

LEGAL PROTECTION FOR BOARDING HOUSE MANAGERS IN BADUNG REGENCY, BALI

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Article Info:

Submitted: 2026-03-25

Revised: 2026 -05-26

Accepted: 2026-07-13

Vol: 5

Number: 1

Page: 243 - 250

Keywords:

Legal Protection,
Boarding House,
Manager, Legal
Certainty

Abstract:

This study addresses the legal protection model for boarding house managers in Badung Regency, where the rapid growth of the tourism, education, and economic sectors has driven a high demand for boarding houses, while violations of house rules by tenants remain frequent in practice. The issues examined include the regulatory framework governing the management of boarding houses in Badung Regency and the legal protection afforded to boarding house managers within that management. This research employs an empirical legal research method using statutory, conceptual, and socio-legal approaches. The findings show that the regulation of boarding house management in Badung Regency has not been fully optimal despite the implementation of the Indonesian Civil Code and Badung Regency Regional Regulation Number 24 of 2013 concerning the Operation of Boarding Houses, which governs licensing, the rights and obligations of the parties, house rules, and legal relationships through lease agreements; violations by tenants still occur, including late rental payments, damage to facilities due to tenant negligence, breaches of house rules, and tenants leaving without fulfilling their obligations, so implementation cannot yet be considered effective. Legal protection for boarding house managers is realized through preventive protection in the form of written agreements, house rules, and administrative supervision, as well as repressive protection through deliberation or mediation, although in practice these measures remain suboptimal, raising concerns over justice and legal certainty for managers and indicating the need for stricter supervision and good faith from both parties to minimize future violations.

INTRODUCTION

The development of globalization, urbanization, and increasing community mobility has brought significant changes to social and economic life patterns across various regions in Indonesia. One of the most evident impacts of these developments is the rising public demand for temporary accommodation that can support educational, employment, and other economic activities. The growth of the education, tourism, trade, and service sectors has given rise to various forms of temporary housing, ranging from rental houses and apartments to boarding houses. A house is a basic human need that serves as a dwelling, shelter, and a means of supporting a decent life, the fulfillment of which is guaranteed by the state. In this context, boarding houses are no longer regarded merely as temporary dwellings, but have developed into a form of business activity with high economic value, contributing to the improvement of community welfare. The growth of the boarding house business has continued to increase from year to year. The rapid expansion of this



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business has, on one hand, given a positive impact on community economic growth, as many residents utilize their land to establish boarding houses as a source of additional or main income. This phenomenon can be found in various regions with high population mobility, particularly those that serve as centers of education, trade, industry, and tourism, including Badung Regency. However, the rapid growth of the boarding house business has also given rise to various legal relationships requiring clear regulation, not only between boarding house managers and tenants, but also involving local government and surrounding communities. In practice, the management of boarding houses frequently raises legal issues such as delayed rental payments, damage to facilities, violations of house rules, and problems related to licensing and supervision, indicating that boarding house management is not merely an ordinary economic activity but one carrying legal consequences that require adequate regulation and legal protection.

The existence of Badung Regency Regional Regulation Number 24 of 2013 reflects an effort by the local government to bring legal certainty to the operation of boarding houses, governing licensing, the obligations of managers, supervision, and sanctions for violations of applicable provisions. However, the existence of a regulation does not automatically guarantee that legal protection for the parties involved has been optimally realized. In practice, various issues continue to reveal a gap between the prevailing legal norms and conditions on the ground, as some boarding house managers still face problems related to the implementation of agreements, breaches of obligations by tenants, and the limited availability of effective and efficient dispute resolution mechanisms. Disputes are more often resolved through deliberation and familial approaches rather than formal legal channels, indicating that although normative provisions governing the relationship between managers and tenants already exist, the implementation of legal protection for boarding house managers still faces considerable challenges.

Viewed from the perspective of legal certainty as advanced by Gustav Radbruch, law should be able to provide clear guidance on the rights and obligations of the parties so that certainty is created within the legal relationship that takes place; however, legal certainty is determined not only by the existence of written regulations but also by the effectiveness of their implementation in social life. Beyond legal certainty, justice is also an essential objective to be realized in the legal relationship between boarding house managers and tenants. According to Aristotle, justice constitutes giving each person what is proportionally their due, which in the context of boarding house management requires a balance between the rights and obligations of the parties: managers are entitled to receive rental payments and protection of their economic interests, while tenants are entitled to decent accommodation in accordance with the agreed terms. Legal protection must therefore not be oriented toward only one party, but must provide balanced and proportional protection for all parties involved, with the implementation of lease agreements playing a strategic role in maintaining this balance in line with the principle of good faith as stipulated in Article 1338 paragraph (3) of the Indonesian Civil Code.

Based on these legal issues, although various legal provisions governing the operation of boarding house businesses already exist, problems potentially detrimental to boarding house managers continue to be found in practice. This condition indicates the need for an in-depth study of the legal protection that can be afforded to boarding house managers in conducting their business. This study therefore seeks to analyze the regulatory framework governing boarding house management, the implementation of the legal relationship between managers and tenants, the rights and obligations of the parties under lease agreements, and the legal protection that can be afforded to boarding house managers from the perspective of legal certainty and justice, with the issues



examined being how the implementation of boarding house management is regulated in Badung Regency and how legal protection is afforded to boarding house managers in that management.

METHODS

This research employs an empirical legal research method, examining law not only as a normative system but also as it operates in social practice, using a combination of statutory, conceptual, and socio-legal approaches. The statutory approach is used to examine the consistency of the prevailing positive law, particularly Badung Regency Regional Regulation Number 24 of 2013 concerning the Operation of Boarding Houses together with related provisions of the Indonesian Civil Code, while the conceptual approach draws on legal doctrines and theories of legal certainty, justice, and legal protection to evaluate whether the existing regulatory framework provides adequate protection for boarding house managers, and the socio-legal approach bridges the gap between law in the books and law in action by capturing how legal protection is actually realized in practice. Data were obtained from primary sources, namely interviews with boarding house managers in Badung Regency, and secondary sources comprising primary, secondary, and tertiary legal materials gathered through library research, including statutory regulations, scholarly books, legal journals, and prior research findings. The collected legal materials were then analyzed using legal interpretation techniques, processed continuously from the data collection stage through the analysis stage to construct legal argumentation regarding the form of legal protection for boarding house managers, before being presented descriptively and systematically to arrive at conclusions addressing the research problems.

Table 1. Legal Basis for the Regulation of Boarding House Management in Badung Regency

No	Legal Basis
1	The 1945 Constitution of the Republic of Indonesia
2	Law Number 23 of 2014 concerning Regional Government
3	Badung Regency Regional Regulation Number 24 of 2013 concerning the Operation of Boarding Houses
4	Badung Regent Regulation Number 35 of 2019 concerning Procedures for Application, Re-registration, and Adjustment of Boarding House Management Licenses
5	The Indonesian Civil Code (KUHPerdota)

Source: Compiled from the Conceptual Framework of the Thesis (2026)

RESULT AND DISCUSSION

Regulatory Framework for Boarding House Management in Badung Regency. Boarding house management is a form of temporary accommodation business that has grown alongside increasing population mobility and economic activity across Indonesia, including Badung Regency. As this business activity is no longer confined to a private relationship between building owners and tenants but has developed into one that generates legal relationships among managers, tenants, surrounding communities, and local government, clear legal regulation is required to ensure orderly implementation, legal certainty, and the protection of all parties involved. This regulatory need reflects the principle of the rule of law affirmed in Article 1 paragraph (3) of the 1945 Constitution, under which every activity, including the boarding house business, must be carried out in accordance with prevailing law, while the state is obliged to provide regulations that guarantee legal certainty. The authority of the regional government to regulate boarding house management is

derived from the principle of regional autonomy under Article 18 paragraph (2) of the 1945 Constitution, further elaborated in Law Number 23 of 2014 concerning Regional Government, which grants regional governments the authority to establish regional regulations governing matters within their jurisdiction, including spatial management, public services, and business supervision.

Drawing on Gustav Radbruch's view that every legal instrument is created in pursuit of a legal purpose, Badung Regency Regional Regulation Number 24 of 2013 concerning the Operation of Boarding Houses was enacted as the principal legal basis for boarding house regulation within the region, formulated in response to the rapidly growing boarding house business and intended to create order and legal certainty in its operation, covering licensing, the rights and obligations of the parties, house rules, and the legal relationship established through lease agreements, as summarized in Table 1. Article 3 of this Regional Regulation states that boarding house management is implemented to provide legal certainty, to realize boarding houses that are decent, safe, and comfortable in accordance with their function, to support sustainable economic, social, and cultural development, to organize population administration, and to protect the interests of all parties while creating order and tranquility within the community. These provisions indicate that the purpose of the Regional Regulation extends beyond administrative obligations alone to encompass legal protection for the interests of all parties involved in boarding house management. However, the existence of this regulation does not by itself guarantee that protection has been optimally realized: in practice, violations of house rules by tenants, including late rental payments, damage to facilities due to negligence, and tenants leaving without settling their obligations, continue to occur, indicating that implementation cannot yet be considered fully effective and that legal certainty depends not only on the existence of written rules but also on the effectiveness of their enforcement in social life.

Licensing Procedure for Boarding House Management. Licensing constitutes a fundamental aspect underlying the legality of any business activity, and for boarding house operators it represents a primary requirement that must be fulfilled before a business may legally operate. Under Article 1 number 8 of Minister of Home Affairs Regulation Number 138 of 2017 concerning the Operation of the One-Stop Integrated Service, a license is defined as a document and proof of legal approval issued by the government to an individual or business actor in accordance with statutory provisions, intended to ensure that business operations comply with applicable law, maintain order in the surrounding environment, and protect the rights and obligations of all parties involved. Based on an interview with Ketut Endranata, manager of Riverside Kost in Badung Regency, the licensing process takes approximately one month from the complete and correct submission of required documents, namely a copy of the identity card, a valid taxpayer registration number, an active email address, a copy of the building permit, and a copy of the environmental management or monitoring document, followed by a field verification of the application against the actual condition of the boarding house before the license is issued and the business may legally operate. This finding indicates that, procedurally, licensing has been implemented in a structured manner that provides legal certainty for boarding house owners regarding the legality of their business, in line with the view that legal certainty concerns the trust an individual may place in what can be expected from the authorities, including the consistency of administrative decisions that have been made.

Legal Relationship and the Rights and Obligations of the Parties. An agreement gives rise to a legal relationship that creates rights and obligations for the parties who enter into it, as affirmed under Article 1313 of the Indonesian Civil Code. In the practice of boarding house management in Badung Regency, the legal relationship between managers and tenants is established through a lease



agreement once a tenant agrees to use a room for a certain period in exchange for an agreed rental payment, and this relationship gives rise to reciprocal rights and obligations rather than a one-sided benefit for either party, with the boarding house manager positioned as the party providing accommodation in return for payment, as elaborated in Table 2. Based on interviews with Ketut Endranata, manager of Riverside Kost, the most frequent problem encountered in practice is delayed rental payment together with violations of house rules that disturb other tenants, despite the agreement clearly stipulating a monthly payment mechanism through cash, transfer, or QRIS; in legal terms, such conduct constitutes a default (*wanprestasi*), since the tenant fails to perform as agreed even though the legal relationship was established by mutual consent. A similar but distinct problem was reported by Luh Yani, manager of Dharma Purana I boarding house, where a tenant left the premises without notice while leaving rental obligations unsettled, a circumstance later confirmed through CCTV footage after repeated attempts at communication went unanswered. Although the Civil Code allows a party in default to be held liable for resulting losses, both managers reported that disputes are predominantly resolved through deliberation and familial approaches rather than litigation: Ketut Endranata consistently prioritizes persuasive negotiation given the relatively small value of the losses involved, while Luh Yani indicated that the matter would be reported to the relevant authorities only if the tenant continued to show no good faith in settling the outstanding obligation. These differing responses indicate that, although the rights and obligations of the parties are normatively well defined, the realization of justice as a proportional balance between rights and obligations, in Aristotle's sense, in practice depends not only on the existence of the written agreement but also on the level of legal awareness, good faith, and commitment of the parties in fulfilling what has been agreed.

Table 2. Rights and Obligations of the Parties under the Boarding House Lease Agreement

Party		Rights	Obligations
Boarding Manager	House	To receive rental payment on time; to be protected against loss or damage to facilities caused by tenant negligence; to terminate the agreement upon proven default	To provide a decent, safe, and comfortable room as agreed; to hold a valid management license; to enforce clear and consistent house rules
		To occupy a decent room for the agreed period; to use shared facilities; to receive fair treatment consistent with the agreement	To pay rent on time; to comply with house rules; to maintain shared facilities; to notify the manager before vacating the room

Source: Badung Regency Regional Regulation Number 24 of 2013 and interview results (2026)

Model of Legal Protection for Boarding House Managers. According to Philipus M. Hadjon, legal protection can be distinguished into preventive and repressive legal protection, the former aimed at preventing violations of rights through clear legal regulation and the latter provided to resolve disputes once a violation has occurred; both forms must operate in an integrated manner to guarantee legal certainty while realizing justice in the legal relationship between boarding house managers and tenants. In the context of boarding house management, preventive legal protection is realized primarily through a written lease agreement that is clear, complete, and readily understood

by the parties; the findings indicate that a written agreement provides a stronger legal position for the manager compared to a lease based merely on an oral understanding, allowing the manager to specify in detail the rights and obligations of the parties, the rental payment mechanism, the use of facilities, applicable prohibitions, liability for damage, and the dispute resolution mechanism. Nevertheless, a written agreement alone has proven insufficient, since violations by tenants still occur even after the agreement has been signed; its substance therefore needs to be designed comprehensively to anticipate risks that may cause loss to the manager, including clauses on payment procedures, sanctions for late payment, liability for facility damage, the inclusion of a guarantor's identity, and termination procedures, while preventive protection is further strengthened through clear, firm, and consistently enforced house rules, given that most violations in practice originate from tenants' non-compliance with such rules.

Repressive legal protection, by contrast, is provided once a violation causing loss to the manager has occurred; under the Civil Code, this may take the form of a default claim pursuant to Article 1243, entitling the aggrieved manager to demand compensation, performance, or termination of the agreement. However, interviews with both managers indicate that litigation is almost never pursued, as resolution through deliberation and familial approaches is regarded as more effective, faster, and more economical given the relatively small value of the losses involved compared to the cost and time required for court proceedings, suggesting that the appropriate model of repressive protection in the context of boarding house management is a staged dispute resolution model proceeding from negotiation to mediation, with litigation reserved as a last resort. A further analysis shows that the ideal model of protection should not be oriented solely toward administrative supervision, given that the prevailing regulation places greater emphasis on the manager's administrative obligations while protection of the manager's rights in the event of tenant default remains insufficiently specific; as Article 28D paragraph (1) of the 1945 Constitution affirms every person's right to recognition, guarantee, protection, and fair legal certainty as well as equal treatment before the law, the appropriate model for Badung Regency is therefore an integrated legal protection model combining preventive protection, through written agreements and house rules, with repressive protection, through a staged default resolution mechanism, so that boarding house managers are positioned not merely as parties bearing administrative obligations but as legal subjects entitled to protection of their interests, enabling the legal relationship between managers and tenants to proceed in a more balanced, orderly, and just manner consistent with the very purpose of law.

CONCLUSION

The regulation of boarding house management in Badung Regency is set out in Badung Regency Regional Regulation Number 24 of 2013 concerning the Operation of Boarding Houses, yet its implementation has not been fully effective, as reflected in continuing violations by tenants such as late rental payments, damage to facilities, and tenants leaving without settling their obligations, even though every boarding house manager is required to hold a valid management license as a form of business legality. Legal protection for boarding house managers in Badung Regency is realized through written lease agreements, the regulation of the parties' rights and obligations, and the provisions of the Regional Regulation, combining preventive protection through written agreements and house rules that provide legal certainty with repressive protection through default resolution mechanisms carried out by deliberation or other available legal remedies; nevertheless, violations by tenants persist in practice, indicating the continuing need for an integrated legal



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protection model that secures legal certainty, justice, and a balance of rights and obligations between boarding house managers and tenants.

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