

Effectiveness of Applying the Principle of Openness in Spatial Arrangement in North Aceh Indonesia

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Abstract

The purpose of this research is to explain about the application of the principle of openness in the spatial development process in North Aceh Regency and the constraints of its application. The research is descriptively analytical with a sociological juridical approach and normative juridical. The constraints of implementing the principle of openness in the process of structuring the space of North Aceh Regency are caused by lack of funds that cause efforts to socialize spatial plans cannot be done thoroughly. In addition, in formulating the substance of the general plan and detailed spatial plan can not be done perfectly because it is not supported by professional spatial experts. It is necessary to make procedures for the role of the community in spatial arrangements that refer to the laws and regulations, must also accept and pay attention to the inputs or rebuttals submitted by the community. The Government of North Aceh Regency needs to have professional spatial structuring experts and comparable to the area of work. It is necessary to allocate funds that are specific enough for spatial arrangement.

Keywords: Application, Principle of Openness, Spatial Arrangement, North Aceh, Indonesia

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1. Introduction

The implementation of spatial arrangements in Indonesia aims to realize a safe, comfortable, productive and sustainable region based on archipelago insight and national resilience. This goal can be achieved through efforts to realize coherence in the use of artificial resources by paying attention to existing human resources so that the realization of space functions and prevention of negative impacts on the environment due to the use of space.

Constitutionally Article 33 paragraph (3) of the Constitution of the Republic of Indonesia 1945 states "the earth and natural wealth contained therein are controlled by the state and used as much as possible for the prosperity of the people". The provision is the basis for the birth of further legislation arrangements, among others concerning spatial planning. That the existence of limited space and the understanding of the community that develops on the importance of spatial arrangement so that it is necessary to organize a transparent, effective and participatory space to realize a safe, comfortable, productive, and sustainable space.¹

This is in accordance with the consideration of the Law of the Republic of Indonesia Number 26 of 2007, that the Law of the Republic of Indonesia Number 24 of 1992 concerning Spatial Arrangement is not in accordance with the needs of spatial arrangement arrangements so it needs to be replaced with the new Spatial Arrangement Law.²

In connection with this to realize the general welfare for all Indonesian people, the government is obliged to realize public facilities and infrastructure that can improve the quality of people's lives while supporting the national economy. Infrastructure development is one of the important elements in public sector investment needed to support the achievement of one of these national goals.

Article 11 of spatial arrangement law No. 26 of 2007 states that "the district/city government has authority in the implementation of spatial arrangements that include the arrangement, construction and supervision of the implementation of district/city spatial arrangements". According to the Law of the Republic of Indonesia No. 23 of 2014 on Local Government is determined "Regions are given the power to manage and utilize the potential resources they have".

Thus, the North Aceh Regency Government of Indonesia has the authority to manage, extract and utilize natural resources for the implementation of welfare by referring to the provisions or principles of good and integrated and open urban spatial planning. Realizing this, of course, is not as easy as many people think.

¹ The consideration of letter (d) of the Law of the Republic of Indonesia Number 26 of 2007 concerning Spatial Arrangement.

² *Ibid* (f)

The success of spatial arrangement of an area is also inseparable from the good role of the government and its supporting agencies, spatial planning must in principle be by Article 33 paragraph (3) of the 1945 Constitution. This provision is a logical consequence of the State of the Republic of Indonesia which adheres to democracy.

According to Hestu Cipto Handoyono with the control of the earth and the natural wealth contained in it by the state, then the equalization of these management results will be achieved, another case if controlled by individuals in (private).¹ There is a very close relationship between the community and spatial planning as a container of city activities where the center of community activities is always developing both quality and quantity by the growth and development of development with the form of space structures and patterns of space that are good for the people of the city and the surrounding area. In general, it is known that behind the results of the physical development of the city that supports the welfare of the community, not a few development impacts are felt to harm the life (physical and psychological) of the community. The rapid development of urban areas, in addition to having a positive impact on economic development, turns out that on the other hand it can cause environmental problems.²

In general, spatial plans have not been fully used as a reference in the implementation of development and the weak aspects of supervision and supervision and the absence of sanctions for violators. Increasing public awareness and the growing demands for the application of the principles of good governance becomes a matter of consideration as well. In addition, in society, there are also often conflicts caused by reasons of inequality of ownership, mastery, and management of agrarian sources, or so-called inequality of agrarian structures. All of which has encouraged the need for more firm and comprehensive arrangements on aspects of rights, obligations, and the role of the community more transparently and law enforcement in the implementation of spatial arrangements becomes very important.

To respond to the phenomenon in the three districts/cities again try to adjust the existing draft qanun with the Law of the Republic of Indonesia Number 26 of 2007 by involving the services of consultants and parties deemed necessary. The qanun design that has been produced is considered to have the value of planning the utilization and control of maximum spatial utilization based on the principle of good spatial arrangement.

One of the principles in a spatial arrangement is openness as stipulated in Article 2 letter (e) of the Law of the Republic of Indonesia Number 26 of 2007. The principle of openness is attached to the principle of democracy in the implementation of government which shows that the principle of democracy is not only carried out through the representative body of the people, but also by every citizen in connection with the government's actions in the form of decisions.³

The spatial arrangement, especially the spatial planning process is included in the administrative aspects that at the legal level of implementation of the principle of openness must be fulfilled and implemented. The spatial arrangement of the North Aceh Regency Government has been carried out based on policy so that the development carried out is less integrated and even less touching on the values of spatial beauty and community desires. This is because no qanun that gives specific instructions and understanding.

The qanun plan that has been made certainly cannot bind perfectly to the policies pursued by the city government in realizing good spatial planning, what's more, the qanun plan still needs to be tested for truth usefulness, and certainty in the discussion of the local legislature. One aspect that still needs to be known and discussed further is the rights, and obligations and forms and procedures of the role of society in spatial arrangement. Currently North Aceh has completed the establishment of Qanun Spatial Qanun North Aceh No. 7 of 2013 concerning The Spatial Arrangement of North Aceh.

This needs to be done considering that one of the purposes of spatial arrangement is intended to provide comfort to live in a good quality environment for the people of the city and surrounding areas, thus the principle of openness really needs to be strengthened in the process of preparing spatial planning. Technical how the process of networking people's aspirations must certainly be done more transparently. The public has the right to know openly the regional spatial plan, the regional spatial plan, the detailed spatial plan of the

¹ Hestu Cipto Handoyono, *Apek-Aspek Hukum Administrasi Negara Dalam Penataan Ruang* (Yogyakarta: Admajaya, 2001).

² Muhar Junef, "Penegakan Hukum Dalam Rangka Penataan Ruang Guna Mewujudkan Pembangunan Berkelanjutan," *Jurnal Penelitian Hukum De Jure* 17, no. 4 (2017).

³ Philipus M. Hadjon, *Hukum Administrasi Negara* Raja Grafindo Persada, 2006.

area.¹

Because the application of the principle in spatial planning is important, it is urgent or necessary to research whether the principle of openness has been applied in the development of spatial planning in the three districts of the city. Based on the background above, the formulation of the problem in this study is How Effective is the Application of Openness in Spatial Arrangement in North Aceh Indonesia.

2. Research Methods

This research uses methods of sociological juridical approach in the form of descriptive analytical. The required data includes secondary data obtained from literature materials and primary data obtained from field research using interview methods to support and supplement secondary data. The global scope of this research becomes important and universal because it discusses and reviews the transparency of spatial development planners whose results can touch on the public interest. In a democratic state system this is important in organizing public services to achieve the welfare of the community. Of course, this becomes a uniqueness when the understanding of transparency incorporated in the principle of openness is very different from one country to another, but the general principle is the same.

3. Discussion and Analysis

Related to the Spatial Structuring Process in North Aceh, the Legal Section of the Secretariat of North Aceh Regency is only limited to facilitating the provision of regulations needed for these purposes. Technical implementation of the principle of openness in Spatial Arrangement is in the Office of Public Works and Spatial Arrangement.²

The preparation of the Regional Spatial Plan and Qanun Spatial Planning of North Aceh No. 7 of 2013 has been socialized as appropriate through print media such as newspapers and announcements taped to the open so that it is easily accessible to the public or related stakeholders. At the time of discussion in the District House of Representatives, there was still an opportunity for the community or stake holder to contribute to the realization of the harmonization of the Qanun norm. The previously drafted Regional Spatial Plan has also involved relevant community leaders, academics and stakeholders at the time it was discussed at the Regional Development Planning, Research and Development Agency.

The preparation of the Regional Spatial Plan (RTRW) and other activities related to Spatial Planning has always involved community leaders and stakeholders (stakeholders) to be able to give their opinions for the improvement of the preparation of RTRW or other activity program substances related to Spatial Arrangement. The form of the application of the principle of Openness in the arrangement of the space can only be implemented to the extent that it meets the minimum requirements by existing financial support.³

From what has been outlined above, it is clear the difference between soil use (land arrangement) and spatial arrangement. Land use only regulates and directs the use of land, while the layout of the regulatory object is a space that includes land, oceans and air. Thus the use of soil is part of the spatial system. The constraints of applying the principle of openness in the spatial arrangement process are as follows:

a. Limited Human Resources (Spatial Structuring Expert)

The spatial arrangement of North Aceh Regency technically refers to the Spatial Detail Plan (RDTR) that has been prepared although there are several parts that must be changed to be adjusted to the needs of the space structure and the development of the current conditions in following the pace of development.

The extent of north Aceh regency makes the range of space arrangement tasks becomes wider and more complex with various regional conditions that have different characteristics from each other. Conditions like this are an obstacle in the implementation of Spatial Arrangement. The obstacle is caused by the very lack of space structuring experts (HR Spatial Arrangement) which is currently only three people who are experts in spatial arrangement owned by North Aceh Regency. Inadequate financial support is the second obstacle in north Aceh spatial planning activities until now. Similarly, the application of the principle of openness in the arrangement of space can be stated that its implementation has not been optimal.⁴

¹ Article (2) of Government Regulation of the Republic of Indonesia Number 69 of 1996.

² Fadhil, Head of Legal Section of The Regional Secretary of North Aceh Regency, Interview, October 13, 2021

³ Muhammad Nasir, Chairman of the Development Planning, Research and Development Agency of North Aceh Regency, Interview, October 13, 2021.

⁴ Ramli, Head of Spatial Planning of the Office of Public Works and Spatial Planning of North Aceh Regency, Interview,

To meet the minimum requirements of the implementation of the principle of openness in spatial planning activities have been implemented in a simple form, even though it is not so maximal, this is due to constrained by inadequate financial support.

b. Lack of financial support

In the preparation of the Regional Spatial Plan (RTRW) and other activities related to Space Management has always involved community leaders and stakeholders (stakeholders) to be able to give their opinions for the improvement of the preparation of RTRW or the substance of other activity programs related to Spatial Arrangement. The form of application of the principle of Openness in the arrangement of the space can only be implemented to the extent that it meets the minimum requirements by existing financial support.

The City Without Slums Program (Kotaku) is one of the strategic efforts of the Directorate General of Copyright works of the Ministry of Public Works and Public Housing to accelerate the handling of urban slums and support the "100-0-100 Movement", which is 100 percent access to decent drinking water, 0 percent slums, and 100 percent access to decent sanitation. Kotaku program in its implementation uses a collaboration platform between the central government, provincial government, city/regency, community and other stakeholders by positioning the community and district/city government as the main actor (skipper).

Actually, professional human resources, especially in the field of spatial planning is needed so that its existence is expected to produce spatial plans or designs that are in accordance with the condition of the city both geographically and socio-culturally, but until now the government has not had professional spatial experts who can provide specific direction to realize a spatial structure that can touch the interests of all parties.

4. CONCLUSION

The principle of openness in spatial arrangement is a principle that must be applied in accordance with the mandate of Article 2 letter e of the Law of the Republic of Indonesia Number 26 of 2007. The application of the principle of openness is a form of the fulfillment of the rights and obligations of community participation in spatial arrangement. Efforts of community participation in the preparation of spatial plans need to be done in accordance with the procedures for the participation of the community in spatial arrangement as stipulated by Article 60 of the Law of the Republic of Indonesia Number 26 of 2007, and Article 15 and Article 21 of PPRI Number 69 of 1996. The participation of the community guaranteed by the provisions of the legislation is a value that upholds the will of the people and values that can improve the ability of the people in achieving national goals through equitable, equitable and beneficial development. Implementation of application of the principle of openness in the process of spatial arrangement of North Aceh Regency implementation varies according to local regional conditions.

The constraints of applying the principle of openness in the process of spatial arrangement of North Aceh Regency are caused by, among others, it is found that first, the lack of funds that cause efforts to socialize the city spatial plan cannot be done as thoroughly as it should be. Second, terms of formulating the substance of the general plan and detailed plan of spatial planning cannot be done perfectly because it is not supported by truly capable and professional spatial experts.

It is necessary to make procedures for the role of the community in spatial arrangements that refer to applicable laws and regulations, not only informing the general plan and detailed spatial plan to be prepared but must also accept and pay attention to the inputs or rebuttals submitted by the community after considering various matters related to spatial arrangements. It should be that the Government of North Aceh Regency needs to have experts in structuring a professional space and comparable to the extent of the working area so that the spatial plan prepared can be directed to achieve the intended goal. It is necessary to allocate funds specifically enough for spatial arrangements in each current budget year for the government and North Aceh Regency.

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