The Implementation of the Law on Spatial Planning in Pekanbaru, Indonesia

A Ardiansah¹ and Sudi Fahmi¹

¹Universitas Lancang Kuning, Pekanbaru, 28265, Indonesia
E-mail: ardiiansyah2000@yahoo.com

Abstract: The development in Pekanbaru City focuses more dominantly on building construction than green open space. The green open space area is less than 30% of the total city area. This research applies the empirical legal method in which the data are taken from observation and interview. The results showed that the government has not fully realized the availability of green open space proportionally, has no planning for the provision and utilization of green open space, and others. The obstacles were caused by the weakness of the government's ability to control the green land area, a limited fund to provide green open space, low awareness of private companies to participate to set up green open space, and others. Therefore, the government should do some efforts such as; preparing the budget to provide the green open space, involve the participation of the public and private parties for the availability of green open space and in the same time, limit the establishment of buildings to provide green open space and so forth. At last, it is suggested that the government must implement the law on spatial planning with various policies to create green open space.

Keywords: Green Open Space, Pekanbaru City, the Law on Spatial Planning.

1. Introduction

The city is one of the most complex places of human life. Good development of a city will attract people to compare with the village. The development of the city can affect human life so that the impact of the emergence of various problems that require solving. Therefore, urban environment management is necessary, to create the city to have good quality spaces that can support various urban movement. The increase in the population tends to be followed by increased demand for energy consumption and land for housing. Physical urban development has spent the open spaces and made it a building area. Viewing from the ecological aspect, the proportion of closed land leads to various disruptions such as rising temperatures, flood frequency, air pollution, and reduced biodiversity. Meanwhile, viewing from the social aspect, people increasingly lack open spaces as a place to do activities and interact. That is why, urban open land is an important component that affects the quality of human life, both ecologically and socio-psychologically.

Most of the development of green open spaces is based on land area. The location of green open space began to change due to various buildings as the impact of economic development, housing development, and industrial development. Degradation of the urban green open space shows that the main problems in the urban green open space are not merely planning problems, but multidimensional problems. Green open space is recognised as central not only to the ecosystem, but also in the amelioration of urban living conditions (Arnberger, 2012), which it does by offering social services, fulfilling psychological needs of citizens (Chiesura, 2004; Germann-Chiari & Seeland, 2004), and developing and maintaining the quality of life in the city. The existence of green open space is needed to improve the environmental quality in urban areas ecologically, aesthetically, and socially. While green open space that is managed as a place of tourism can bring economic impact such as increasing public income. Therefore, green open space is needed as a balancing effort between land and non-built land to reduce the negative impacts caused by urban development. Also, green open space is needed as an effort to deal with the current climate change condition.
Indonesia has been entering an urban era, such as primarily with the real of growing of people settled in cities. A similar phenomenon has happened in most of the Asian countries as consequence of massive economic growth. It cannot deny the evidence that cities are becoming the primary destination for most people. In Indonesia, the first law applicable to spatial planning is Law No. 24, 1992. Later the law is amended by Law No. 26, 2007 about Spatial Planning. This new spatial law has brought significant changes to the utilization and controlling activities of space utilization. The Law on Spatial Planning has mandated that each city area is obliged to have a proportion of green open space. It is about twenty percent of the entire territory. Twenty percent is for public green open spaces, while ten percent for private green open spaces on private or community owned land. Local governments should provide twenty percent of the total area is for public green open spaces, and ten percent of the total area is for private green open spaces. At least thirty percent of the total urban area planted with vegetation. This law provides the legal basis for green open space to create a safe, comfortable, productive, and sustainable urban space.

The enactment of Law No. 26, 2007 is very appropriate because the green open space is decreasing and changing function into the commercial area which has higher economic value compared to green open space. The law answers the challenges and problems faced by cities in Indonesia. Therefore, it should be supported by all parties, be it central government, local government, economic actors, and society. But it would be even better if the rule is workable because the rules that are good if it can not be implemented the same with the rules that can not answer the problems that exist and do not have any benefit. The high rate of population growth is mainly because urbanization is one of the problems of cities in Indonesia. The big number of urban population is creating a high pressure on the utilization of urban space, especially the reduction of open spaces in urban areas, both green open space and nongreen open space. The establishment of green open space is in line with the decision of the Earth Summit in Rio de Janeiro, Brazil (1992) and the Johannesburg Summit, South Africa (2002) that an ideal city should have a green open space of at least thirty percent of the city area. Nowadays, the Issue of green open space is one of the problems that are difficult to be realized big cities. A lot of cities in Indonesia are not able to provide twenty percent of the green open space public space as mandated by the Law on Spatial Planning. Most cities that have grown rapidly are difficult to provide green open space. In fact, it has long been discussed the needs of local governments to provide green open spaces. Most cities in Indonesia have not provided the green open space as expected, the proportion of green open spaces of the city at least thirty percent of the city area.

Pekanbaru City is the Capital of Riau Province, Indonesia. Based on the Central Bureau of Statistics Pekanbaru in 2014, the total population of Pekanbaru City was 1.005 014. The rapid development of Pekanbaru City has the potential to shift the existence of green open space Pekanbaru City. In the evaluation of Spatial Plans of Pekanbaru City in 1991, the non-constructed area guidance, specifically functioning as a protected area in 2015, is identified in the spatial plan Pekanbaru City covering 16,768 hectares. The development of protected areas of Pekanbaru City until 2015 has changed the function of land for the designation of protected areas to be developed areas such as settlements, trade, industry, plantations, and shrubs. Shifting the existence of green open space in Pekanbaru City can make Pekanbaru uncomfortable, one of them is shown by the high temperature in Pekanbaru reach 34°C - 35°C. Based on the observation, the green open space in Pekanbaru City has not complied with Article 29 of Law No. 26, 2007 which requires the proportion of green open space 30% of the city area. This problem has prompted the importance of this research to find the solution.

2. **Research Method**

This study is empirical legal research. Empirical legal research is a legal research method using empirical facts taken from human behavior, good verbal behavior derived from interviews and real behavior. The technique of collecting data in empirical legal research by using interview, questionnaire and observation. Conducting good research, there is a need for data. Accordingly, data is the information, facts, observation, measurements or materials that are collected by a researcher for the purpose of generating results for his research.
Empirical legal research is also termed as Non-Doctrinal legal research; even empirical technique is also called as fact research. Laws or legal provisions are nothing but the result of the problem of the society to eradicate that particular one. The research tried to find out the actual relationship between a particular legal provision and its impact on society or any gap of those legal principles in the society, etc. Legal phenomena can be understood not only in normative terms but also as social practices of political, economic, and ethical. Empirical research helps to understand how the law works in the real world.

Data collection techniques were done by observation, interview, and literature review. Respondents interviewed were as follows: Head of Board of Spatial Planning and Building, Pekanbaru City (represented by Deputy Head, Erwin Perwira), Chairman of the House of Representatives of City of Pekanbaru (Represented by the Deputy Chairman, Sondia Warman), Chairman of the Governmental Organization Riau Lestari, (Asri), Chairman of the Institute of Traditional Malay Pekanbaru City (Represented by the Secretary, Afrizal Usman), and the Urban observer (Mardianto Manan). The research took place in Pekanbaru. This study was conducted from 2016 to 2017. The research method to take a sample by purposive based on the objective of the research. The data obtained were analyzed qualitatively.

3. Findings and Discussion

The results of the research showed that not yet fully implemented the law on spatial planning. The rapid physical development, such as buildings, shopping centers, offices, and others were not comparable with the area of green open space. The proportion of green open spaces in Pekanbaru was not proportional as set out by the rules and regulations. The green open space of Pekanbaru city still lacks space of only 4.35 percent consisting of protected area, such as green line, city park, urban forest, cemetery, and lake, therefore Pekanbaru City still do not have wide space open green according to Law Number 26 of 2007 at least twenty percent of the total area.

The result of the interviews proposed a variety of reasons in respect to implementing the Law on spatial planning aimed at creating comfortable greenfields sites in the city of Pekanbaru. The utilization of green open space is still not as expected for the realization of a comfortable, productive and sustainable space. The declining quality of urban settlements can be seen from the increasingly several congestions, slum development vulnerable to flooding and loss of open space for articulation and public health. Utilization of green open space was only nine percent that has been used as a public facility, such as city parks, recreation areas, and others. The four locations of green open spaces that have been utilized include the University of Riau in Tampan District, Mayang Nature Park in Bukit Raya District, Caltex Sports Area, Rumbai District, and Jalan Diponegoro. Various opinions of respondents related to the implementation of Law on Spatial Planning. Article 3 of the Law on Spatial Planning stated that the implementation of spatial planning aims to create safe national spatial land, comfortable, productive, and sustainable based on the insight archipelago and national resilience. Sodia Warman and Mardianto Manan noted the importance of the realization of the provision. Asri expressed layout of open green space aims to provide a forum for citizens to enjoy the beauty of the city. While Erwin explained, Government seeks to realize such these provisions. However, there are problems to overcome.

Article 29 verse (2) of the Law on Spatial Planning says that the proportion of green open spaces in urban areas is at least thirty percent of the total area of the city. According to Erwin, the government intends to keep the proportion of open land as enacted in the urban spatial plan. Based on the data in 2012, the area of green open space was listed as public open space owned by the government of Pekanbaru was of 1.788.29 hectares (2.81%) excluding spaces which were owned privately. This indicated that the coverage area the government was supposed to control was less than thirty percent.
According to Sondia, Pekanbaru Government has realized the green open space of about thirty percent. However, there was no precise description of the open land as mentioned. Mardianto also agreed with the statement above. However, the observation was only taken from the aspect of the existence of some open land, like a football field, an empty area, and others. He did not see the necessity of urban forests, parks, and others. Asri thought it in a more objective way. He estimated that the government had not yet realized 30% green open spaces out of the whole area. The realization was only ten percent. Afrizal had the same opinion, the availability of open land was ten percent, he added. The area has many building constructions; markets, offices, and shops. In general, the construction is uneven due to put forward the construction of buildings rather than the construction of green open space.

Article 28, part (a) Law on Spatial Planning enacts the provision plan and utilization of green open space. Erwin explained Municipal Government of Pekanbaru had planned provision and utilization of green open space. The government has determined the location for the function of urban green space written in the draft Regulation of the Regional Spatial Plan of the city of Pekanbaru. The government has made communication and cooperation with various parties who have a particular land that can be designated as urban forests, such as Riau University Campus, Alam Mayang Resort, and others. Sondia agreed with the statement mentioned. Government has prepared the land area of Aryaduta Hotel, forest town in Panam, behind Indonesian National Youth Committee building, and Artificial Lake Kayangan. Mardianto Manan said the same. However, no concrete action concerning with the planning. Afrizal and Asri disagreed with the three opinions mentioned above. According to Afrizal, Pekanbaru Government has no plan due to the provision and utilization of green open space of Pekanbaru. The government has not fully implemented the Law on Spatial Planning. According to Asri, Pekanbaru City has no provision plan of green open space. It can be seen from the rapid development of physical buildings, like the construction of buildings of shops, offices, and others.

From the interviews with the respondents, it was obvious that the implementation of the Law No. 26, 2007 concerning with urban layout planning has not been fully implemented yet. There are various opinions about the obstacles in the implementation of Law on Spatial Planning to create a comfortable green field’s site because of the weak enforcement of the government of Pekanbaru. Erwin explained the Government's ability to control the land as the open land was not optimal because of the limited fund, a variety of problems that need to be resolved, and difficult to provide open land. Sondia explained it because not all areas provide the land for open green spaces, and there is a lack of awareness of the people about the importance of green open land. Mardianto proposed it as inadequate spatial field partly because of the rapid growth of urban development, such as the construction of office buildings, residential buildings, market and so on. Afrizal explained rapid physical development resulted in the limited provision of thirty percent open land that must be available. Many constructions of buildings were not legal, he said. While Asri said, there was no more spatial area for open land.

There are diverse opinions about overcoming barriers to the implementation of the Law No. 26, 2007 on urban spatial planning to create comfortable green field sites in the City of Pekanbaru. Erwin, the officer, described: the government was to formulate Regulation Draft on Regional Spatial Planning of the City of Pekanbaru enacting guidelines for the provision of green open spaces, Regional Regulation No. 7, 2012 on the levies of building permit aims to set liability provision of green open space for community building in a plot of land, and to establish good cooperation and harmony between private and public companies. Secondly, it is important to invite community participation in monitoring the implementation of the arrangement of green open space. Communities are supposed to send notice to the authorized, either written or orally for the transgression of urban layout regulations.
Sondia proposed some solutions as follows: Pekanbaru City Government must set up thirty percent of the facility area of green open space, this is based on Law on Spatial Planning. Facilities and green open land are not only focused on high ways but also in villages. Therefore, it is a need to prepare and provide budgeted funds in line with Regional Government Budget. On the other hand, Sondia argued that the Regional House of Representatives supports policies relating to the public interest. Therefore, the Regional Government Budget amounting to 2.4 trillion rupiahs should be utilized optimally so that the development of Pekanbaru.

Mardianto explained some of the following measures: Pekanbaru City Government needed to make efforts to prepare spatial land availability functioned as green open land in the city of Pekanbaru, to share budget as written in Regional Government Budget, to control the issuance of land certificate so that the land availability is owned by the Government of Pekanbaru, to make communities participate in the implementation of green fields sites planning. Community involvement could take the form of annual event. Furthermore, people can conduct surveillance and repression against building constructions that do not have permits. Afrizal explained that efforts as follows: The Government needs to involve community participation so that the layout planning of green open space is based on the provisions of the Law on urban spatial planning, the government should restrict the establishment of buildings and constructions in the city of Pekanbaru in order to share spatial open land in the city of Pekanbaru. While Asri explained, governments should cooperate with various parties; the government should encourage community involvement to run the Spatial Planning Act to achieve the proportional and comfortable greenfields sites in the city of Pekanbaru.

The results of rafflesia research need to be considered to realize the availability of green open space in the city of Pekanbaru. According to rafflesia that the problem of green open space can not be resolved because the government is still not maximally implement the law number 26 of 2007. Also, the government needs to make a strategy to increase the green space in the city of Pekanbaru Meanwhile, many United States of America cities have implemented strategies to increase the supply of urban green space, especially in park-poor neighborhoods. Strategies include greening of remnant urban land and reuse of underutilized infrastructure.

To create an environmentally sound development that provides green open spaces requires good planning, implementation, and supervision. Green open space planning should be supported by all stakeholders as the availability of green open spaces is a form of intergenerational responsibility that must be done sustainably. Furthermore, supervision on the availability of green open space becomes very important along with the rapid advances in technology and development in major cities in Indonesia.

Utilization of green open space is the authority of central government to local government. Therefore, the utilization of green open spaces must be implemented together, integrated and comprehensive to achieve development goals. Therefore, the entire City Spatial Plan should comply with the Law on Spatial Planning no later than three years after the law is enacted.

4. Conclusions

From the results of the study, it can be concluded that the law on spatial planning has not been fully implemented in Pekanbaru city. This can be seen from the fact that rapid construction of buildings, like shopping centers, offices, and others that are not proportional to the spatial area of green fields sites. Municipal Government has yet to realize the availability of the proportion of green fields sites in Pekanbaru city. Furthermore, the government has no plan provision and utilization of green open land in the city of Pekanbaru.

Barriers that occur in the process of Law implementation regarding the Law Spatial Planning, among others are: lack of ability of Government to control the land which was supposed to be open land, limited funds to clear the land, lack of awareness of private companies to participate, no community participation and others. Solutions to the problems are among others: The Government
needs to prepare the land which functions as green fields sites, budget funds for land clearing of green fields sites should be well prepared in accordance with the Regional Government Budget. The government should cooperate with the private individual to prepare green open land, involvement of community participation should be considered. Secondly, the government should restrict and limit the establishment of buildings and constructions in Pekanbaru city in order to share spatial open land.

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