

ANALYSIS OF BUSINESS LICENSING IN THE DEVELOPMENT OF EIGER CAMP IN WEST BANDUNG REGENCY

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ABSTRACT

This study examines the spatial utilization compliance of the Eiger Camp Project located in Parongpong District, West Bandung Regency, which is situated within a water infiltration conservation zone as designated in the Regional Spatial Plan (RTRW). Although the developer claims to possess several permits, including the Environmental Impact Assessment (AMDAL), Building Approval (PBG), and site plan, the project was temporarily halted by local authorities due to the absence of a valid Spatial Utilization Activity Compliance (KKPR) document. Development in such conservation areas, which serve as water catchment and disaster-prone zones, raises both ecological and legal concerns. Using a normative-juridical approach, this research analyzes the relationship between the legality of permits and the substantive compliance with spatial zoning regulations as mandated by Indonesian law. The findings reveal that formal licensing, without alignment with RTRW zoning requirements, may result in legal violations and ecological degradation. Local governments play a vital role in monitoring and enforcing spatial planning policies; Thus, development in ecologically strategic areas must adhere to both legal and environmental considerations in a balanced manner.

Keywords: Water Infiltration Conservation, RTW Licensing, Eiger Camp Project

INTRODUCTION

In the process of development planning and control, spatial utilization is an important aspect that determines whether an activity is in accordance with the direction of the applicable spatial planning policy. Spatial utilization is a series of development implementation activity programs that utilize space based on the time period set out in the spatial plan. Based on Article 1 number 14 of Law Number 26 of 2007 concerning Spatial Planning, spatial utilization is an effort to realize spatial structures and spatial patterns in accordance with spatial plans through the preparation and implementation of programs and their financing. In this context, the Regional Spatial Plan (RTRW) is a strategic government policy instrument that has a major impact on district/city, provincial, and national development. In urban spatial planning, there are three things that are needed as guidelines in spatial planning, one of which is spatial planning.

Spatial planning is one of the instruments for preventing environmental damage. Spatial planning as a system of spatial planning, spatial utilization, and spatial utilization control is an inseparable unity between one and the other and must be carried out in accordance with spatial planning rules so that it is expected to realize effective and efficient spatial utilization

and be able to support sustainable environmental management; there is no waste of spatial utilization; and does not cause a decrease in the quality of space.

One important aspect in spatial planning is the existence of water catchment conservation areas which have a vital role in maintaining ecological balance, reducing the risk of flooding, and supporting the availability of ground water. However, in practice, this area is often threatened by development activities that ignore environmental sustainability aspects. One current case is the construction of the Eiger Adventure Camp project in the Sukawana area, Karyawangi Village, Parongpong District, West Bandung Regency. The project is believed to be built on a conservation zone that functions as a water catchment area and is included in a disaster-prone area, as stated in the West Bandung Regency Spatial Planning Plan (RTRW). This project has a negative impact on the surrounding environment because this area is a water catchment and absorption area which is very important for the sustainability of the surrounding water resources.

The directly affected area is in the Tangkuban Parahu Crater Nature Tourism Park. This area is recorded as part of the Nature Conservation Area protected by law and stipulated in the West Bandung Regency Spatial Planning Plan (RTRW) Number 2 of 2024 concerning the West Bandung Regency Spatial Planning Plan for 2024-2044. Although Eiger Camp claims to have obtained various permit documents such as documents Amdal, Andalalin, Building Construction Approval (PBG), and site plan from related agencies. This project was temporarily stopped by Satpol PP on the instructions of the Governor of West Java. This condition has caused legal and ecological polemics. On the one hand, there is administrative legality of the development, but on the other hand there is a discrepancy with the function of the protected space and serious ecological risks. This research is important to examine whether the development is in accordance with business licensing issuance procedures with the applicable spatial planning and how the Government applies sanctions in handling problems regarding the use of conservation space.

In the research of Mafrihatul Khasanah et al. (2022), they have studied the implementation of the policy of converting water catchment land into residential areas in Cimahi City as part of the North Bandung Area, which focuses on the implementation of the land conversion policy in urban areas (Cimahi City), without discussing in depth the conformity of development permit documents with the substance and zoning procedures in the RTRW. This study is different from the author's study because this study specifically examines the suitability of the licensing documents for the Eiger Camp tourist attraction commercial project with the substance and zoning procedures in the RTRW in water catchment conservation areas that have stricter legal protection. The author's focus is on the legal aspects of licensing and violations of spatial planning in protected areas which make this study relevant to strengthening the legal framework and environmental governance in ecological strategic areas, especially in the context of permit-based development in West Bandung Regency.

RESEARCH METHODS

This study uses a juridical-normative method approach, namely a legal research method carried out by reviewing and analyzing relevant legal materials, both in the form of laws and

legal literature, to examine the legal principles that govern. The approaches used in this study include the statute approach and the case approach. The statutory approach is used to examine relevant regulations, such as Law Number 26 of 2007 concerning Spatial Planning linked to the West Bandung Regency Regional Regulation Number 2 of 2024 concerning the 2024-2044 RTRW and Government Regulation No. 21 of 2021 concerning the Implementation of Spatial Planning. This approach aims to examine the phenomenon of the Eiger Camp project development from the aspects of environmental law, spatial planning, and its impact on the community and the surrounding environment. This approach is to see the application of spatial planning and environmental protection regulations in practice, as well as how these policies impact water catchment ecosystems in conservation areas.

DISCUSSION

Procedures for Issuing Business Permits for the Development of Eiger Camp in West Bandung Regency

In line with the concept of regional autonomy, regional governments have the authority to manage and regulate their own household affairs. This will provide flexibility as well as challenges for provincial, district and city governments in developing potential and overcoming problems that arise in their respective regions. In order to develop potential and overcome challenges in the regions, it must be supported by the government's ability, namely the ability to realize public service management, one of which is licensing services.

Permit is a legal basis, it can be understood that a certain activity cannot be carried out by citizens without permission from the authorized government organ. Therefore, a permit is the basis for the perpetrator of the activity to be able to start an activity, where the rights and obligations of the permit applicant related to the activity are born after the permit is issued. Without a permit, a party cannot carry out the activities contained in the permit.

Licensing is an environmental legal instrument that has a preventive function, namely preventing pollution and environmental damage. Instruments for preventing pollution and/or environmental damage consist of: KLHS; spatial planning; environmental quality standards; environmental damage standard criteria; UKL-UPL; licensing; environmental economic instruments; environmental-based legislation; environmental-based budget; environmental risk analysis; environmental audit; and other instruments in accordance with the needs and/or developments in science. Licensing can be in the form of registration, recommendations, certification, quota determination, and permits to conduct a business that usually must be owned or obtained by a company organization or person before the person concerned can carry out an activity or action.

The case of the construction of Eiger Camp at the foot of Mount Tangkuban Parahu has become a public spotlight because even though PT Eigerindo claims to have obtained all the required permit documents, the project is still sealed by the West Java Provincial Government. The project location in the Sukawana area, Karyawangi Village, West Bandung Regency, is considered a disaster-prone area, such as landslides and volcanic eruptions. In terms of legality, Eiger said it had completed eight types of permits including Amdal documents, Andalalin, building approvals, and site plans from related agencies. However, the

sealing was carried out because the project was considered not to have fully considered ecological aspects and environmental sustainability.

The sealing has raised debate about the importance of distinguishing between administrative and substantive compliance in the licensing process. Although the project documents appear legitimate, the substance of the development, namely its impact on the environment and the safety of the area, remains the priority of the local government. Issues of compliance with the Regional Spatial Plan (RTRW) as well as environmental carrying capacity and capacity are the main considerations for the sealing. This shows that formal licensing does not automatically guarantee the ecological feasibility of a project, especially in sensitive areas.

So, the Eiger Camp development project is one of the initiatives to develop a natural tourism area by PT Eigerindo. Although the developer claims that all permit documents have been fulfilled, the problems that arise are not solely related to administrative completeness, but also include the suitability of space utilization with the spatial function that has been determined by the government. The aim of a spatial audit is to realize the optimal use of space in accordance with the spatial plan and make efforts to regulate the use of space in the context of law enforcement to create a better living space.

In the context of Government Regulation No. 21 of 2021 concerning the Implementation of Spatial Planning as in Article 97 paragraph (1) every spatial utilization activity, including development and business activities, must first obtain a Spatial Utilization Activity Conformity (KKPR) document. The Conformity of Spatial Utilization Activities (KKPR) in Article 98 paragraph 1 refers to the basic spatial planning requirements that must be met before development or business activities are carried out. This KKPR document is the legal basis for ensuring that the activities carried out are in a location that is in accordance with the Regency/City or Provincial Spatial Planning Plan (RTRW). If the Eiger Camp project is located in a protected area or water catchment conservation zone. Then the construction of commercial tourism facilities at that location directly contradicts the provisions on spatial utilization. In this case, even though permits such as AMDAL have been issued, without a valid spatial balance through KKPR, all physical activities in the field can still be considered a violation of spatial planning.

There are several factors that influence the determination of water catchment areas, namely land use, rainfall, land slope and soil texture. Water catchment areas also function to accommodate rainwater that falls in the area. Indirectly, water catchment areas play an important role as flood controllers during the rainy season and drought during the dry season. In the context of the Eiger Camp development project, the existence of the West Bandung Regency RTRW is very important to review. If the project area is included in the conservation zone or protected area according to the RTRW or RDTR, then legally it cannot be used for commercial tourism activities. The importance of the Spatial Utilization Activity Conformity (KKPR) document, because KKPR can only be issued if the activity is in accordance with the established spatial plan. Although environmental permits such as AMDAL or technical permits such as PBG have been owned by the developer, these permits cannot stand alone without first having legal certainty in terms of spatial conformity.

Based on the technicalities, the Eiger Camp case can be criticized from the perspective of spatial incompatibility if the development is carried out in a conservation zone based on the applicable RTRW and RDTR. This strengthens the argument that the project is not only ecologically dangerous, but also legally flawed in spatial planning. Based on the Regional Regulation of West Bandung Regency Number 2 of 2024 concerning the 2024-2044 RTRW, the Eiger Camp development project in Parongpong District can be studied through several important articles that are relevant to the function of protected areas and control of spatial utilization.

Article 4 states that spatial planning policies regulate the protection of protected areas, including water catchment areas, as well as strict control over land conversion. Parongpong District is included in the Lembang Development Area (WP) which has high ecological pressure because it is adjacent to the protected area of Mount Tangkuban Parahu and is part of the North Bandung Area (KBU), which is designated as having the main function as a buffer for the Bandung basin water system. These articles emphasize the importance of controlling development in the northern region, with a strategy of maintaining environmental carrying capacity and capacity and preventing development activities that exceed spatial allocation.

It is also stated that KKPR (Conformity of Spatial Utilization Activities) is an absolute document in every development activity, and violations of the RTRW can be subject to sanctions according to the provisions. Referring to the provisions above, the construction of Eiger Camp which is located in a water catchment conservation area and has not been clearly shown to have a suitable KKPR, has the potential to violate the West Bandung Regency RTRW Regulation, even though the developer claims to have other environmental permits.

Implementation of Sanctions by the Government if the Construction of Eiger Camp is Carried Out Without Complying with Environmental Zoning Provisions

Regional governments play an important role in implementing spatial planning in their respective regions. Within the framework of national law, particularly Law Number 26 of 2007 concerning Spatial Planning and Law Number 23 of 2014 concerning Regional Government, the authority to prepare spatial plans, grant permits for spatial use, and enforce the law on violations of spatial planning is part of the duties and responsibilities of regional governments, both at the provincial and district/city levels. Spatial planning is not only administrative in nature, but also strategic in determining the ecological direction of development, environmental protection, and the balance between economic and social functions. In this context, the preparation of the Regional Spatial Plan (RTRW) and the Detailed Spatial Plan (RDTR) becomes a legal instrument that must be obeyed by all parties, including business actors and investors.

The updated West Bandung Regency RTRW through Regional Regulation Number 2 of 2024 explicitly stipulates spatial zoning, including protected areas and cultivation areas. In the document, the Parongpong area, where Eiger Camp is built, is largely designated as a protected area and air catchment area that functions as an ecological buffer for the Greater Bandung area. With this status, every commercial development activity must undergo a strict assessment of its spatial suitability. However, in reality, the construction of the Eiger Camp

project continues despite strong suspicions that its location is in a zone that is not designated for commercial tourism development.

This shows negligence or weakness in the supervision and control function by the local government. As the authority that prepares and determines the RTRW, the local government should not only be a regulator, but also a supervisor and law enforcer in the implementation of spatial utilization. Preventive efforts in the context of controlling environmental impacts need to be implemented by maximizing the utilization of supervision and licensing instruments. In cases where environmental pollution and damage have already occurred, repressive efforts need to be made in the form of effective, consequential and consistent law enforcement against environmental pollution and damage that has already occurred.

If the local government issues a permit that is not in accordance with the spatial designation, then it not only violates legal interests, but also threatens the ecological function of the area. When the community and environmental organizations call for and demand the coercion of this project, the government should immediately conduct a thorough audit of the entire licensing process that has been granted. The recovery steps taken by the West Java Provincial Government do show a response, but these actions need to be followed by more stringent follow-up steps, such as revoking permits, restoring the area, and legal accountability to parties who are proven to be negligent or disconnected.

In the framework of decentralization regulated in Law Number 23 of 2014 in its appendix, the district/city government has direct responsibility in controlling its regional space. There should be no gap between planning and implementation. The government is not enough to just make RTRW and RDTR, but must also ensure its implementation in the field, including transparency of licensing, public involvement, and sanctions for violations.

Based on Law No. 26 of 2007 concerning Spatial Planning in conjunction with Law No. 6 of 2023 concerning Job Creation, the Government provides strict regulations to address violations of spatial planning and spatial utilization that are not in accordance with established regulations. With administrative sanctions in Article 63 such as written warnings, cessation of activities, revocation of permits, to demolition of buildings, it aims to ensure that every use of space takes place within the corridor that has been planned and is legally valid.

In addition, in Article 69, the existence of criminal sanctions that regulate imprisonment of up to three years and a maximum fine of one billion rupiah emphasizes how serious violations of spatial planning and changes in spatial function are. This also reminds us that any activity that can damage the suitability of spatial use, either in terms of zoning or other requirements, can be subject to criminal sanctions. With the existence of these two forms of sanctions, both administrative and criminal, the regional government has the authority to take action and control violations of spatial planning provisions. This creates a balance between development and protection of space, as well as optimizing the use of space in a sustainable manner.

Therefore, the Government must ensure that every development activity in its territory is in accordance with the applicable spatial plan. Based on the provisions of Law No. 26 of 2007 concerning Spatial Planning, violations of the spatial plan can be subject to administrative to criminal sanctions, depending on the impact and intent of the violation. The provisions in Article 17 of Law No. 26 of 2007 emphasize that the preparation of spatial plans must consider the relationship between regions, between regional functions, and between regional activities. That a region cannot be designed separately without considering the ecological,

social, and functional connections with other areas around it. This principle is an important foundation in preventing development inequality and the use of spatial conflicts.

The main issue in the Eiger Camp project is not only about the administrative legality of the licensing documents, but also about spatial conformity as a substantial aspect of valid licensing. If the area is included in a protected or conservation zone, then all development activities become invalid even though administrative permits have been issued. The obligation of the regional government does not stop at the preparation of these documents, but extends to the licensing process. The government must ensure that every development activity in its area is in accordance with the applicable spatial plan. The Conformity of Spatial Utilization Activities (KKPR), which is the legal basis for business licensing in the Online Single Submission (OSS) system, can only be granted if the activity does not conflict with the RTRW and/or RDTR. Issuance of permits without considering spatial conformity is a violation that can be subject to administrative and legal sanctions.

Therefore, if the construction of Eiger Camp is carried out above the protected zone or water catchment conservation area as stated in the West Bandung Regency RTRW, then the local government has an obligation to not only stop the activity, but also investigate the possibility of administrative and criminal violations. The temporary sealing action taken by the West Java Provincial Government shows that efforts to enforce spatial planning law are indeed underway, although it still raises questions about the consistency of supervision and transparency of the previous licensing process.

CONCLUSION

The construction of Eiger Camp in West Bandung Regency shows a discrepancy between business licensingspatial function as stipulated in the West Bandung Regency Spatial Plan (RTRW) for 2024–2044. This location is included in the water catchment conservation area and disaster-prone area, which should be protected and not converted for commercial development purposes. Although the developer claims to have met administrative requirements such as AMDAL, PBG, and site plan, the absence of a document of Conformity of Spatial Utilization Activities (KKPR) is evidence that the project is not valid in terms of spatial planning. This indicates that the completeness of administrative documents does not guarantee substantial conformity of a development with the applicable spatial plan, especially in protected or conservation areas that have strategic ecological value.

Local governments have a legal obligation to ensure that all development activities comply with spatial planning and environmental provisions. In the case of Eiger Camp, the West Java Provincial Government's sealing of the project shows a form of spatial law enforcement that should be supported by further steps such as revoking permits or restoring the area. Based on applicable regulations, violations of spatial utilization can not only be subject to administrative sanctions, but also criminal sanctions. Therefore, consistent supervision and transparency of the licensing process are key to preventing similar violations and ensuring the realization of sustainable development in strategic ecological areas.

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