

**UTILIZATION OF THE TAKALAR COASTAL AREA AS A RESTAURANT BUSINESS IN THE FISH AUCTION AREA****Indah Dwi Putri<sup>1</sup>, Irwansyah<sup>2</sup>, Zulkifli Aspan<sup>3</sup>**<sup>1</sup>Hasanuddin UniversityJL. Perintis Kemerdekaan KM. 10, Tamalanrea, Makassar, Sulawesi Selatan, 90245, Indonesia  
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**Abstract**

*This study aims to (1) evaluate the form of permits for the control of coastal areas used as restaurant businesses in fish auction areas in Takalar Regency and (2) to examine the legal implications for the use of coastal areas used as restaurant businesses in fish auction areas in Takalar Regency.*

*This research uses empirical legal research methods using primary data and secondary data with interview techniques and literature studies. The study was further analyzed qualitatively and the results were presented descriptively.*

*The results of this study are: (1) The form of permission for the use of coastal areas used as a place of restaurant business in the fish auction area in Takalar Regency does not have a permit. The district government is recollecting data on restaurant businesses that utilize coastal areas, especially in the coastal area of Gusunga, North Galesong District, Takalar Regency. Data collection efforts were again carried out to give the community legality to the established business. (2) The legal implications for the use of coastal areas used as restaurant businesses in the fish auction area in Takalar Regency itself are violations because every business should have a permit and also on the use of coastal areas should have a location permit. As a rule, violations have been proven, meaning that every business that wants to be established must have a permit and also for the use of space must be by applicable regulations.*

**Keywords:** *Licensing; Restaurant Business; Use*

**INTRODUCTION**

Indonesia is a state of law, this has been explained in Article 1 paragraph (3) of the 1945 Constitution which states that

the State of Indonesia is a state of law. This is based on the explanation of the 1945 Constitution that the Indonesian state is based on the law (*rechtstaat*) and not based

on power alone (*machstaat*). The state must not carry out its activities based on mere power but must be based on law.

The unitary state of the Republic of Indonesia (NKRI) is a *coastal state* whose national territory component consists of land, sea (waters), and air space. Two-thirds of Indonesia's total territory is ocean. This makes Indonesia known as an *archipelagic state*. As an archipelagic country, the sea and coastal areas have strategic value with various comparative and competitive advantages, so they have the potential to become prime *movers* for the development of national territories and centers of community activities. The implementation of spatial planning needs to be supported by sectoral programs organized by the central government, local governments, and communities, including the business world. Therefore, good regulation and coordination are needed to create effective spatial planning arrangements.

Coastal spatial planning is an effort to make spatial arrangements in coastal areas in zones that are by the aims and desires of utilizing each zone. Coastal spatial planning should be sought to control the use of coastal land and its management to ensure that the use of coastal land resources has been carried out properly. As stipulated in Article 1 paragraph (1) of Law Number 1

of 2014 concerning amendments to Law Number 27 of 2007 concerning the Management of Coastal Areas and Small Islands explains:

*"Management of coastal areas and small islands is a coordination of planning, utilization, supervision, and control of coasts, and small islands carried out by the government and local governments, between sectors between land and sea ecosystems and between science and management to improve the welfare of the people".*

In recent years, in Takalar Regency, there have been many people who have built restaurant businesses in coastal areas, especially in the northern Galesong region. The restaurant business is one of the incomes for the local community. Even this café business was built right on the coast. In carrying out business activities, you should have a business license. However, it was found that people in the coastal area of North Galesong District built buildings for restaurant businesses without any accountable permits, as stipulated in Article 1 paragraph (10) of the Takalar Regent Regulation Number 58 of 2018 concerning Simplification of Licensing and Non-Licensing.

The impact caused by the absence of a permit to build a restaurant is the occurrence of environmental pollution in the coastal area of North Galesong such as plastic and the rest of the restaurant's waste

that is not processed properly. This condition causes the environment to be under severe pressure so that critical land tends to increase, biodiversity shrinks, coastal conditions are worrying, soil, water, and air pollution increase.

So based on existing problems and violations, the study was conducted to evaluate the form of permits for the control of coastal areas that are the place of the restaurant business and assess the legal implications for the use of coastal areas in Takalar Regency.

## **Research methods**

### **Types of research**

This study used empirical legal research methods. Empirical legal research is a type of research that is supported and supplemented by primary data, namely data obtained directly from the community.

### **Research Location**

To obtain data and information related to the problems discussed, this research was carried out in Takalar Regency, namely at the Office of the Investment Office and One-Stop Integrated Services, the Office of Culture and Tourism Office, the Office of the Environmental Office, the Office of the Regional Revenue Office of Takalar Regency.

### **Data Collection**

To carry out the research, researchers collected the following data:

#### 1. *Library Research*

The research will be carried out by collecting data by reading and reviewing several literature, books, laws, and regulations related to the problem under study to obtain secondary data to facilitate an analysis of existing problems.

#### 2. *Field Research*

In field research, research is carried out through interviews (*interviews*), namely by visiting respondents or resource persons to conduct questions and answers directly, regular and structured question types. The speakers are as follows:

1. Head of Investment Office and One-Stop Integrated Services of Takalar Regency,
2. Head of Takalar Regency Culture and Tourism Office,
3. Head of the Takalar District Environmental Agency,
4. Head of the Regional Revenue Office of Takalar Regency,

Researchers also prepare questionnaires by providing a systematically compiled list of written questions addressed to respondents.

### **Data Analysis**

The data obtained both primary data and secondary data are analyzed juridically. Data analysis is an effort or way to process data into information so that the characteristics of the data can be understood and useful for problem solutions, especially problems with research. This research was conducted to describe the data so that it can be understood, then presented descriptively, namely described, described, and explained the problems that are closely related to this research.

## **ANALYSIS AND DISCUSSION**

### **Form Of Permit For The Use Of The Coastline Which Is Used As A Place For Restaurant Business In The Fish Auction Area Of Takalar Regency**

Permits are required as acts that generally require special supervision, but are not considered undesirable things at all. Broadly speaking, licensing law is the law that governs public relations with the state. Licensing law deals with public law, the principle of related permits in public law. Because it is related to legislation, the exception is if there is a civil aspect in the form of consent as well as in granting special permits.

According to N.M. Spelt and J.B.J.M. ten Berge, a permit is an agreement and authority based on laws or government regulations to in certain circumstances deviate from the provisions of the statutory prohibition. Coastal area management areas, in this case utilizing coastal areas, should obtain permission from the local government. Reviewing from the understanding of Article 1 number 8 of Law Number 23 of 2014.

For the utilization of coastal areas, please note that the management of coastal areas and small islands must be considered by the government, as stipulated in Article 1 paragraph (1) of Law Number 1 of 2014 concerning amendments to Law Number 27 of 2007 concerning the management of coastal areas and small islands.

Based the regulation illustrates the importance of the government related to licensing to provide permits in the use of coastal areas, as stipulated in Article 1 paragraph (18) and paragraph (18A) of Law Number 1 of 2014 concerning amendments to Law number 27 of 2007 concerning the management of coastal areas and small islands

Furthermore, in terms of licensing, the importance of every business having a permit, and also related to coastal area management, as stipulated in Article 1

paragraph (18) and paragraph (19) of Government Regulation Number 24 of 2018 concerning electronically integrated business licensing services. Judging from information obtained from the Licensing and Non-Licensing Services Sector, the Investment Office and One-Stop Integrated Services of Takalar Regency stated that further evaluation is needed regarding the licensing of restaurants on the coast, especially One of the important policies taken by the government to implement OSS which makes it easier for the public to make permits online simply by attaching KTP and NPWP.

Judging from the environmental aspect, business licenses also need to be equipped with environmental permits. Environmental documents are divided into 3 (three) depending on the type of business. Starting from SPPL which is the lowest level by looking at the area of business land. Judging from the tourism aspect, information was obtained that the restaurant business in the coastal area of Takalar Regency is included in culinary tourism. In addition, the Takalar Tourism Office also confirmed that it often receives reports of many restaurants that do not have business licenses in coastal areas.

From the aspect of retribution coordinated by the Regional Revenue Office,

information was obtained that the form of permission from the restaurant business was taken over by PTSP to monitor the restaurant business and record it to be included in the local original income (PAD). For restaurant businesses located in coastal areas do not have a permit so retribution cannot be withdrawn from the business.

The restaurant business license located in the coastal area of Gusunga, North Galesong District, Takalar Regency still does not have a business license because the structure of the Takalar Regency Government has changed, which used to be for the restaurant business handled by the Takalar Regency Tourism Office and now switches to the Takalar Regency Regional Revenue Office.

#### **LEGAL PROTECTION OF EDUCATIONAL INSTITUTIONS AND PROPERTY RIGHTS HOLDERS**

The basic meaning of the word "benefit" is used, profit, or beneficial profit, while "utilization" is the act of utilizing something. Because the law is intended for humans, the implementation and enforcement of the law must provide benefits or benefits to the community, and must be able to prevent riots in the community. A good law is a law that provides benefits or happiness for humans.

In terms of the use of coastal areas, it should be noted that the coastal areas are

really for their designation. The coastal area of Takalar Regency, especially in the area that the author examined, is specifically intended for natural tourism, not for the restaurant business, as stipulated in Article 39 paragraph (3) of Takalar Regency Regional Regulation Number 6 of 2012 concerning the Takalar Regency Regional Spatial Plan for 2012-2031.

Restaurant businesses established by the coastal communities of Takalar Regency do not have permits, both coastal area utilization permits and even restaurant business licenses. This must be considered by the Government about this. So, the regulations can be fulfilled as they should. The need for socialization in the community to know the importance of taking care of licensing on the other hand there are no violations committed by the community.

The relevant government, in this case, the restaurant business in the field of retribution, the restaurant business sees income and collects the levy so that it can advance the development of Takalar Regency. As stipulated in Article 1 paragraph (17) of Takalar Regent Regulation Number 36 of 2018 concerning the Implementation of Restaurant Tax, it stipulates that restaurant taxpayers are individuals or entities that operate restaurants. Furthermore, it is also regulated in Article 1 paragraph (19)

of Takalar Regency Regional Regulation Number 10 of 2012 concerning business services retribution, stipulating that the mandatory levy is an individual or entity that according to laws and regulations is required to make payment of business services retribution.

In addition, from the aspect of the impact of establishing a restaurant business on the environment, the Regional Government of Takalar Regency should pay close attention to the sustainability of the ecosystem in coastal areas so that the surrounding community becomes prosperous and also the ecosystem in the sea will be maintained. The author responds to the importance of a business to pocket a permit as Article 1 paragraph 14 of Takalar Regent Regulation Number 40 of 2019 concerning permits for disposal and utilization of liquid waste which explains that liquid waste is the remainder of a business and/or activity that is liquid. The sanctions for violating waste utilization permits are not owned by every restaurant business, especially in the coastal area of Gusunga, North Galesong District, Takalar Regency.

## **CONCLUSION**

The restaurant's business location in the fish auction area in Takalar Regency does not have a permit. The government of Takalar Regency is conducting another

data collection on restaurant businesses that utilize coastal areas, especially in the coastal area of Gusunga, North Galesong District, Takalar Regency. As a follow-up, the government provided outreach regarding how to obtain business licenses from the OSS system. The Gusung coastal area should be designated for nature tourism, not for restaurant businesses by the rules stipulated in Article 39 paragraph (3) of Takalar Regency Regional Regulation No. 6 of 2012 concerning the spatial plan for the Takalar Regency area for 2012-2031.

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