousness among the community, fostering an understanding, appreciation, and adherence to the law.

In the form of a series of activities aimed at preventing and eliminating criminogenic factors at the earliest possible stage. This includes efforts to eliminate criminogenic factors within the community, with activities ranging from analyzing the conditions of the area and potential vulnerabilities to coordinating with all parties to anticipate the possibility of crimes. Preventive targets, theoretically, can be categorized into four areas: a. Normative system, b. Primary socialization institutions, c. Informal structures dan d. Law enforcement/regulatory bodies. The preventive measures taken by Beach Club Managers in Badung Regency against thuggery are as follows: a. Identifying issues occurring in the community. b. Optimizing the role of communication forums with the community. c. Conducting community mobilization activities to ensure ongoing compliance with and respect for the law. d. Conducting socialization and education for the community about the negative impacts of thuggery. e. Early detection of potential conflicts that could escalate and contribute to an increased level of public order disturbance.

4.1.2 Repressive Measures

The Beach Club Managers in Badung Regency not only engage in preventive measures but also undertake repressive actions. In this regard, they collaborate with the Indonesian National Police to conduct raids, organizing various operations to suppress thuggery, addressing the societal issue at hand. Through operations like these, the aim is to create a safe and comfortable community life, as many residents have felt unsafe due to incidents such as extortion, robbery, intimidation,

pickpocketing, and others. Beach Club Managers in Badung Regency, in addressing thuggery perpetrators, must also consider human rights principles, ensuring that their actions comply with relevant laws and regulations.

4.2 Legal Handling Strategies for Thuggery and Crowd Permits

The factors causing criminal acts of thuggery in Badung Regency include:

- a. Parental divorce (broken home)
- b. Lack of love and supervision from parents
- c. Association with peers of inappropriate age
- d. Negative impact of technological developments
- e. Insufficient understanding of religious principles
- f. Lack of outlets for talent and hobbies
- g. Excessive habits and unresolved issues.

Prevention and enforcement measures against criminal acts of thuggery at Finns, Ulu, and Atlas beach clubs in the tourism sector are both preventive and punitive, including:

- a. Collaboration with local police stations, regencies, and the Bali Regional Police by providing legal education to employees who are members of social organizations in Bali. Additionally, encouraging thugs to engage in constructive activities, fostering positive behavior, and guiding them on the importance of law compliance and legal awareness. This socialization aims to redirect thugs towards the right path and provide employment opportunities.
- b. Collaboration with the National Anti-Drug Movement (GANAS) in Bali to raise awareness about the dangers of drugs and other illicit substances such as alcoholic beverages, heroin, marijuana, methamphetamine, and others.
- c. In summary, the role of beach club businesses and the police in Badung involves addressing criminal acts of thuggery through both penal and non-penal approaches. The penal approach includes the legal processing of perpetrators according to the Criminal Procedure Code (KUHAP), involving police reports, investigations, enforcement actions, and legal proceedings. The non-penal approach involves direct socialization efforts with thugs.

5. CONCLUSION

Thuggery is a behavior that leads to criminal activities that can disrupt public safety and order. In curbing thuggery, the Beach Club Managers in Badung Regency must not use excessive force and should adhere to strict rules governing the use of force in line with human rights principles. By considering human rights, the enforcement and prevention of thuggery will yield positive results, creating a safe and orderly environment in national, state, and community life.

In efforts to combat thuggery, the Beach Club Managers in Badung Regency employ preventive, repressive, and proactive measures. Preventive measures involve dialogical and zone patrols aimed at minimizing the space for thugs to commit violent crimes. Repressive measures are taken to address thuggery occurring in society. Proactive measures include providing legal education and

implementing programs to enhance legal awareness, making the public aware that the law promises protection and promotes well-being. Consequently, they will enjoy the benefits of such protection and prosperity, mitigating the impacts of various thuggery acts.

RECOMMENDATIONS

Combating criminal acts associated with thuggery can commence with the actions of everyday citizens. Unbeknownst to us, we may inadvertently engage in minor acts of thuggery. To address thuggery issues, it is recommended to take the following steps: a. Address the fundamental root cause of thuggery, which is poverty, by improving the economy and ensuring the prosperity of the people. b. Employ three approaches to address thuggery issues in society: a religious approach, providing an understanding of the meaning and purpose of life through religious doctrine; a humanitarian approach, treating others with love and care, adapting to situations when dealing with thugs; and an economic approach, empowering individuals to have livelihoods that sustain their daily lives. Efforts to combat thuggery are a shared responsibility that should be collectively faced. It is not solely a matter for the police; the active involvement of the community, along with Beach Club Managers in Badung Regency, is crucial to eradicating all forms of thuggery in society, fostering a life full of peace and prosperity in national, state, and community life.

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