



Implementation of provisions for green open spaces based on article 29 of law number 26, 2007 on spatial planning (A study in district of serdang bedagai)

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Abstract

The Indonesian government has issued Law Number 26 of 2007 concerning Spatial Planning. The Government Regulation Number 21 of 2021 concerning the implementation of spatial planning, which regulates spatial planning, spatial use, control of spatial use, spatial planning supervision, spatial planning guidance, and spatial planning institutions. This study aims to determine the implementation of provisions for the provision of green open space and the inhibiting factors found by the Serdang Bedagai Regency Government Based on Article 29 of Law Number 26 of 2007 concerning Spatial Planning in Serdang Bedagai Regency and What Measures Are Implemented by the Serdang Bedagai Regency Government for Provision Green Open Space Based on PERDA Number 12 of 2013 concerning Spatial Plans for Serdang Bedagai Regency. The research method used in this research is empirical legal research. The findings are Based on Article 29 of Law Number 26 of 2007 concerning Spatial Planning in Serdang Bedagai Regency, namely the spatial planning pattern and control of spatial use have not worked properly due to factors of different interests between people. There are a few obstacles in its implementation, such as relocating residents who have problems with spatial planning, such as people who use green open space for personal gain, and other obstacles, such as budgetary funds. The Regional Government's efforts towards the Provision of Green Open Space are realizing the fulfillment of facilities and infrastructure, as well as carrying out equitable development and carrying out outreach to the community according to the PERDA. It is suggested to the government of Serdang Bedagai Regency to implement the Law on RTH in accordance with applicable regulations, and the participation of the community, private sector, and other institutions for the availability of green open spaces in Serdang Bedagai district, and the government should socialize about green open spaces to the wider community

Keywords: Implementation, green open space, spatial planning

Introduction

The Regional Space Plan (RTRW), also known as the Regional Area Plan, is a basic rule for the development of a territory in Indonesia. The Indonesian Government has enacted Law No. 26 of 2007 on the spatial arrangement, which aims to regulate the area/land/space arrangement to be consistent, balanced, and harmonized. In this case, it is intended that a city can accommodate the needs of its community by keeping in mind other aspects that support urban life. The policy direction and strategy for the utilization of the space are set out in the national general plan of space planning.^[1] The legal rules governing the arrangement of space are not only regulated in a single law but are composed of several laws namely, in the legislation on the arrangements of space, and are also in the laws of the local government.^[2] Although large-scale construction is important, the majority of the population of a region builds on a smaller scale, so small-scale construction actually has the greatest impact, scale development does not have much influence, but as development grows, it will become more real.^[3]

The Provincial Area Planning Guidelines are intended as guidelines for the provincial government and other stakeholders in drawing up the provincial area plan. The Provisional RTRW Preparation Guidelines set out in the Regulations of the Minister of Agriculture and Space Administration/Head of the National Farming Agency No. 1 of 2018 on the Guideline for the Preparation of the Provincial Territory Space Plans, Prefectures, and Cities are

a follow-up to the implementation of Article 18 paragraph (3) of the Law No. 26 of 2007 on Space Planning, with the aim of guiding the activities of the provincial government and other stakeholders involved in the preparation of provincial space planning plans. The Guidelines for the Preparation of the Provincial Territory Space Planning Plan are intended to implement the provincial territorial space plan in accordance with Law No. 26 of 2007 on the Planning of the Territory. Technical provisions concerning the contents of the provincial spatial planning plan and the processes and arrangements for its preparation fall within the scope of this Ministerial Regulation.^[4]

General spatial planning is implemented according to the level of the territory, thus enabling the use of space. Where the regional spatial plan called the RTRW is again divided into a detailed plan, the next is called RDTR and the zoning regulation is called Perzon for the region and the city. The Ministerial Regulations No. 16 of 2018 on the Guidelines for the Preparation of Spatial Details and the Zoning Regulations of the District/City clearly regulate how they can be implemented. The district/city spatial arrangement (hereinafter abbreviated as RTRW) is a general plan of the district-city territorial arrangement which constitutes a proposal of the province's RTRW. It contains objectives, policies, district/city spatial planning strategies, structural plans, and district-city area planning patterns, while the RDTR itself is a comprehensive plan for districts/cities with zoning rules.^[5]

The location and design of territory in an area are heavily influenced by the territorial planning plan, in the PP (Governmental Regulation) No. 21, 2021 on the implementation of the spatial arrangement, which regulates the arrangement of the space, the use of space, control of space utilization, the supervision of the arrangements of the room, the construction of spatial, and the institution of space arrangements.^[6]

On the contrary, the local government is more focused on improving its economic policy by ignoring environmental issues, the increased functional mobility of the area and space demonstrates that. No exception to the transfer of space functions as green open space (RTH). Almost in every region of Indonesia today there is a lack of green open space.^[7]

As a result, the quality of the urban environment is declining. It's also a problem in one of the Serdang Bedagai districts. The district of Serdang Bedagai is one of the areas that have physical development and population development fairly rapid, especially in the scope of the heart of the city as well as the center of various economic, social, cultural, political, legal, defense, and security activities. Therefore, in the planning area, the development of RTH will be interrupted due to the high population growth. In societies, population growth is sometimes very rapid and the number continues to rise, and the government in the country must be willing to meet all facilities and people both in the countryside and in the city.^[8]

To reduce environmental problems, we need to create green squares throughout Indonesia. It is regulated by Law No. 26 of 2007 on Space Planning. Ratification of Article 26 of the 2007 Act Article 28 describes the provision and utilization of open green space in the area. The ratio of RTH within an explored area. Article 29 consists of public RTH and private RTH. The proportion of urban RTH is at least 30 percent of the area of the city, currently the public RTH proportion in the urban area of at least 30% of the urban area, consequently the provision and distribution of open space utilization must go through some research of state regulation. RTH as a space for urban environmental protection activities must be connected with a General Plan of Area Planning (RUTR), a City Area Part Plan (RBWK), and a Kelurahan or Dusun area.^[9]

The state of public health in the urban area of the district of Serdang Bedagai is still very low to this day. This proves to be still a long way from the 30% proportion that Serdang Bedagai district has. In addition, the district of Serdang Bedagai, especially in its metropolitan area, is also undergoing development in the economic sector of the sea, which has a sufficient RTH, such as the presence of green plants that are still arranged according to the RTH, the population density is not too dense and there is a drainage that can accommodate and neutralize if there is evaporation so that it does not cause flooding. This, of course, has led to a decrease in the public RTH in the Serdang Bedagai district.^[10] Therefore, this study wants to know the implementation of the Green Open Space Provision Provisions Based on Article 29 of Law No. 26 of 2007 on the Provision of Space in Serdang Bedagai District

Research Method

This research method incorporates empirical juridical research, which examines the applicable legal provisions and actual societal behavior. All findings can be attributed

to legislation in relevant field research and research, formulated as textual explanations, and drawn as answers to research questions.

Results and Discussions

RTH Provision Based on the Area Area in the urban/district is the Urban Open Green Space consisting of Public and Private RTH, and the proportion of RTH in the Urban/District area is at least 30% comprising 20% of public open green space and 10% of private open green area, and if the public and private RTH area in the city concerned has a total area greater than the applicable regulation or legislation, then the ratio should be.^[11]

The ecological function of RTH is to improve groundwater quality, prevent flooding, and reduce water pollution, and microclimate regulators. Other functions are socio-economic to provide functions as a space of social interaction, a means of recreation, and as a counterpart of the Farmers. While evacuation serves among other things for shelters in the event of natural disasters.

With an ideal RTH presence, then the level of health of the citizens concerned is also good. RTH can reduce levels of pollutants such as black lead and lead that harm human health. Nowadays, many urban children are suffering from autism due, among other things, to high levels of pollution in urban areas. The dangerous pollutant's properties float in the air at a height of less than a meter from the ground so it's not strange if it has a lot of impact on children's health say, the provision of an area of 30 percent RTH in each urban area is the result of the agreement of the Earth Summit in Rio de Janeiro, Brazil (1992) and reaffirmed at the Johannesburg, South Africa 10-year Summit. However, it seems that for cities in Indonesia, this will be difficult to realize due to the continuing pressure of growth and the need for city facilities and supplies, such as building buildings, the development and addition of increasing roads, and increasing population.

To realize the presence of RTH in the urban areas of Indonesia requires a strong commitment from all parties both the central government, the local government, the public, and other stakeholders. These efforts, among other things, pushed settlements through vertical buildings. By living in a vertical settlement, it will use less land, so that other land can be utilized for RTH The proportion of 30% is the minimum measure to ensure the balance of the urban ecosystem, both the hydrological system balance and the microclimate balance, as well as other ecological systems that can improve the availability of clean air needed by the community, and at the same time can increase the aesthetic value of the city. The broad target of 30% of the area of the city can be achieved gradually through typical urban land allocation.

The Ministry of Environment has also been prepared to assist the Government of Serdang Bedagai district in the implementation of the principles of sustainable development into the practical framework of planning and maintenance of space design in realizing the provision of Open Green Space under Article 29 of Law No. 26 the Year 2007. In this regard, the Ministry of Environment is expected to implement the Strategic Environmental Assessment Approach, which will help complete the spatial planning thinking process when considering environmental aspects,

while responding to the emerging need for in-depth analysis of environmental impacts and consequences when policies, plans, and programs need to be decided promptly.^[12]

Environmental supporting power calculation, cost and benefit simulation of space utilization options, environmental impact management anticipation, and externality are forms of methodology covered in this approach. Its implementation is based on the participation of public, private, and non-governmental organizations and also ensures its function as an enforcer of good governance. In various instances and cases, this approach has proved to bridge the gap between policies, plans, and programs of a normative or sectoral nature with policy, plan, and space programs at the time of decision-making. Even this approach has been tested on a national scale as a way to reorient post-disaster management efforts so that development can create more resilient and sustainable community lives. The principle of giving guidance to the practical implementation of sustainable development also encourages making decisions that have integrated all such economic, social, and environmental interests supported by the guidance of rational measures.

The participation of public, private, and non-governmental organizations in the implementation of the provisions of RTH provision under Article 29 UUPR in the Serdang Bedagai district by the Government of the district is very important because that is the only way to ensure that implementation is going well. Nevertheless, it is recognized that participation in the implementation should remain controlled by the Government of the Serdang district as well as the local authorities.

The determination of priority development of urban areas is reviewed from the needs of regional development, priority means and resources, availability of funds, major area components with multiplier effect function, supporting population, as well as development directions in the realization of spatial planning through land, water, and air usage patterns, proposals of major programs of development, estimates of funding, and resources of development fund, implementing agencies, timing and stage of implementation. Basic loads include:

- a. Main program indication
- b. Estimates of funding and sources
- c. Executor Intensity
- d. Implementation Stage

Based on an interview with Mr. Donna Pandjaitan as Kabid Penataan Ruang and Buildings on February 22, 2023, he said that there may be around 26-28% of open spaces in Serdang Bedagai, public and private spaces to pursue public open space will be difficult to develop because the longer the land belonging to the Serdang Bedagai is becoming less and less due to the fact that many of the land owned by Serdang Bedagai are in private possession or the land is still in dispute. Then if this law is implemented and enforced the city government cannot meet but as the society of Serdang Bedagai and Abdi State Pemkab strives as maximum as possible to apply the regulations of Article 29 of Law No. 26 the Year 2007 On the Designation of such Space, if you have a strategy with the way to buy land outside Serdang Bedagai, in fact, it can not meet its basic concept, because the need of open space actually to provide comfort to its citizens (public) in particular how to create a healthy living environment, reduce pollution, residential

areas, then in fact what is done by the Serdang Bedagai that in principle can not directly function to provide convenience to his citizens.^[13]

Within the scope of urban space utilization, communities can be in different positions, among other things, as the main actors in the use of space, as a party affected by spatial activities, as an influencing party of the urban space policy, as one who oversees and controls the policy of urban spaces utilization. Therefore, communities are the developers who have the greatest role in the use of urban space.^[14]

Societies can act individually or in groups. In more developed circumstances, communities form a forum that brings together members of communities with shared interests, where they can make decisions, discuss issues, and try to influence government policies. Thus, in order to the implementation of urban space utilization in accordance with the RTRW, public involvement must be activated and public understanding of the short, medium, and long-term benefits of the setting up of burial space must be enhanced.

To relocate this then the City/District Government asked its citizens to create a Pokja Pokja unit led directly by Kelurahan but the Pokja as the Chairman elected or determined by the community to find the land where the relocation but who has a certificate of ownership. It means that if those who are to be relocated are given an incentive to move, then they will move on their own and possibly use other country-owned spaces that will be exhausted. However, when the owner of the certificate is purchased, then the governor will determine and pay the price of the land (but limited to the land price) and regulate where the citizens will be relocated without reducing the function of the city/district spatial system and for the payment of compensation for the property rights later who takes care of is notaries so not directly from the local government.

The RTRW rapper must be respected by all parties. For that in its implementation then the city's own government must apply it wisely so that it does not immediately as if a land is claimed to be open space while the land is still in dispute with private. Then the government has a way of being incentive and disincentive. Suppose that if a party wants to use part of its grounds or the space it owns to be used as a green open space in accordance with the RTRW then the government will provide incentives such as tax evasion, but if they use the space not according to the plan then the Government will charge disinfectant that is taxation.^[15]

The position, real potential, and condition of Serdang Bedagai in the context of interaction with its so open and accessible hinterland carries consequences that willingly have to be borne and sought to solve. Based on the current situation and conditions, there are differences in the values adopted regarding the use of space between the government and the public. The Government in this case the Government of the Serdang Bedagai district adheres to the value of land use in accordance with the regulations of the laws in force. The land is exploited without damaging the surrounding environment and must pay attention to aesthetics, in the interests of all parties.

One factor that is inhibiting the process of collaboration in the management of green open spaces, is the Cultural Factor.^[16]

This factor is very much related to the culture done in collaboration. According to the research, people living around green open spaces have a culture or habit of beating animals, such as caterpillars. The habit of keeping livestock

is a real problem faced in the process of green open space collaboration. As for the livestock, it is still difficult to regulate, various efforts have been made to deal with the cattle, including by issuing warnings and fines, but still, the animals roam freely around the open green areas of the garden and damage the garden facilities and plants that exist in the green open space. Another cultural factor is the custom or culture of public understanding that only governments have a role and responsibility for managing green open spaces. In the process of role collaboration as well as community is necessary, this makes the lack of community role and still low public participation in the management of RTH.

Pursuant to PU Candy No. 5/PRT/M/2008 on guidelines for the provision of green open space in urban areas communities can play an individual or group role in the procurement and use of open green space. But the results of the field research showed that many people around green open spaces dumped their garbage around the green, and the facilities in the green open space were used for sunbathing.

This shows that public awareness is still weak to participate in managing open green spaces. Although the public response to green open spaces is good, efforts are still needed to be able to raise public awareness and perception of managing green open spaces as the essence of building the living environment.

According to the author's interview with Mr. Adiansyah, S.T as Tata Bangunan Dan Housing on February 23, 2023, he said that the Government of the City / District in the implementation of the provision of Open Green Space based on Article 29 of the Law No. 26 the Year 2007 on the Provision of Space in the district of Serdang Bedagai there are obstacles in its implementation such as relocating the population who have problems with the setting up of space such as communities that use the RTH land for personal interests and there are other obstacles such as budget/funds to implement concerning the current arrangement of space that is still less than maximum so there are some areas less well the layout of the space that occurs in the territory of the crash.^[17]

According to a letter issued by the Municipality of Sei Rampah, the implementation of the Green Open Space in Sei Rabut Village still has many constraints that are still limited such as facilities and facilities that exist in areas where the growth of construction is hindered and still have many empty spaces or still many buildings that are stopped.^[18]

Although Serdang Bedagai has done socialization about RTH the implementation on the ground is inappropriate or at least maximum so the work of the Pemkab has not gone well. There are teams from several SKPDs namely Technical and Non-Technical teams, for non-technical staff in charge of public and private approaches, i.e. there are City/District and Housing and Residential Areas Services in charge, Chief Satpol PP as Chief Executive, for his protectors can be from the Mayor himself or the Deputy Mayor, then for Setda and Government Assistant in charge to coordinate down to him namely Camat, Lurah. Then everyone is involved, as part of anticipating the possibility when there is an obstacle in the implementation of the provision of green space for the public in the Serdang Bedagai Territory.

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The existence of RTH is often still defeated by various other more profitable interests and tends to be oriented towards physical development in economic interests. For example, around the streets of the Serdang Bedagai city station, there are many wild buildings used for kiosks. As a result, the space needs (especially RTH) for the continuation of ecological functions are less accommodated and affect the management problems of RTH management. Especially for districts like Serdang Bedagai, where the perforated land is already worth millions, so people prefer to be built rather than for green open spaces.

The Serdang Bedagai district government has suffered huge losses with the existence of business center buildings and shops as well as new settlements that are out of authorization. Per in this case the shopping center that is out of authorization from the province, still refers to the old government regulations, as the authorization to the center takes quite a while to be approved. Sometimes we wonder if there is no longer any other land so sacrificing the public land used for business centers, seeing that there is still deserted land in the suburbs.

So this is a portrait of the problem of interregional development imbalances. Factors that are hindering the management of RTH are also due to financing issues. As has been described above based on the results of research interviews with several sources, the allocation of funds available in the district of Serdang Bedagai is focused on the infrastructure sector. Doing the physical construction of RTH requires a huge cost. However, what is more, expensive than doing physical construction is the funds to carry out land redirection functions where there are still some RTHs belonging to individuals that need to do the redirect function.

The Housing and Settlement Service is still having difficulties in determining the exact location of RTH, the housing and settlement service lacks coordination between the related OPD (Regional Device Organization), and lack of public understanding of the importance of RTH. There is still a disagreement between RTH that complicates the expansion of entrepreneurs, does not synchronize the spatial arrangements with the rules already issued, and there is a need for space to accommodate a densely populated population and its activities.

According to Siswariadi as a community of the village Sei Rampah, the impeding factor in the implementation of RTH in the village Sei Rampah is mainly the lack of funds and rigidity of the government because it is still seen that the building is still half-built and asks the government to solve the problem of wild construction without permission.^[19]

Conclusion

From the formulation of the issues that the author presented as well as its discussions based on both the theory and data the author obtained during the conduct of research, the author concludes as follows that Implementation of Provisions of Provision of Open Green Space Based on Article 29 of the Law Number 26, 2007 on Planning of Space in Serdang Bedagai District Done by the Government of Serdang Bedagai County, namely the pattern plan of spatial planning and control of space utilization has not been running as it should. And there are obstacles in its implementation such as relocating people who have problems with spatial arrangements such as communities that use RTH land for personal interests and then other obstacles such as funds budget, another obstacle is the still limited means and supplies available in the area so that the efforts of the government are less than maximum.

The efforts of the Regional Government in managing open green spaces in the district of Serdang Bedagai to realize the fulfillment of such facilities and facilities as well as implement uniform development, the City or District Government in its RTRW Raperda strives to be able to implement the provisions of space arrangement in accordance with the Law Number 26, 2007 also in the provision of green open space as the intensity of the use of space as an environmental ecosystem balancer.

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