

**SPATIAL POLICY DILEMMA:
ENVIRONMENTAL SUSTAIN ABILITY AND ECONOMIC GROWTH ¹**

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ABSTRACT : The regulation of spatial planning aims to meet the demands of the built-area and preserve the environment for sustainable urban development. Yet, the implementation of spatial planning for welfare and environmental sustain ability faces various problems such as conflicts between sectors and regions. Similarly, the efforts to improve welfare through economic growth lead to land conversion that has an impact on environmental damage and land conflicts. The purpose of this study is to analyze the factors inhibiting local governments in implementing the spatial planning. This research belongs to qualitative research with Socio Legal approach. The informants and respondents were chosen by applying purposive sampling technique, while the data validation used triangulation. The results showed that local governments have difficulties in implementing environmental-based spatial planning as well as increasing economic growth, especially for regions with small local revenues. Limited resources, inconsistent policy, and weak regulation arrangements have become inhibiting factors in meeting the demands of environmental-based spatial planning and increasing economic growth. Therefore, commitment from local government is needed to solve the problem by increasing the capacity of government apparatus, enforcing the rules, and reconstructing the fair and prosperous spatial policy.

Keywords : Spatial Planning, Environmental Sustain ability, Economic Growth

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INTRODUCTION

Kuningan is a district with the lowest local revenue (PAD) in West Java. In 2014, the local revenue of Kuningan only achieved IDR120 billion and it was targeted to IDR140 billion in 2015 with the largest sector comes from tax revenue and retribution.²

Comparing to the amount of PAD which achieved IDR120 billion in 2014, the APBD of Kuningan achieved IDR1.2 trillion indicating that the contribution of PAD to APBD is very low. Consequently, it is difficult for Kuningan to achieve regional autonomy. To overcome this problem, DPRD has targeted an increase of PAD in 2016 with amount IDR200 billion. This increase certainly gives a positive impact on local governments' efforts to increase PAD. Inviting investors to work in property and tourism fields can also be one of the ways to increase PAD. The implication is that the investors are given the lee way consents to invest in housing construction and other economic sectors.

Spatial control and utilization in Kuningan is based on Local Regulation No. 26 Year 2011 concerning Spatial Planning of Kuningan in 2011-2031. This spatial planning is used as a guide in determining Long-Term Development Plan (RPJP) and Medium-Term Development Plan (RPJM) of Kuningan. The main purpose of this spatial planning is to support Kuningan as a Conservative District which is based on Agriculture and Tourism.

There is a heavy task for Local Government on spatial management in which they should continuously implement the development in order to increase local revenues but the development must be the environmental based development which is based on Conservative District. It is a tough job for a small district with limited incomes but it has a goal that desperately needs the consistent policy.

PROBLEMS

Based on the description above, the problems that become the focus of this research is *first*, how the implementation of local spatial policy in Kuningan, *secondly*, what factors inhibiting local government in implementing the spatial policy.

RESEARCH METHOD

This research was conducted to analyze the local spatial policy in Kuningan. Therefore, the method used in this research is non-doctrinal research method. The data collection technique was done by applying triangulation (combination).³ The data were then analyzed qualitatively to examine the condition of natural object where the researcher is the key instrument.

2 Board of Statistic Center of Kuningan year 2014

3 Sugiyono, *Understanding Qualitative Research*, (Bandung, Alfabeta, 2008), p. 119

DISCUSSION

As one of the implementation of spatial policy in Kuningan, as regulated by Local Regulation No. 26 year 2011 concerning Spatial Planning of Kuningan in 2011-2031, the local government has built five areas as the Local Activities Center (PKL). Local Activity Center is an urban area that serves district-scaled activities or activities involving some sub-districts. The Local Activity Center in Kuningan covers five major sub-districts that will become the urban areas, namely Kuningan sub-district, Cilimus sub-district, Ciawi gebang sub-district, Luragung sub-district, and Kadugede sub-district.

The determination of the five sub-districts as Local Activity Centers is based on the different characteristics and primacies of each area. The difference is contained in article 10 paragraph (2) of Local Regulation on Spatial Planning. The Local Activity Center in Kuningan sub-district serves as a district government center, agricultural processing center, industrial center, business center, tourism service center, and higher education center. Local Activity Center in Cilimus sub-district has the main function as sub-district government center, tourism center, agro industry center, agribusiness center, agricultural processing center, plantation, and forestry center. Local Activity Center in Ciawi gebang sub-district serves as sub-district government center, home industry center, and agropolitan center. Local Activity Center in Luragung sub-district serves as sub-district government center, home industry center, tourism center, and plantation center. Then, the Local Activity Center in Kadugede sub-district serves as sub-district government center, agricultural product management center, and forestry center.

By considering the local potentials owned by the five local activity centers, Kuningan declared itself as Conservative District in 2007. Although it is not followed by arranging the local regulations on Conservative District, but in supporting the policy, the local Government has issued several regulations to strengthen Kuningan as Conservative District, including Local Regulation No. 12 year 2007 on Conservation of Water Resources, Local Regulation No. 11 year 2013 on City Forest, as well as other local policies.

Environmental-based development as support to conservative district faces many challenges when dealing with the reality of the low contribution of local revenue to APBD. Therefore, every discussion on local budget done by the legislative (DPRD) is about how to increase the PAD. This demand becomes a dilemma for local governments, so the priority of each activity undertaken is to increase the local revenue. This policy brings its own problems since it leads to the conversion of agricultural areas into a residential building. The policy arranged by the local government regarding the licensing to the housing developers has caused many problems, both in terms of environmental and law. The environmental impact which can be clearly seen is the decreasing of agricultural areas, even though the majority of Kuningan society is farming.

Kuningan, which is geographically located at the foot of Mount Ciremai as well as a water supplier of Cirebon, has experienced a clean water crisis in the last three years. The data shows that in 2009, Kuningan which initially had 620 springs sources from Mount Ciremai, currently decreased to 523 springs, and it will most likely continue to decrease.⁴ Similarly, many agricultural areas especially rice fields switch its functions in which the rice fields in Kuningan shrinking 262 ha or from 29,078 ha to 28,816 ha in the last three years.⁵ Whereas, Law No. 41 year 2009 on Sustainable Land Farming Protection emphasizes that agricultural area has a role and a strategic function for society. The agricultural area is a scarce resource for the society because the amount will not be increased, but the need for the area continues to increase. The conversion of agricultural areas can be a threat to the achievement of food security. The conversion of agricultural areas has a serious effect on narrowing of cultivated land and reducing the level of farmers' welfare as well as disrupting food production in Kuningan, especially there is no integrated effort done to develop agricultural areas by creating new potential agricultural areas. Therefore, spatial policy should give a more attention to sustainable development process.⁶ In this context, the local government should be able to protect and manage their natural resources in an integrated and sustainable way, and meet the orderliness elements. The function of orderliness is required by the society since there are results that must be maintained, protected and secured.⁷

Factors Inhibiting Environmental Based Spatial Policy

Spatial planning that less takes into account the use of space based on its purpose tends to lead to land conversion.⁸ Followings are several factors affecting spatial policy in Kuningan is more oriented on increasing local revenues in order to pursue economic growth rather than on environmental-based development, namely:

a. Limitation of Resources

The limitation of resources is the main factor affecting spatial policy in Kuningan is more oriented on increasing local revenues rather than on environmental-based development. APBD Kuningan initially comes from the amount of Local Revenue (PAD) plus other revenues in the form of funds coming from APBN. The source of PAD of Kuningan which

4 Explanation of Head of *BAPPEDA Kuningan*, as published in HU Radar Cirebon, February 8, 2015

5 Explanation of Head of Agricultural and Animal Husbandary Department, as published in HU Radar Cirebon, December 10, 2014.

6 ElvieDyahFitriana, Bambang Supriyono, Farida Nurani, *The Implementation of Local Spatial Policy in Implementing Sustainable Urban Development*, Jurnal Administrasi Publik, Vol.2 No.2

7 Mohtar Kusumaatmadja, *Law Concepts in Construction*, (Bandung, Penerbit PT Alumni, 2013), p. 14

8 Abdul Wahid, *Identification of Spatial Policy Violation in Sulawesi Selatan*, Jurnal SMARTek, Vol.7 No.2, May 2009, p. 108

contributes the most is local tax and retribution which are then become one of the main sources of government funding and regional development.

The contribution of PAD to APBD is still 7% in 2015, whereas the local independence will only be achieved if the contribution of PAD is above 15%. Therefore, tourism and investment sectors are expected to continue contributing to PAD of Kuningan. Yet, this situation leads to a tendency that there is leeway consent for housing investors and other economic development sectors. As the data taken from Spatial Planning Office shows that there are 24 developer companies which are investing in Kuningan.⁹

Local government' efforts to increase PAD are expected not lead to leeway consent for investors with the hope that it will contribute greatly in increasing local revenues that often overturn the spatial policies that have been made and planned. The pattern of land-use conversion occurring in Kuningan is associated with the land-leasing theory by *Barlowe* stating green fields will be more compounded by built areas with high economic value.¹⁰ Thus, what has been said by *Talcon Parson*¹¹ is true that individual as an actor has certain ways to achieve his own goal. The actor pursues a goal in a situation where norms guide him in choosing alternative ways and means to achieve the goal. In another sense, it is individuals' ability to take action in terms of defining the means or tools from a number of alternatives in order to achieve their goals.¹²

Based on the theory, the local governments in Kuningan as the implementers of spatial planning policy are actors who are active, creative, and evaluative, and have the ability to assess and choose alternative actions to perform various authorities they possessed.

b. Inconsistent Policy

The enactment of local regulations on Spatial Planning should be followed by the forming of the Detailed Spatial Plan (RDTR) stipulated by a local regulation. This is clearly stated in article 119 paragraph (3) of Local Regulation No. 26 Year 2011 that the priority of preparing the spatial planning includes the Detailed Spatial Plan. RDTR is important for urban development and also for avoiding environmental damage and natural disaster threats.¹³ However, in its implementation, RDTR has not been stipulated in a Local Regulation until now. It is only in the form of ordinary document which does not have a strong legality.

9 Data of Housing in Kuningan year 2011-2014 Spatial Planning Department of Kuningan

10 NiaKurniasihPontoh, *The Relationship of Land Conversion and Water Surface: A Case Study in Bogor*, Jurnal Perencanaan Wilayah dan Kota, Vol.16, No. 3, December 2005, p. 130

11 George Ritzer, *Sociology: Fold-Paradigm Science*, (Editor: Alimandan), (Jakarta, Rajagrafindo, 2002) pp. 48-49

12 Bernard L Tanya, Yoan N Simanjuntak, Markus Y Hage, *Law Theory* (Yogyakarta, Genta Publishing, 2013) p. 137

13 Siti Aminah, *Spatial Conflict and Dispute in Surabaya*, Jurnal Sosiologi Masyarakat, Vol.2, No. 1, January 2005, p. 61

It is in line with *Chablis* and *Seidman* on the theory of *Legal Work* who state that the role of personal and social strengths influences not only when the law is formulated but also up to law enforcement.¹⁴ Similarly, *David Easton* with his *Black Box* theory suggests that the parties involved in the decision-making process will be heavily depend on the existing political system. It shows that the position of District Head as a decision-maker is very decisive in decision-making process in which they can prioritize the society's needs and not solely consider several groups' interests since it will lead to unfair policies.

In fact, Kuningan as a Conservative District is not followed by a grand design of environmental-based development. Yet, it is merely a statement which has no implication so that the development activities are not oriented towards the protection of nature and conservation of water resources but rather on sectors that are more economically profitable.

c. Licensing Reform has not started yet

Unclear licensing regulations between the Local Development Planning Board (BAPPEDA), Integrated Licensing Management Board (BPPT), and Spatial Planning Office in Kuningan become one of the factors causing unregulated licensing system. Bureaucracy reform on the field of licensing which has been planned does not cover the license for housing construction. All licenses should be done by one authorized-board which is Integrated Licensing Management Board (BPPT), but now the licensing of housing construction is still run by Spatial Planning Office.

The practice of lenient sanctions is utilized by Developer Companies to continue applying for license to open agricultural areas to new housing construction in restricted areas for housing, such as in Bandorasa Wetan, Cilimus Sub-District. In fact, sanction is the most important part of the law which aims to uphold the rules so that the law can run well, that is to create orderliness, certainty and justice.¹⁵

Efforts to Do

The implementation of spatial policy which integrates environmental sustainability and economic growth can be done if the local government has a high commitment to continuously improve the management of spatial planning by:

a. Improving the Capacity of Government Apparatus

Local regulations actually give the flexibility to local government to explore local revenues based on its potential. With the potential, it appears that one of local revenues can be extracted

14 Endang Sutrisno, 2013, *Reconstruction of Fisherman Society's Law Culture to Build Fisherman's Welfare*, Penerbit Genta, Yogyakarta, p. 115

15 Mohtar Kusumaatmadja, 1986, *Law Development and National Development*, BinaCipta, Bandung, p. 5

from retribution with licensing mechanism.¹⁶

Licensing as an instrument in carrying out local administration can be developed as one of local government's authority which its implementation is reflected in government apparatus' attitude and behavior who have good capacity and capability, because there is a tendency that spatial legislation is not fully implemented and followed. Yet, it continuously moves in spatial policy in some regions.¹⁷

Therefore, some efforts to improve the capacity of government apparatus can be started by considering that:¹⁸

1. There should be a daily management which becomes the managing norm of how a community utilizes the resources.
2. There should be a policy issued by the Local Government as a guide in managing the resources in an integrated manner with spatial planning.
3. There should be a legislation with strict sanctions which bind all parties violating the norms.

b. Enforcing the Law

Violation of Local Regulation on Spatial Planning actually has juridical consequence in the form of sanctions that can be given to the parties violating the regulation. The sanction can be in the form of administrative, civil, and criminal sanctions.

Administrative and civil sanctions are regulated in local regulations, but for criminal sanctions are directly regulated by spatial law. Therefore, it is necessary to conduct socialization and assistance to the society that will take the legal process in order to achieve justice. Besides, there must also be the political will from the government and the courage from the society to jointly uphold justice by bringing this spatial violation case to the legal process.

c. Reconstructing the Spatial Policy

The main purpose of spatial planning is the realization of harmony between the natural and artificial environment, the realization of integration in utilizing the natural and artificial resources with respect to human resources, and the realization of spatial function protection and the prevention of negative impacts on environment due to space utilization.

Local Government as a public organization has a very important position in the policy-making process, including the spatial policy. Therefore, the implementation of spatial planning in

16 Juniarso Ridwan, 2013, *Spatial Law in Local Policy Concept*, Penerbit Nuansa, Bandung, p. 116

17 EdyLisdiyono, 2008, *Spatial Legislation: A Study of Spatial Policy Shifting in Local Regulation in Semarang*, Penelitian Disertasi, Universitas Diponegoro

18 Endang Sutrisno, Op.Cit., p. 350

Kuningan should be directed to the implementation of spatial utilization pattern and environmental-based development.

Thus, it is necessary to reconstruct the local policies on spatial planning by integrating Local Spatial Plan (RTRW) with Detailed Spatial Plan (RDTR) in a policy package so that there is a legal certainty and clear reference for local government and there is no longer dilemma between preserving the environment or developing economic growth since they can be run hand in hand.

CLOSING

1. The implementation of spatial policy in Kuningan will increase the local revenue and economic growth if it is supported by the good capacity of government apparatus and consistent with the potential utilization of the existing areas. Yet, it should maintain the environmental sustainability as an effort to support Kuningan as a Conservative District.
2. There are some factors inhibiting the implementation of spatial planning, namely limited capacity of government apparatus, inconsistent policy, and weak law enforcement. These factors can be eliminated by reconstructing the existing local policies on spatial planning by integrating the Local Spatial Plan (RTRW) with the Detailed Spatial Plan (RDTR) in a policy package.

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