

THE IMPORTANT ROLE OF GOVERNMENT FOR SPATIAL PLANNING IN A SUSTAINABLE DEVELOPMENT PERSPECTIVE

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Abstract

Law enforcement regarding spatial planning errors, namely the regeneration of the spatial planning atlas, is very important. The law enforcement process is the most common problem encountered when carrying out spatial planning, because too many spatial planning violations are allowed. The impact was that the spatial plan was changed because this violation was legalized. In realizing sustainable development goals in Indonesia, it is necessary to have a relationship between nature, a group of residents, and area managers in spatial planning in order to increase welfare in society. The problem taken in this study is how to implement spatial planning and achieve sustainable development. Based on Law No. 26 of 2007 concerning Spatial Planning, normative juridical techniques with descriptive analysis can conclude that there are inconsistencies in law enforcement regarding deviations in spatial planning, and the sanctions given are not commensurate with the mistakes committed.

Keywords: Law Enforcement, Spatial Planning, Sustainable Development

INTRODUCTION

According to Article 33 paragraph (3) of the Constitution of the Republic of Indonesia, the earth and water as well as environmental assets that exist through state power are then utilized by the community, which means that the Republic of Indonesia has territorial space, namely land areas, island areas, weather areas and resource areas. We should be grateful for it, look after it and grow it sustainably. This was formed in line with Law No. 26 of 2007. The state has two tasks in carrying out spatial planning: policy making and task implementation.

Spatial planning violations are part of a natural phenomenon that occurs very often in Indonesia. Economic expansion in cities can occur quickly, but it can also have negative consequences, such as environmental problems. Floods are generally associated with urban expansion which is followed by an increase in population quantity, employment opportunities, the importance of land for housing, and economic activity. Due to the shortage of urban land, activities are shifting from preservation and greening to residential areas. As a result, the basin area becomes smaller, and surface runoff and erosion become more frequent. Rivers overflow and overflow when they reach shallow water. Apart from human action factors such as illegal development on riverbanks and religious beliefs which make waterways a location for the development of rubbish and rubbish, flooding in Jakarta is also caused by massive development in big cities. In terms of development, Jakarta, Bogor, Depok and Tangerang are leading, while Bekasi and Puncak Cianjur are lagging behind.

There are three urban impacts in Indonesia due to spatial planning problems: a). There has been no consolidation in Indonesian planning, which shows that many problems may arise in city growth. b). Instability in enforcement of legal regulations. As has happened, the mall will be transformed into a green space. c). Lack of understanding in projecting future problems.

According to Article 1 paragraph 14 of a similar Law, space utilization is the process of developing spatial planning models and systems based on regional plans through project development, implementation and financing. This means that the implementation of the PLTS project is an expansion activity carried out with the local government and people in order to achieve regional goals, which is carried out in stages within the time period stated in the regional plan. Currently, space utilization is controlled through regional planning (Article 1 of the Regional Planning Law) and planning law (planning law contains policies that design area exploitation and refers to regulations that regulate the areas determined for each selected region). Sanctions are determined by two permits, which provide incentives and restrictions based on the planning area. Area exploitation is managed equally according to the spatial planning program in order to reduce disparities in regional exploitation, then space utilization continues in accordance with the spatial performance specified in the spatial planning concept.

Based on the things above, there are several big problems, including a lack of knowledge about how influential the sustainable management of natural resources and the environment is. Then it can be determined how law enforcement in spatial planning is carried out in accordance with the Spatial Planning Law No. 26 of 2007. How can we achieve long-term development?

RESEARCH METHODOLOGY

This study applies a normative research methodology to the drafting of laws. The legal process begins with an examination of all legal provisions related to the legal problems experienced. Primary as well as secondary regulatory data are used. The data collected will be checked in accordance with Indonesian spatial planning regulations.

RESULTS AND DISCUSSION

Implementation of Law Enforcement in Spatial Planning Based on Law No. 26 of 2007 concerning Spatial Planning

Regarding the dynamics in society regarding spatial planning, a critical analysis of the Spatial Planning Law can be described as follows. Because law enforcement is a tool to achieve legal goals, all efforts need to be carried out to ensure that the law can uphold its moral ideals. Failure to comply with the law to recognize these legal values threatens the bankruptcy of the current legal system. Laws that fail to establish moral standards will result in alienation by the population. The progress of the rule of law establishes and forms benchmarks for legal justice in social essence.

Responsive analysis of the Regional Planning Law is viewed from the dynamics of regional planning in society. 1). Because regional planning is influenced by regional, economic, cultural and technological contexts, these conditions must be taken into account in implementing regional planning. 2). The application of spatial planning principles cannot be implemented through inflexibility, so continuous assessment is needed in the creation of an artificial environment based on the natural environment and technical improvements. 3). Leadership driven by a vision that considers the carrying capacity of the environment as well as the carrying capacity according to various normative criteria. 4). The provisions in the Spatial Planning Law must be taken into account when determining sanctions, unless activities related to spatial planning constitute a criminal process. 5). Legal protection is a choice and agreement made by society and the state as builders of legal supremacy.

The following factors contribute to regional planning violations: 1). Regional conflicts are possible. These problems may arise between two or more cities or regions that are part of the same ecosystem. 2). There is a possibility of unit conflict. The fundamental source of this conflict is the disparity in interests of the two regions. If the special environmental use is in agriculture, forestry (protected areas), and tourism. 3). Struggle between society and government may occur. This problem occurs because the community and the government have competing interests in determining land allocation boundaries.

Inadequate legal protection has a direct influence on regional planning activities. The realization that violations of regional planning norms should not be avoided, let alone feared, has become socially acceptable. The use of land along riverbanks, embankments, fields and other locations that cannot be used for housing, business and other purposes is a common occurrence in urban areas. A similar phenomenon occurs in rural areas, but with a greater

level of malignancy. Planting is only carried out in several locations designated as protected forest areas. Areas that should have conservation purposes are instead converted into holiday homes (villas), gardening, and other activities deemed relevant to reduce the environmental conservation mission. This took place without the presence of government officials.

Law enforcement will be observed from two understandings: subject and object. Based on its objectives, law enforcement can be defined broadly and narrowly. In general, the legal protection process can have an impact on all legal entities. Whoever follows the normative law regarding whether or not to implement it in accordance with the prevailing laws and regulations, he is suspected of carrying out and implementing the provisions of the law. In a complicated definition, law enforcement functions solely to ensure that regulations are followed, and law enforcement has the authority to use coercive force to do so.

Spatial planning is simply a type of spatial structure and spatial planning model. The regional structure is a network system of residential centers, as well as instruments and media that support the socio-economic activities of the population and have hierarchical functional links (Regional Planning Law No. 26 of 2007, Article 1 Paragraph 2). Meanwhile, based on Article 4 of the Regional Planning Law No. 26 of 2007, the spatial planning model is regional expansion which includes protecting areas for nature conservation activities and separating land for cultivation businesses. Therefore, regional planning is the arrangement of areas and the relationship between tools and media to support the socio-economic operations of the population, which are designed based on land use for nature conservation activities and land use for agricultural activities. According to the Regional Planning Law No. 26 Ttn 2007 article 1 paragraph 5, regional planning is one of the structural methods for designing areas, land use and controlling land use. Spatial planning requires spatial planning in terms of space utilization and spatial arrangement.

However, enforcement of qualifications is still inconsistent because, in the absence of such qualification laws, there is no legal legitimacy capable of taking action against any wrongdoing, because these permits are actually “legally incomplete” so that conflicts can be resolved. The government is often defeated in court. It is also difficult for the authorities to take action against various violations because it is unclear what articles have been violated and what penalties will be imposed. The responsibility to follow regional planning is fundamental law. Because all spatial planning will be in vain if you don't stick to the spatial layout that has been determined. If the police are weakened due to a loss of understanding of the law, then the danger of punishment cannot be avoided. The requirements for sanctions are

officially stated in the Regional Planning Law No. 26 of 2007. In accordance with the decree in Article 68 of the Regional Planning Law, investigations into regional planning errors can now be completely handed over to the police.

The aim of enforcing environmental law in relation to regional planning is not only to punish people who are irresponsible with the environment, but rather to avoid activities that have the potential to trigger environmental destruction or contamination.

Since 1992, various laws and regulations have been passed in Indonesia to encourage sustainable development, which helps implement sustainable development. Since the enactment of the Environmental Management Law No. 23 of 2009 which mandates the Basic Provisions of the Environmental Management Law No. 4 of 1982 to the National Agenda 21 which contains references to the incorporation of sustainable development ideas into state policy. The development of the draft national Agenda 21 was then followed by the publication of the sectoral Agenda 21 in 2000. It is hoped that through the National Agenda 21, more attention will be paid to the integration of governance and the environment. As a result, improvements in people's quality of life can be achieved along with better ecological protection and management.

The following are actions that we can take in all cities that can be evaluated to achieve the implementation of the concept of sustainable development: 1). Ulama, cultural figures, professionals, entrepreneurs, and others mobilize their skills through creative and innovative activities, building a “cultural economy”, rejecting the dehumanization of urban life, and revitalizing the “artistic life” of local culture. 2). The welfare and income of city residents continues to increase in accordance with their capacity and status, so they have high hopes for the future. 3). To develop an authentic city, vocational schools, research institutions, academies, universities, libraries and cultural institutions must now work ideally as supporting infrastructure for a creative and inventive cultural economy. 4). The uniqueness of the urban natural environment, whether oriented towards water, land or mountains, should be maximized through identity and personality. 5). Cultural and urban heritage must be preserved and developed not only for the sake of "nostalgia" or "historical romance", but also to drive a culture-based urban economy. 6). Policy formulation must be absolute and inclusive, combining economic, industrial and commercial wisdom with cultural and environmental wisdom, in accordance with public administration and state administration. 7). Activities and initiatives from all levels of local society, including non-profit organizations, PKK, Karang Taruna, etc., must be adapted, assisted and promoted in order to foster a sense

of belonging and pride among city residents. How are these seven steps implemented in Indonesia? One of the causes of poor implementation of sustainable development is a lack of understanding of the concept. This misunderstanding does not only occur among political leaders in the country, but also among academics. Another problem is the lack of political will and good will among stakeholders in implementing sustainable development.

CONCLUSION

Based on the study, the implementation of law enforcement based on the Regional Planning Law is not yet ideal in reducing regional planning errors due to the risk of conflict between regions, economic and social sectors, and countries. On the other hand, the lack of supervision of environmental laws and regulations, as well as the tendency to impose light sanctions, do not provide a deterrent effect for violators of regional planning, thus giving rise to problems in regional planning and law enforcement. Environmental laws and regulations definitely strive to preserve, maintain and protect the environment, as well as maintain the continuity of life of the population from environmental degradation. In achieving order, legal certainty and justice for all groups participating in the implementation of regional planning, it is necessary to regulate regional planning which must be implemented properly, proportionally and impartially to achieve sustainable development.

The implementation of the Spatial Planning Law No. 26 of 2007 has not been completed in its entirety. This has the potential to maintain and accelerate community development, which has implications for meeting various needs. Apart from that, the number of foreign investors entering various regions in Indonesia is increasing along with the expansion and growth of the national and global economy. The needs of the government, private sector and society for physical facilities and infrastructure must be understood carefully, logically and in balance through spatial planning. Therefore, coexistence and harmony between natural areas and artificial areas is very important to create a prosperous, healthy, useful and sustainable territorial living environment. Covering the use of natural and artificial resources, this focuses on human resources, as well as maintaining space operations to avoid bad factors for the environment due to the use of space. To improve the implementation of regional planning that contributes to regional autonomy, it is necessary to develop strategies for implementing regional planning that are in accordance with the spirit of regional autonomy and support development (regional development) through it. Resources are expected to be used efficiently to obtain successful results. implementation

Implementation of this law is an important step in regional planning. Legal penalties must be used to enforce problematic spatial development. It is hoped that the process of promoting growth (regional development) can be realized through the development of land use planning strategies that are in accordance with the local spirit, in order to increase the achievement of effective land use planning in achieving regional independence. independence Effective use of resources to achieve successful outcomes.

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