

# Arrangement and Implementation of Pekanbaru City Spatial Control

Dio Praseto Budi

<sup>1</sup>Postgraduate School of Universitas Airlangga, Faculty of Magister Science Law and Development, Surabaya, Indonesia

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Abstract: Spatial planning is an attempt to form a legal basis for the government, local government and society in spatial planning. In Article 1 Sub-article 9 of Law Number 26 Year 2007 about city arrangement, spatial planning determines that the state retains the spatial planning, the implementation and the authority of which are carried out by the government and the local government with respect to all human rights. In Article 1 Number 25, city area is an area with non-agricultural activities and with the classification of surface function as urban area for residence, concentration of the distribution and the service of social government and the economic activity of society. In the context of space, the city is a system that does not stand alone. Internally, the city is an integral functional system of activities, externally influenced by the environment of the city and this in general city can be said as a place with a denser population concentration of the surrounding area. However in reality most plans do not work well. There are implementations of legal arrangements for urban structuring that are not in accordance with the applicable law. In this case, the control use of space in Article 1 Number 15 is the solution to the problems that arise in the city arrangement, especially in the Pekanbaru city.

## 1 INTRODUCTION

The space of the territory of the Unitary State of the Republic of Indonesia, whether as a container comprising land, sea and air space, including space in the earth, as well as resources, is a gift of God Almighty to the Indonesian nation to be grateful, sustainably managed for the greatest prosperity of the people in accordance with the mandate contained in Article 33 paragraph (3) of the 1945 Constitution of the State of the Republic of Indonesia, as well as the meaning contained in the philosophy and the basis of the Pancasila state. In order to realize the mandate of Article 33 Paragraph (3) of the 1945 Constitution of the State of the Republic of Indonesia, the Space Spatial Law states that the state organizes spatial arrangements, which the exercise of its authority is exercised by the Government and regional governments while respecting the rights possessed by each person. In the context of space, the city is a system that does not stand alone. Internally, the city is a unified functional system in it, while externally, the city is influenced by the surrounding environment. Based on Article 1 point 9 of Law Number 26 Year 2007 on spatial planning, it is stated that spatial arrangement is an effort to form

legal basis for government, local government, and society in spatial planning. To create an open-ended urban spatial plan is a form of planning that determines the other parts to move spontaneously. An environment that provides more various levels of freedom and action will make greater community engagement and opportunities for active adaptation - creative and modified. Based on the description on the background mentioned above, the writer can draw the formulation of the problem as follows: 1). How is the control mechanism of spatial city?, 2). What is the inhibiting factor in the implementation of urban spatial control ?, 3). What is the effort to perform the implementation of urban spatial control in accordance with Law Number 26 Year 2007?.

## 2 MANUSCRIPT PREPARATION

Spatial utilization control is done so that spatial utilization can be run in accordance with spatial plan. In relation to the planning at the district or city level, Ibrahim (1991) mentioned that there are three types of violations / changes to the spatial plan document, namely:

- a. Changes in function, i.e. changes that are not in accordance with the function of land that has been defined in the plan, namely the functions specified in the Spatial Plan General.
- b. Change of Allotment Block, i.e. utilization that is not in accordance with the designation directives that have been determined, namely the change of Sien Basic Building (KDB), Building Floor Coefficient (KLB) and Building Border Lines (GSB) of each block specified in Detail Plan Room.
- c. Changes in Technical Requirements, i.e. utilization in accordance with the function and designation, but the technical requirements of the building are not in accordance with the provisions in the local building plans and regulations, namely technical requirements set in the site plan and the prints concerning the layout and layout of buildings and environmental facilities and public utilities.

In reality, most of the plans that are made cannot be implemented properly, the most prominent reason is the weakness of the legal power that supports Spatial Planning.

## 2.1 City Spatial Control Mechanism

Spatial Use Control, according to Article 35, is done through the establishment of zoning regulations, licensing, incentives and disincentives, and the imposition of sanctions.

### 2.1.1 Stipulation of Zoning Regulations

In Article 36, it is stated that Zoning Regulations are prepared as guidelines to control the utilization of space. Zoning regulations are structured according to detailed spatial plans for each spatial use zone.

Zone sharing is for land use, roads, public transport, recreation and conservation, expansion of publications, utilities, railways, and airports, government centers, schools and city rejuvenation. The plan has two functions: determining urban development standards, population density standards, circulation system design and the number and location of open space; and physical facilities for business and housing activities. Zoning is a legitimate rule for land use. Zoning distribution is the application of order maintenance authority for health protection, welfare and public safety.

### 2.1.2 Licensing

In Article 37, it is stated that the licensing provisions are regulated by the government and regional governments according to their respective authorities in accordance with the provisions of laws and regulations. Space utilization permits that are not in accordance with the spatial plan of the territory shall be canceled by the government and regional governments according to their respective authorities in accordance with the provisions of laws and regulations.

Permit for utilization of space issued and / or obtained by not going through the correct procedure, null and void. Space utilization permits are obtained through correct procedures but if subsequently proven to be inconsistent with the spatial plan of the territory, it shall be canceled by the government and local governments in accordance with their respective authorities. Further provisions concerning the procedure for obtaining appropriate permits and procedures for reimbursement as referred to in paragraphs (4) and (5) shall be governed by government regulations.

#### a. Enabling License Enforcement

If there are any irregularities in the monitoring instrument, such License may be subjected to administrative sanction under Article 63 of Law Number 26 Year 2007 on Spatial Planning.

#### b. Measures for Regulating Licensing

The steps undertaken in the process of controlling are:

1. Warning, what is done is the issuance of an evaluation sheet containing the difference between permit and realization, and also notification of corrective actions that should be done by the perpetrators of development.
2. Sanctions, in the form of additional charges imposed within a certain periode until the perpetrator of the development correct the irregularities which have occurred.
3. Revocation of License and Legal Process, is done through a series of previous warning process. Revocation is done unilaterally, based on licensing documents and evaluation/supervision results. The appeals process is possible for both parties. The recommendations contained in this report will be followed by the Head of Spatial Planning. These recommendations can be further studies that should be done by a larger team. The head of

Spatial Planning will be the Chair of the Advanced Evaluation Team.

### 2.1.3 Incentives and Disincentives

According to Article 38, in the implementation of space utilization for spatial use in accordance with the regional spatial planning may be given incentives and / or disincentives by the government and local government, in the form of:

- a) Tax relief, compensation, cross subsidies, remuneration, space lease, and stock reductions; building and infrastructure procurement;
- b) The ease of licensing procedures; and / or
- c) Awarding the public, private and / or local governments.

Disincentives are tools to prevent and limit growth, or reduce activities that are not in line with the spatial plan, in the form of:

- a) High taxation adjusted to the amount of costs required to overcome the impacts caused by the utilization of space; and / or
- b) Restrictions on the provision of infrastructure, the imposition of compensation, and penalties.

Incentives and disincentives are given with respect to the rights of the community. Incentives and disincentives can be provided by:

- a) Government to local government;
- b) Local government to other regional governments; and
- c) Government to the public.

Provision of incentives is intended as an effort to provide rewards for the implementation of activities in line with the spatial plan, both by the community and by the local government. The incentives, among other things, may include tax relief, infrastructure and infrastructure development, compensation, ease of licensing procedures, and awards.

Disincentives are intended to prevent and limit growth, or reduce activities that are inconsistent with spatial plans, which may include high taxation, restrictions on the provision of infrastructure and facilities, and the imposition of compensation and penalties.

### 2.1.4 Imposition of Sanctions

Article 39 states that the imposition of sanctions, as referred to in Article 35, is an act of control which is carried out on the utilization of space that is inconsistent with the spatial plan and zoning regulations. Furthermore, in Article 40, it is stated

that further provisions on the control of the utilization of space shall be regulated by government regulations. Article 63 states that administrative sanctions consist of:

- a) Written warning;
- b) Temporary suspension of activities;
- c) Termination of public services;
- d) Location closure;
- e) Revocation of permits;
- f) Cancellation of permits;
- g) Dismantling of buildings;
- h) Recovery;
- i) Recovery of space functions; and / or
- j) Administrative fines

## 2.2 Factors Inhibiting the Implementation of Urban Spatial Control

Some of the inhibiting factors of coaching by the City Spatial Office Pekanbaru are as follows;

### 2.2.1 Human resources

In the process of preparation RTRW Pekanbaru need to pay attention to various potentials and specific problems that exist, so that the Spatial Plan produced accommodate the various problems of the city and at the same time utilize the existing potential to the maximum.

In this view, the RTRW is a heavy regional spatial plan. The spatial law (HTR) is also regarded here as an 'arbitrator' to ensure that all relevant interests are accommodated in the space usage.

To regulate buildings that violate the rules or do not have the IMB, the training by the spatial planners obviously faces some obstacles, due to limited staffs. Meanwhile, the building community is sometimes not cooperative or they are difficult to find, which is often only in the field of workmen, although the authorities have a hard time getting real data. The inhibiting factors in providing guidance through the Spatial Planning of Pekanbaru City are the inadequate human resources who monitor and supervise buildings which violate the rules of the Pekanbaru City area; and the rapid development and number of buildings compared to the officers that supervise them are clearly inadequate, with a part of Pekanbaru City. Therefore, the most important inhibiting factor in performing guidance and supervision on buildings that violate the rules is the human resources that exist in the Pekanbaru City Spatial Planning Office.

### 2.2.2 Efforts to Conduct Implementation of Urban Spatial Control in accordance with Law Number 26 Year 2007

Furthermore, the management of space usage is charged with administrative sanctions and civil sanctions, and if it is included as the criminal matter then it is charged with criminal sanctions. Other efforts that can be done with the role of the community in urban space utilization activities are:

1. Submitting suggestions, suggestions or objections to the government through mass media, professional associations, NGOs, and formal institutions of society.
2. Implement development according to the plan of urban space utilization that has been set.
3. To actively participate in supervisory activities in order to avoid the implementation of development deviating from established procedures / criteria.
4. In preparing the Government Evaluation Team will involve the community as team members, at least from the reporting community.

### 3 TABLE OF CONSTRUCTION, SUPERVISION, PURPOSE

The other table is about the awareness of factors inhibiting the guidance and supervision. The importance of building in accordance with government regulations also does not escape from the public awareness of Pekanbaru city, therefore we can see the level of awareness of the community in accordance with government regulations.

Table 1: Information about RTT (place of residence).

| Year | Building type        | With respondent age | Without respondent age |
|------|----------------------|---------------------|------------------------|
| 2015 | RTT (Boarding House) | 223                 | 15                     |
|      | RTT (Enterprise)     | 55                  | 38                     |
|      | RTT (Store)          | 44                  | 29                     |
|      | RTT                  | 134                 | 101                    |
| 2016 | RTT (Boarding House) | 219                 | 119                    |

|      |                      |      |     |
|------|----------------------|------|-----|
|      | RTT (Enterprise)     | 50   | 29  |
|      | RTT (Store)          | 50   | 39  |
|      | RTT                  | 274  | 187 |
| 2017 | RTT (Boarding House) | 245  | 131 |
|      | RTT (Enterprise)     | 60   | 50  |
|      | RTT (Store)          | 68   | 52  |
|      | RTT                  | 373  | 233 |
|      | Score                | 1473 | 941 |

Data source: IMB 2015-2017

The table above illustrates two types buildings: ones that violate the rules and others that do not violate the rules, in which buildings that violate the rules are 1473 temporary buildings, and buildings that do not violate the rules are 941 buildings, which indicate the level of awareness of the people of Pekanbaru city on government regulations related to the construction of buildings is low.

### 4 CONCLUSIONS

Whereas in this case, the conclusions are given to provide supervision, control and regulate the implementation of spatial arrangement of the city in Pekanbaru.

1. Spatial utilization control is done so that spatial utilization can be run in accordance with the spatial plan. This regulation is the basis of the changes provided by the City Spatial Office of Pekanbaru in terms of arrangement and guidance is done by the Office of Spatial City Pekanbaru, as mentioned in Pekanbaru City Local Regulation No. 7 of 2012 about Retribution License to Establish Buildings, in relation with the planning at district/city level. Therefore, with the above violations, the first step is to review the legislation detailing the officers' responsibilities to the implementation and the scope of work to be performed. Spatial Use Control, according to Article 35, is the control of spatial usage which is done through the establishment of zoning regulations, licensing, incentives and disincentives, and the imposition of sanctions. If there are any irregularities in the

monitoring instrument, such license may be subjected to administrative sanction under Article 63 of Law Number 26 Year 2007 on Spatial Planning.

2. Inhibiting factors in providing guidance by Spatial Planning of Pekanbaru City are the inadequate human resources who conduct supervision and guidance to the buildings that violate the rules of Pekanbaru City area; and the rapid logging and the number of buildings compared to officers who conduct supervision and guidance are clearly not adequate, with the area of Pekanbaru City.
3. The control of Spatial Planning should conform the provisions of the legislation, so there will be space usage control which consists of reports of changes, monitoring deviations of spatial planning and evaluation of spatial plan. Further, pengertiban penyfaatn space is done through the imposition of administrative sanctions, civil sanctions and if it involves in criminal domain then it is charged with criminal sanctions.

In the conclusion of the three points above, there is still a lot of urban spatial planning itself, especially in the city of Pekanbaru, which has to be solved because of the constantly changing policies, and this is the obstacle for all sectors, both institutions and monitoring and reporting systems, also monitoring and evaluation of spatial planning in the city of Pekanbaru.

Law Number 28 Year 2002 about Building Buildings

Regional Regulation of Pekanbaru City No. 7 of 2001 on the Amendment of Regional Regulation of Pekanbaru City No. 4 of 2001 concerning the establishment of organizational structure and working procedures of the offices of Pekanbaru Municipal Government

Regional Regulation of Pekanbaru City No. 7 of 2012 on Retribution And Permit Establish Building  
Law Number 26 Year 2007 About Spatial Planning.

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## GOVERNMENT REGULATIONS

1945 Constitution

Law Number 32 Year 2004 regarding Regional Government