An Open Market: The Legitimation and Regulation of the Public Realm in Denpasar

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Abstract. This paper interrogates the actuality of 'ruang terbuka hijau kota' (urban green open space - UGOS) in Denpasar Bali. This debate is critical because it is directly linked to two conditions. First, is an ever increasing population, and second, is a diminishing public realm. While the social, economic, and environmental significances of the UGOS in the formation of a liveable city is widely acknowledged, both conditions, in reality, do not go in line with the importance of UGOS to urban living. The paper argues that while UGOS are legitimated by the existing urban planning procedures and reflected in spatial planning, there is no policy directive on securing the deliverance of sustainable UGOS that guarantee the public interest. The following study is supported by relevant case studies that illustrate and demonstrate the above claims, predominantly across Denpasar, the capital city of both Bali Province and Denpasar city. The conclusion to the paper becomes increasingly self-evident as it progresses. It is clear that having new categories of land use will accomplish nothing. Similarly the key is not to re-designate land uses or manipulate existing codes, but to reconstitute how the planning system itself functions in relation to a sustainable public realm and environmental justice.

Keywords: urban infrastructure, green open space, urban planning practices, elimination, conversion.

1. Introduction

The city is the center of accumulation for a diversity of activities. This is similarly a consequence of increasing urban densities in Denpasar. The World Bank notes that by 2025.88% of the world’s population will live in urban areas, with 90% populating developing countries [1–3]. The density of the population in urban areas causes the city to continue to develop dynamically, in line with the changing times and demands of people's needs. As a result of global markets and trade agreements urban development is becoming increasingly dynamic. According to Thorns, globalization has been the key to the transformation of cities in the world over the last two decades [2]. Significantly, globalization is not a product but a process. Everything that is currently happening is due to the diverse interactions between economics, society, politics, culture, and ecology. Cities will increasingly be subject to rapid change in each sector [4].

Reflecting the above, cities will be subject to an increasing pressure on urban land use, decreasing provision of urban green open spaces (UGOS), increasing social conflict over ideologies, and the magnification of migration stress, climate change and economic disparity. Invariably, urban densities will continue to escalate, and neo-corporate pressure will be exerted in Bali to increase building heights and relax planning controls in line with free market principles. Whether or not these changes
will result in increased economic benefits for all is debatable. History has taught us that wealth accrues to the rich, and it is reduced for the poor.

These changes will also substantially affect the city of Denpasar, Bali. As the provincial capital, Denpasar City provides a reference and barometer for urban development elsewhere on the island, one that is inescapably consequent upon tourism driven economic growth. It is widely recognized that tourism contributes significantly to developing traditions and encourages the expansion of cultural diversity in Bali. Critically, the emergence of various cultural activities is dependent on public space to maintain its prime function, the dominant symbol of a democratic society. According to Ahmad [5], public space has varied functions in pursuit of this principle but will vary in typography and content from one culture to another.

Historically, public space has developed in line with the overall trajectory of civilization, from the archetypal example of the Greek Polis to globalised contemporary society with its parks and gardens, urban squares and pedestrianised precincts. Technological development has also affected human attitudes and behavior through readily accessible international transport, new technologies such as the internet. The erosion of national boundaries in the interests of economic development as in the European Economic Community and international trade agreements and immigration are also deterministic of diversity and influence [6].

On a local scale, articles written by Suartika [7,8], highlighted and delineated the existence of public space in Bali and proposed the classification of public spaces grouped into five categories, namely: (1) open spaces located in each local administrative center; (2) temple open space; (3) market open space; (4) beach open space; and (5) mountain open space. The existence of this public space has an important meaning in protecting the environment, maintaining cultural values and practices, maintaining people's welfare, and achieving economic development goals.

Public space to a large extent designates the character of the city in support of economic activity, social interaction and symbolic representation via monumental architecture. The city's economic development is increasing overall, with a concentration in Denpasar. Many investors wish to target the city's public spaces as a profit maximizing exercise unencumbered by existing built form and to a degree, or planning regulation [6]. Since the dominant narrative is that of globalization, it is arguable that public space in the city is threatened by external forces as much as it is on self-generated economic development. According to Carr [9] green open space is one of several typologies of public space.

The above explanation indicates that in the context of the spatial development of vibrant cities, Bali is subject to the same forces, where private interest and the public good collide. But a sustainable built environment depends on citizens needs being met, not only that of capital. So the need for this type of public space is often overlooked or eliminated by physical development which only focuses on the force of capitalist accumulation to pursue material gains, usually with minimal public support or participation. This fact will be the focus of the study, by examining in depth the aspects of the legitimacy and regulation of green open space within the planning system locally. The practices of eliminating green open space in the era of open markets and their consequences for regional spatial characteristics are profound. The results of the study are expected to be useful in supporting regional spatial planning and policies to maintain the public sphere for urban green open spaces continuously and sustainably.

2. Methods

In achieving the focus of discussion within, this study implements an inductive logic and qualitative research approach by case study. Data collection was done by gathering relevant secondary data in the form of statistical data of those provided by related Planning Authority of Denpasar City and other government bodies within the same territorial administration. On top of this, physical observation is also a prominent method for data collection, especially when comes to collecting data in regard to elimination and conversion of urban green open space within Denpasar City administration. Data was analysed by implementing the selected inductive logic.
3. Legitimation and Regulation of Green Open Space in Urban Planning

Urban planning is an instrument of the state to exert control over land development, and constructs the reality of the state along with that of the law, education, welfare etc. The essential characteristic of urban planning is that of regulation. Who benefits from such regulation and in what manner will depend on an ideological perspective as to whether the state is interpreted as functionalist, materialist, input-output, conservative, etc. Most recognize that all state perspectives represent an effort to organize in an innovative way, the future quality of life in cities and rural areas. The provision of green open space will therefore be dependent on many factors – the relative autonomy of the state in the first place, the power of the private sector to influence state policy while influenced by state neo-corporatism, citizen participation in decision making, the availability of open space and its ownership, the designation of zoning and land use policy, and the state’s ability to compulsorily purchase land for public use and access, and the imagination and application of the planning apparatus [3,10–12].

Urban design is also important, and we consider that an urban design approach in this instance must take place as a fundamental planning strategy [13]. According to Shirvani [14], one of the eight physical elements of urban design is green open space. If city design is seen as part of spatial planning on a macro basis, then green open space has an important role and is a basic element in the formation of the physical form of the city. Various types of green open spaces can be distinguished. We may define protected green open space as a wider space or area, either in the form of elongated/lined or clustered areas, where the use is more open/general, and dominated by vegetation that is either cultivated or grows naturally.

Protected green areas consist of natural reserves on land and islands, such as conservation areas including forests, agriculture, areas of special interest such as mangroves, areas under a banjar (neighborhood association) control etc. The built-in green open space is a wider space or area, both in the form of elongated/lined or clustered areas, where the use is more open/general, with the land surface dominated by artificial pavements and a small portion of plants. Green open areas/spaces are fostered as an effort to obviate the negative effects of building and, have an ecological function for water absorption, the generation of oxygenation, prevention of air pollution, and protection of flora and fauna [15].

The legitimacy of the regulation of national green open spaces is stipulated in the regulation of legal products in the form of: (1) Law Number 26 year 2007 concerning Spatial Planning [16]; (2) Regulation of Minister of Home Affairs Number 1 year 2007 concerning Green Spatial Planning of Urban Areas [17]; and (3) Regulation of Minister of Public Works Number 05/PRT/M/2008 concerning Guidelines for the Supply and Use of Green Open Space in Urban Areas with the typology of green open spaces as shown in Table 1.

Table 1. Utilization of Public Spaces in 2010 - 2017

| Green open Space          | Function | Structure |
|---------------------------|----------|-----------|
| Public green open space   | Ecological | Ecological Pattern |
| Private green open space  | Aesthetics | Planological Pattern GIS |
|                           | Economy   |            |

Source: Regulation of the Minister of Home Affairs Number 1 Year 2007 [17]

For the local scale of Bali, the legality of regulating green open spaces is determined through the Regional Regulation of Bali Province Number 16 year 2009 [19] concerning the Bali Province Regional Spatial Plan 2009-2029 [19]. The Regional Regulation of Denpasar City Number 27 year 2011 concerning the Denpasar City Spatial Plan [20] with the composition of the broad public and private green open spaces as presented in Table 2.
Table 2. Areas of Public Spaces in 2010-2017

| No | Spatial use                                  | Denpasar-North | Denpasar-East | Denpasar-West | Denpasar-South | Denpasar (Ha) | % of Scale |
|----|---------------------------------------------|----------------|--------------|--------------|---------------|---------------|------------|
| 1  | Urban forest Ngurah Rai                     | -              | -            | -            | 588.99        | 588.99        | 4.61       |
| 2  | Un-built coastal area                       | -              | 16           | -            | 152.5         | 168.5         | 1.32       |
| 3  | Un-built river area                         | 46.11          | 64.21        | 45.87        | 52.34         | 208.53        | 1.63       |
| 4  | Urban forest-green open public space        | 2.47           | 9.51         | 7.13         | 25.96         | 45.07         | 0.35       |
| 5  | Recreation & sport facilities (90%)         | 48.65          | 59.81        | 36.23        | 101.44        | 246.13        | 1.93       |
| 6  | Cemetery                                    | 3.8            | 6.4          | 11           | 14.2          | 35.4          | 0.28       |
| 7  | Green open public space-agricultural land   | 236.88         | 305.14       | 12.14        | 227.62        | 781.78        | 6.12       |
| 8  | Government offices (20%)                    | 8.17           | 78.4         | 3.88         | 3.56          | 94.01         | 0.27       |
| 9  | Education facilities (10%)                 | 1.83           | 2.03         | 1.54         | 2.36          | 7.76          | 0.06       |
| 10 | Health facilities (10%)                    | 0.8            | 0.33         | 2.83         | 1.02          | 4.98          | 0.04       |
| 11 | Ritual facilities (20%)                    | 2.22           | 3.58         | 1.98         | 2.44          | 10.22         | 0.08       |
| 12 | Estuary Dam (10%)                          | -              | -            | -            | 3.3           | 3.3           | 0.03       |
| 13 | Road networks(20%)                         | 43.72          | 46.82        | 44.45        | 65.77         | 200.76        | 1.57       |
| 14 | Ports (10%)                                 | -              | -            | -            | 5.2           | 5.2           | 0.04       |
| 15 | Terminal (10%)                              | 0.45           | -            | 0.25         | 0.16          | 0.86          | 0.01       |
|    | Total urban green open public space         | 395.1          | 592.23       | 167.3        | 1246.86       | 2401.49       | 18.34      |

II Private urban green open public space

| No | Spatial use                                | Denpasar-North | Denpasar-East | Denpasar-West | Denpasar-South | Denpasar (Ha) | % of Scale |
|----|--------------------------------------------|----------------|--------------|--------------|---------------|---------------|------------|
| 1  | Urban green open public space-paddy fields | 236.86         | 305.14       | 12.14        | 227.62        | 781.76        | 6.12       |
| 2  | Settlement (20%)                           | 374.42         | 170.04       | 291.22       | 345.26        | 1180.94       | 9.24       |
| 3  | Commerce and services (10%)                | 35.57          | 20.89        | 52.59        | 61.59         | 170.64        | 1.34       |
| 4  | Zone for tourism (10%)                     | -              | 9.43         | -            | 136.74        | 146.17        | 1.14       |
| 5  | Industry and storage (10%)                 | -              | -            | -            | 3.25          | 3.25          | 0.03       |
| 6  | Security (20%)                             | 0.53           | 1.46         | 0.94         | 5.96          | 8.89          | 0.07       |
| 7  | Urban waste area of Suwung (10%)           | -              | -            | -            | 1             | 1             | 0.01       |
| 8  | Waste recycling area of Suwung (10%)       | -              | -            | -            | 1.96          | 1.96          | 0.02       |
|    | Total private urban green open public space| 647.38         | 506.96       | 356.89       | 783.38        | 2294.61       | 18.34      |

Source: Local Government Regulation for Denpasar No. 27 Year 2011 [20]

Table 2 above shows the total green open space in Denpasar City is 36.28% of the total area of the city, consisting of 18.32% public green open space and 17.96% private green open space. Examples of public green open spaces owned by the City of Denpasar and their existence are still maintained can be seen in Figure 1 and Figure 2.

Figure 1. Puputan Badung City Park- I G N M. Agung
Source: Mudra [27]

Figure 2. City Park of Denpasar
Source: Mudra [27]
In the midst of a very significant existence and position, however, as one of the typologies of the public sphere, urban green open space planning in many cases is made as a matter of fact, with the aim only to fulfill the provisions of the proportion of 30% and 20%. Green open space planning is often not integrated with regional spatial planning as a whole, causing the position and existence of green open spaces to be very weak and vulnerable to manipulation. This is evidenced by the high change in the function of existing urban green open space into a built area.

4. The Elimination of Urban Green Open Space

Spatial planning is very closely related to social reproduction, the physical perpetuation of class structures, the development of capital, and the symbolic representation of power. The 21st century marked an unheard of acceleration in technological development and the creation of the space of flows in the form of electronic communication. The economic sector that promulgated open market activities through the mechanism of free trade, also demanded a new approach in urban planning. This new approach, according to Kriken [21], is broken down into nine principles of urban planning in the 21st century. One of the principles associated with open space planning is to revive natural systems that future life will depend on. This has many implications and we consider the following to have dominant priority. First, the role of planning as a regulator in the interest of the public good will have to overshadow the vocation of big capital to make vast profits from land development. Second, all development must be forced to adopt a triple bottom line approach, where all of the consequences of any development are included, without relying on the public to carry the cost of private inefficiencies. Third, all technologies promoted by big capital such as the smart city idea must be measured against real social gain defined by and including the public, and not some nebulous benefit to urban ‘efficiency’ to increase corporate market share.

The increasing development of urban economies has caused many investors to target the city's public spaces for development [6]. As often the case, this move aims at establishing new commercial centers that would generate profits. The government also has a tendency to favor this kind of development plan, as it would directly contribute to revenues generated from taxation (tax on land, development, purchase and sale). In this circumstance, public space is obviously not seen as lucrative as commercial facilities. Thus, the conversion of public spaces into developed areas is one of the common occurrences in many developing cities. The loss of city public space is also expressed by Sudikno [22] on the basis of architecture and cities without ethics. In the context of urban development in Bali in general, and in Denpasar especially, the conversion of green open space (considered a type of public space) has shown an uncontrolled pattern.

The tendency in an open market system is for the government (as planning authorities) to support development that supports capital accumulation through competition. This belief is reflected in Suartika [8] which states that, space targeted for conversion is often of those having a strategic role either to protect the environment or to accommodate socio-cultural interactions, such as parks and gardens. This view is grounded by a conception proposed by Keizer et al. [23] emphasizing that, on the one hand, the marginalization of land available for social and environmental interests, and the domination of economic interests in land uses and development, on the other.

In the case of Bali, the conversion of public space into private functions also takes place in many tourist destinations. Sanur, a coastal-based tourist destination located on the eastern side of Denpasar City, is an example of how coastal public spaces are used to accommodate tourism related facilities. In fact, public space located in front of hotels and restaurants, in this case, has been treated as the extension of premises' private territories. Thus they can be utilized to extend their businesses (Figure 3 and Figure 4).
The existence of green open space in Denpasar City has also experienced a similar disturbance. Green open spaces dedicated as urban lungs that absorb pollutants and carbon dioxide flying in the air that urban dwellers breathe in, are also in unsafe position. Many of them have been developed for housing units, shop-houses, commercial areas, restaurants, etc. (Figure 5 and Figure 6).

5. Urban Green Open Public Space and Regulation

Every policy decided by the government is the result of synergy, compromise or even competition between various ideas, theories, ideologies, and interests [24]. The existence of various interests as a result of urbanization on a very broad scale suggests that, similar conditions also occur on a more micro scale, especially in planning and utilization of public spaces. In line with this, Aminah [25] also emphasizes that the practice of urban spatial planning is not merely an arrangement of economic and political interests. In this relationship, negotiations between actors determine the political practice in structuring a space, both for the public interest where all members of the community can fully use the space, and for commercial interests in which the space can only be accessed by certain groups of people [22,26].
Spatial planning policy in the context of allocating public space including urban green open space, should be done by considering harmony, balance and protection functions as mandated by the Indonesian Regulation Number 26 year 2007 [16] concerning Spatial Planning. This policy however does not give any detailed explanation as to how this objective to be achieved. This absence has opened a gate for subjective and various perceptions as to how this regulation should be interpreted before it can be enforced and sanctioned. These perceptions sometime can be so differing and confusing to those who have to conform. In relating this circumstance to the practice of converting and eliminating urban public spaces, one can see that the disappearance of such a space is an expected encounter. We will not be able to talk about law enforcement when the law itself is not yet sufficient to be enforced. This is the root of the problem.

In each regional spatial planning activity, the government has an obligation to place the interests of the community as the main consideration. Likewise, the planning of the public space, the social and cultural activities of the people that take place in it must be preserved by preparing a set of regulations as a controlling instrument. This needs to be supported by positioning public spaces as an important part of maintaining cultural continuity and the balance of spatial patterns based on the philosophical local wisdom of Tri Hita Karana (a harmonious relationship between beliefs system, human, and environment). It is unfortunate that in the midst of free market competition, the practices of public space is not yet given a prime attention.

6. Conclusion

The three sub-topics of the study above has explained that public space and green open space as one of its typologies are legitimated and implemented at national, regional and local levels. In many cases, the emergence of violations of the provisions of regional regulations, indicates a problem in planning green open space in Denpasar city. The problem is becoming increasingly complex in the midst of the 21st Century open market era, where capital power represented by the expansion of the tourism industry is based on economic benefits, believed to be the trigger for the emergence of practices to convert public space and eliminate green open spaces into built-up areas. This poses a real threat to the preservation of social and cultural activities of the community that take place in public space, which in fact should be the basis for the realization of the distinctive character of the regional sphere. Clearly, the planning authorities need to pay a more serious attention to the prolonged existence of the public space. In doing so, the attempt may be started with the conduct of an extensive research on public space needs that can lead to the development of a firm foundation for policy making process. By so doing, it is expected that the instigation of a planning policy oriented toward the provision of adequate public space is not far away from reach.

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