

**THE IMPLEMENTATION OF THE LOCAL REGULATION OF YOGYAKARTA CITY
ON SPATIAL PLANS OF YOGYAKARTA CITY YEAR 2010-2029**

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ABSTRACT

Rapid City development which occurred in Yogyakarta as the results of the people welfare and prosperity has made the Local Government rearrange the spatial plans in their region. The number of people and their needs are inseparable from the problem on uncontrolled development which harmed the spatial and environment of Yogyakarta City that can deviate from the vision and mission of Yogyakarta City as a part of Yogyakarta Special Region. It is seen from the fact that green open spaces have been replaced by the rise of hotels, malls, apartments, and other buildings. This research aims to analyze the implementation of Local Regulation of Yogyakarta City. The type of this research is empirical and normative legal research with the statute approach. By using a descriptive qualitative approach, the results show that the implementation of Local Regulation on Spatial Plans has not been effective yet. This is caused by unsynchronized substances such as the Regulations, miss communication, lack of law enforcement, and lack of cooperation among the officers. It is suggested that the City Mayor of Yogyakarta should be consistent and have commitment in implementing the Local Regulation; DPRD of Yogyakarta City should check the substance of the regulation; and those related officers should possess a better understanding, good communication, and good cooperation in conducting the Spatial Plans of the Local Regulation of Yogyakarta City.

Keywords: *Implementation, Local Regulation, Yogyakarta City, Spatial Plans 2009-2029*

A. BACKGROUND

The interesting topic to be discussed on Spatial Plans of Yogyakarta City Year 2010-2029 is that the existence of spatial plans has become a disorder. Green open space was replaced by the rise of hotel buildings, malls, apartments, and other buildings which are caused the environment around those buildings faces the impact of the irregularities of spatial in Yogyakarta Special Region (DIY). The fact is that the groundwater levels in Yogyakarta and Sleman cities decreased up to 4 meters. If in the past, to scale the groundwater only needed about 7 meters of digging but now, it needs more than 11 meters.¹ The development activities in the urban area caused the increase of population intensiveness. This situation makes the rapid of development increase, as an effort to improve the welfare and prosperity of people in urban areas.

Dwi Ardianta Kurniawan² stated that the quality of spatial development directions has decreased and left the concept of sustainable development.³ Within the existence of this problem, it is necessary to have a Local Regulation which accommodates the needs of the community and not to reduce the environmental quality of the community as well as to pay attention to the sustainable development in the arrangement of spatial. According to the result of the coordination meeting between the Environmental Agencies (*Badan Lingkungan Hidup/BLH*) and Huda Tri Yudiana⁴, Yogyakarta Special Region has less than 20,000 hectares of green open spaces. It makes the urban spatial of Yogyakarta City is indeed apprehensively.

By seeing these facts, there must be a contribution of the executive and the legislative in formulating, implementing, and supervising the spatial plans which can be more suitable

¹ Anonymous, 2016, "Tata Ruang di Yogya Amburadul, Permukaan Air Turun", available at <http://economy.okezone.com/read/2016/03/06/470/1328939/tata-ruang-di-yogya-amburadul-permukaan-air-turun> accessed on May 26th, 2017, at 10:17 a.m

² Dwi Ardianta Kurniawan is the researcher of Center for Transportation and Logistics (Pusat Transportasi dan Logistik/Pustral) Universitas Gajah Mada

³ Gusti, 2017, "Kota Yogyakarta Darurat Tata Ruang", available at <https://www.ugm.ac.id/id/berita/13377-kota.yogyakarta.darurat.tata.ruang> accessed on November 1st, 2017 at 10:54 p.m

⁴ Huda Tri Yudiana is the Member of Commission C Regional People's Representative Council (DPRD) of Yogyakarta Special Region

with the Legislation. Furthermore, the public space in the city will be much better, create welfare of society, and give positive impact on the environmental quality.

B. RESEARCH PROBLEM

1. How is the implementation of the Local Regulation of Yogyakarta City on Spatial Plans of Yogyakarta City year 2010-2029?
2. What are the obstacles on the implementation of the Local Regulation of Yogyakarta City on Spatial Plans of Yogyakarta City year 2010-2029?

C. OBJECTIVE OF PROBLEM

1. To understand the Local Regulation of Yogyakarta City Number 2 of 2010 on Spatial Plans of Yogyakarta City year 2010-2029.
2. To analyze the implementation of Local Regulation of Yogyakarta City on spatial plans of Yogyakarta City year 2010-2029.
3. To give a better suggestion on the implementation of Local Regulation of Yogyakarta City on spatial plans of Yogyakarta City year 2010-2029.

D. LITERATURE REVIEW

1. Local Regulation

a. The Legal Framework of Local Regulation

Article 1 paragraph (3) of the 1945 Constitution underlines that Indonesia is a legal state. It means that the government system should be implemented on the basis of the provisions of the constitution and other legislation such as government regulations, local regulations and other legal regulations.⁵ Furthermore, Article 18 Paragraph (6) of the 1945 Constitution states that local governments have the right to enact local regulations and other regulations to implement the autonomy and duty of assistance.⁶

b. The Definition of Local Regulation

⁵ Yusnani Hasyimzoem et al, 2017, *Hukum Pemerintahan Daerah*, Jakarta: PT Raja Grafindo Persada, pp.145-146

⁶ Yusnani Hasyimzoem et al, *Ibid*.

According to Irawan Soejito⁷, the Local Regulation is a regulation stipulated by the District Head with the approval of the Regional House of Representative where the regulation has to fulfil certain formal requirements also can have legal and binding force.⁸ Local Regulation is formed by the authority of Regional House of Representative which is made together with the governor, regent, and mayor (joint authority).⁹

2. Spatial Plans

a. The Meaning of Spatial Plans for Local District (City)

Spatial planning is an effort which tries to formulate the utilization effort of space/land optimally and efficiently for human activities in their areas in the form of sectorial development, region, and society which can be achieved within a certain time. Meanwhile, what is meant by Spatial Plans for Local District/RTRWK (*Rencana Tata Ruang Wilayah Kabupaten/Kota*) is the plan that refers to National Spatial Plans (*Rencana Tata Ruang Wilayah Nasional/RTRWN*), Spatial Plans of Province (*Rencana Tata Ruang Wilayah Provinsi/RTRWP*), guidance and guidelines of the implementation in spatial planning fields and Long-Term Development Plan of the Region (*Rencana Pembangunan Jangka Panjang Daerah/RPJPD*).¹⁰

b. The Arrangement of Spatial Plans

Generally, the basic concept of spatial law is described and arranged in the Preamble of the fourth paragraph of the 1945 Constitution which states “shall protect all the people of Indonesia and all the independence and the land that has been struggled for, and to improve public welfare, to educate the life of the people and to

⁷ Irawan Soejito is a government experts in Indonesia

⁸ Djoko Prakoso, 1985, *Proses Pembuatan Peraturan Daerah dan Beberapa Usaha Penyempurnaanya*, Jakarta Timur: Ghalia Indonesia, p.43

⁹ Law No. 22 of 1999 on Local Government

¹⁰ Arif Anindita, 2013, “*Konsep Tata Ruang Provinsi Daerah Istimewa Yogyakarta dalam Perspektif Yuridis Peraturan Daerah Istimewa Yogyakarta Nomor 2 Tahun 2010 tentang Rencana Tata Ruang Wilayah*”, available at <http://bem.feb.ugm.ac.id/konsep-tata-ruang-provinsi-daerah-istimewa-yogyakarta-dalam-perspektif-yuridis-peraturan-daerah-istimewa-yogyakarta-nomor-2-tahun-2010tentang-rencana-tata-ruang-wilayah/> accessed on November 9th, 2017, at 4:15 p.m

participate toward the establishment of a world order”.¹¹ Furthermore, to optimize the concept of spatial the basic law on spatial regulated was amended through the Law No. 26 of 2007 on Spatial Planning and explicitly mentioned in the Government Regulation No. 26 of 2008 on National Spatial Plan and become the basis for Province and Region/City Spatial Plan in Indonesia.¹²

E. RESEARCH METHOD

The type of this research is a normative legal research and empirical legal research which means the research is prominent on professional legal writing such as handbooks, commentaries and textbooks of law that implements a specific legal method consisting of the systematic and also prominent the objective of research through interviewing the related interviewee or related institutions. The data that used in this research are primary data and secondary data. Those data were collected through the library research and interview the Official of Land and Spatial on Yogyakarta City and the DPRD of Yogyakarta City. Then the data were analyzed systematically through a descriptive qualitative approach, the researcher analyzed them in sequence starting from the constitution, legislation, and other theories which are related to the issue on the implementation of Local Regulation.

F. FINDING AND ANALYSIS

- 1. The Implementation of the Local Regulation of Yogyakarta City No. 2 of 2010 on Spatial Plans of Yogyakarta City Year 2010-2029.**
 - a. The Local Regulation of Yogyakarta City No. 2 of 2010 on Spatial Plans of Yogyakarta City Year 2010-2029**

To implement the provisions from the Law of Spatial Planning Number 26 of 2007, specifically in concern to the spatial plan of the Province and Regency/City, each Province and Regency/City forms Local Regulation concerning the Local Spatial Planning.¹³ Including Yogyakarta as Special Region,

¹¹ Juniarso Ridwan dan Achmad Sodik, 2013, *Hukum Tata Ruang dalam Konsep Kebijakan Otonomi Daerah, Bandung: Nuansa Cendikia*, p.28

¹² *Ibid.*, p.29

¹³ Arba, 2017, *Hukum Tata Ruang dan Tata Guna Tanah; Prinsip-prinsip Hukum Perencanaan Penataan Ruang dan Penatagunaan Tanah*, Jakarta Timur: Sinar Grafika, pp.15-16

it has a spatial plan which has been set in the Local Regulation of Yogyakarta Special Region No. 2 of 2010 on Spatial Plans of Yogyakarta City (RTRW/*Rencana Tata Ruang Wilayah*). This regulation has the same level with Long-Term Development Plan of the Region (*Rencana Pembangunan Jangka Panjang Daerah/RPJPD*) and Mid Term Development Plan of the Region (*Rencana Pembangunan Jangka Menengah Daerah/RPJMD*).¹⁴

Local Government as the implementer of the Local Regulation itself including the Mayor as the District Head is an organizing element of the Regional Governance who leads the administration of government affairs which became the authority of the autonomous region, the authority of deconcentrating and co-administration. In the administration of local government, the government/district head does not conduct the government alone with its representatives, but there are local apparatus consisting of two, namely the local apparatus of provincial and the local apparatus of district/city.

Furthermore, TKPRD is an ad-hoc body established to support the implementation of Law No. 26 of 2007 concerning Spatial Planning at the Provincial level of DIY and has the function of assisting the implementation of the Governor's duties in coordinating spatial planning in the regions.

Therefore, according to Article 1 Paragraph 53-54 of the Local Regulation of Yogyakarta City No. 2 of 2010, Local Government Agencies, hereinafter referred to as SKPD/Satuan Kerja Perangkat Daerah now named as Government Structure Organization (OPD/Organisasi Perangkat Daerah), is the Office that organizes Regional affairs in the spatial planning field.

Local apparatus is an auxiliary element of the District Head and the DPRD in the administration of Government Affairs which became the regional authority, hereinafter referred to as Local Apparatus of District/City are auxiliary elements

¹⁴ Arif Anindita, 2013, "Konsep Tata Ruang Provinsi Daerah Istimewa Yogyakarta dalam Perspektif Yuridis Peraturan Daerah Istimewa Yogyakarta Nomor 2 Tahun 2010 tentang Rencana Tata Ruang Wilayah", available at <http://bem.feb.ugm.ac.id/konsep-tata-ruang-provinsi-daerah-istimewa-yogyakarta-dalam-perspektif-yuridis-peraturan-daerah-istimewa-yogyakarta-nomor-2-tahun-2010tentang-rencana-tata-ruang-wilayah/> accessed on November 9th, 2017, at 4:15 p.m

of regents/mayor and DPRD of district/city in the administration of Government Affairs which became the authority of Regency/City Region.

b. The Main Task and the Function of the Yogyakarta City Official of Land and Spatial (DPTR/*Dinas Pertanahan dan Tata Ruang*)

Yogyakarta City Land and Spatial Official (DPTR) is an office that has autonomy tasks to make spatial planning of the city. Among its duties and functions stated in Article 4 of the Regulation of Yogyakarta Mayors No. 52 of 2017 concerning Organizational Structure, Position, Duties, Functions and Work Procedures of the Land and Spatial Official are:

- a. Formulation of land and spatial technical policies
- b. The organization the governance and the public services in land and spatial planning;
- c. Implementation of information disclosure (*keterbukaan informasi*) in the field of land and spatial planning
- d. Guidance and implementation of duties in the field of land and spatial planning;
- e. Managing the general planning, staffing, finance, evaluation and reporting; and
- f. Implementation of monitoring and reporting in the field of land and spatial planning.¹⁵

c. DPRD as the Supervisor on the Implementation of Local Regulation of Yogyakarta City on Spatial Plans of Yogyakarta City

The main function of the DPRD as a representative institution (parliament), first of all, is the supervision of the executive, then the legislative function (lawmaking) and budgeting. There are some forms of supervision by parliament institutions on government performance, among of them are: (1)

¹⁵ Regulation of Yogyakarta Mayors No. 52 of 2017 concerning Organizational Structure, Position, Duties, Functions and Work Procedures of the Land and Spatial Official

appoint and dismiss the cabinet; (2) determine and supervise the budget and finance; (3) protect the property rights and wealth of the community; (4) organizing parliamentary debate forums; (5) conduct the hearings of opinion; (6) the right of interpellation¹⁶ and right of questions; (7) carry out government functions together; and (8) carry out semi-legislative and semi-judicial functions.¹⁷

d. The Implementation of the Local Regulation of Yogyakarta City No. 2 of 2010 on Spatial Plans in Yogyakarta City year 2010-2029

Van Meter and Van Horn define the implementation of public policy as the actions taken by public organizations which are directed to achieve the objectives that have been set in previous decisions. These actions include efforts to change decisions into operational actions within a certain period of time or in order to continue efforts to achieve large and small changes determined by policy decisions.”¹⁸

The implementation of spatial planning that is meant in the Local Regulation of Yogyakarta City No. 2 of 2010 on Spatial Plans of Yogyakarta City Article 1 (17) is an effort to achieve the objectives of spatial planning through the implementation of spatial planning, spatial utilization, and control of spatial utilization. Spatial planning is the process of forming and determining the spatial plans; spatial utilization is an effort to realize the spatial structure and space utilization pattern accordance to the spatial plan through the forming and implementation of the program and its financing, and controlling the space

¹⁶ Interpellation is the right of legislative to ask the government for information about the important and strategic's government policies and have a wide impact on the life of the society and state.

¹⁷ Roni Rustandi, “Kajian Teoritis Fungsi Pemerintah Daerah dan Dewan Perwakilan Rakyat Daerah dalam Pembentukan Peraturan Daerah Menurut Undang-Undang Nomor 23 Tahun 2014 Tentang Pemerintahan Daerah Sebagaimana Telah Diubah dengan Undang-Undang Nomor 9 Tahun 2015”, *Jurnal Surya Kencana Dua: Dinamika Masalah Hukum dan Keadilan*, Vol. 4, No.1, Juli 2017.

¹⁸ Rochyani Naditya, et al, “Implementasi Peraturan Daerah Kota Malang Nomor 10 Tahun 2010 Tentang Pengelolaan Sampah” (Suatu Studi di Dinas Kebersihan dan Pertamanan (DKP) dalam Pelaksanaan Program Bank Sampah Malang (BSM) di Kelurahan Sukun Kota Malang)” *Jurnal Administrasi Publik (JAP)*, Vol. 1, No. 6, pp. 1086-1095

utilization in the process of licensing, monitoring, evaluating, and controlling (*penertiban*) the use of space-based on zone regulations.¹⁹

Based on the interview conducted by the writer with Pamungkas²⁰, it is revealed that the implementation of Local Regulation on Spatial Plans which are the effort to organize spatial planning through the implementation of spatial planning, has already been made through the Local Regulation of Yogyakarta City No. 2 of 2010. It was made in accordance with the 1945 Constitution and Law No. 26 of 2007 as mandated. In addition, the Local Regulation of Yogyakarta City No. 1 of 2015 on Detailed Spatial Plans and Zoning Regulations (*RDTR/Rencana Detail Tata Ruang dan Peraturan Zonasi*) which is the more detailed spatial plans than the Local Regulation No. 2 of 2010 was made to complete the task of the Mayor in making the regulation on spatial planning.²¹

However, even the Local Government has already made the regulation as it is mandated, the realization of the Local Regulation on spatial plans does not always work. It is proven and caused by the different substance that happened between the Local Regulations of Yogyakarta City on Spatial Plans.

¹⁹ Imam Koeswahyono, 2012, *Hukum Penatagunaan Tanah dan Penataan Ruang di Indonesia*, Malang: Universitas Brawijaya Press, pp.112-113

²⁰ Pamungkas is the Head Section of Arrangement on Spatial Plans and the Detail Spatial Plans of Yogyakarta City Official of Land and Spatial

²¹ Article 4 (3) sub a of Government Regulation No.15 of 2010 on Spatial Planning Administration

Figure No. 1 the difference substation of space utilization directions between RTRW and RDTR Yogyakarta City



Source: Analysis judicial review of Local Regulation of Yogyakarta City No. 2 of 2010, 2018

From the figure above, It can be seen the un-synchronization of the position of spatial utilization between RTRW and RDTR. The utilization on RTRW is planned for habitation but on RDTR it is planned as the commercial place. These differences cause confusion, clash, and miss communication between the local government and the implementer (officer) of the Local Regulation. This condition also has the potential to cause differences in perceptions of spatial regulation as a reference for development operations and at the same time make a confusion to the relevant government structure organization (OPD), for example, an OPD tends to refer to the RTRW, while other OPD uses RDTR.

Other problems that occurred on the implementation of the Local Regulation of Yogyakarta City No. 2 of 2010 came from the residents who live along the river bank. Actually they should be relocated because the area is included in the category of green open space. However, Dwi Ardianta Kurniawan said to conduct the relocation without preparing replacement land is also not an easy matter. It is necessary to prepare and provide facilities, so it is no need to abolish their life from their home environment. May be this idea is easy to say but difficult to implement.²²

Next, the researcher observes the space utilization plan with the implementation of utilization space that occurred in Yogyakarta City based on the result from the Judicial Review year 2018 about Local Regulation of Yogyakarta City No. 2 of 2010 on Spatial Plans of Yogyakarta City through table 1 below as follows:

²² Yudha Manggala P Putra, 2017, “Peneliti: Kualitas Tata Ruang Yogyakarta Menurun” available at <https://www.republika.co.id/berita/nasional/daerah/17/02/27/om11eb284-peneliti-kualitas-tata-ruang-yogyakarta-menurun> , accessed on October 18th, 2018 at 19:02 p.m

Table No. 1 Final Result of Yogyakarta City Space Pattern Suitability

No	Space Utilization	Extensive Plan		Existing Area		Difference (Plan-existing)	% Difference
		(ha)	%	(ha)	%		
1	Residence	1,652.56	50.32	1,701.36	51.81	-48.80	2.95
2	Trade and Service	839.11	25.55	601.16	18.31	237.950	28.36
3	Office	87.13	2.65	87.92	2.68	-0.80	0.91
4	Industry	2.48	0.08	6.32	0.19	-3.86	155.77
5	Education Facility	112.88	3.44	172.81	5.26	-59.93	53.09
6	Religious&Health Facility	22.89	0.70	51.94	1.58	-29.04	126.87
7	Sport Facility	12.86	0.39	17.17	0.52	-4.31	33.55
8	Transportation Facility	44.88	1.37	40.32	1.23	4.56	10.16
9	Tourism	88.24	2.69	0.56	0.02	87.68	99.36
10	Cultural heritage	51.29	1.56	60.35	1.84	-9.06	17.66
11	<i>RTH</i>	34.45	1.05	43.62	1.33	-9.17	26.62
12	Specific <i>RTH</i>	46.41	1.41	53.58	1.63	-7.17	15.45
13	River border	94.95	2.89	35.02	1.07	59.94	63.12
14	River	29.50	0.90	29.50	0.90	0	0
15	Road	147.23	4.48	147.23	4.48	0	0
16	Empty Land/Productive			217.98	6.64	-	-
	TOTAL	3,266.85	100%	3,266.85	100%		

Source: Analysis Judicial Review of Local Regulation of Yogyakarta City No. 2 of 2010, 2018

From the table above, that the space utilization is not suitable with the plan and it also can be seen some space utilizations that are not in accordance with the planning, as in the implementation of Green Open Space (RTH) provision which is indeed more than planned that is a total of 97.20 ha or around 2.96% of the total area of Yogyakarta itself. The blue print of the regulation, however, is different from the implemented regulations, RTH is only given a total of 80.86 ha or around 2.46% of the city area of Yogyakarta which should be the area of the RTH is 30%.

The percentage of the open green space is certainly still far from what is mandated in the law which mandates the proportion of green open space in the city area of at least 30% of the total area of the city. It consists of private RTH with amount 10% and public RTH with amount 20%. So that the implementation in the form of utilizing the spatial, is not suitable and in the form of planning the spatial it is also not accordance to the upper Law (Article 29 Paragraph 2 of Law No. 26 of 2007 concerning Spatial Planning).²³ It can also lead to incompatibility with the implementation that based on the principle of sustainability because sustainable urban areas were characterized by balanced interaction and reciprocal relations between humans and nature that coexistence in it.²⁴

Further differences happened between the extensive plan and the existing, where the amount of existing area is more than its plan. For example the extension of residence which the amount is 2.95% more than the plan that is 50.32%, and then the office has 0.91% more, industry has 155.77% more, education facility has 53.09% more, religious and health facilities have 126.87% more, sport facility 33.55% more and cultural heritage has 17.66% more than the plan. Even though, there are many of the implementations of land and space utilization which in practice less than its plan, but the development remains in accordance with the area of Yogyakarta which is equal to 3,266.85 ha.

In addition, the writer asked about the increasing number of buildings including malls, hotels and some small industries that build in Yogyakarta City. The crowded condition has bad effect on the rest area such as no parking lot, traffic conjunction, and other problems. Pamungkas said, the factors from the traffic are can't be blamed only by the Spatial Plans, but also from traffic regulation, road conditions that cannot accommodate the condition of the vehicle, an excessive number of vehicles, population density/house, or lack of transportation facilities and infrastructure etc.

²³ Ni Putu Depi Yulia Peramesti, "Implementasi Kebijakan Rencana Tata Ruang Wilayah dalam Penyediaan Ruang Terbuka Hijau di Kota Administrasi Jakarta Selatan Provinsi DKI Jakarta", *Politikologi*, Vol. 3, No. 1, Oktober 2016, P. 1 – 10.

²⁴ Fauzan Maulana Shani and Andri Kurniawan, "Kajian Ketersediaan Dan Kebutuhan Ruang Terbuka Hijau Kawasan Perkotaan Di Kota Sukabumi", *Jurnal Bumi Indonesia*, Vol. 4 No. 3 (2015).

Furthermore, in the term of controlling the utilization of space, the institution/OPD those who are tasked with carrying out the implementation in the form of building permits have to follow the existing rules but in practice not.²⁵ Another fact informed by Anto²⁶, is the problem of inharmonic coordination between the implementing institutions that have a responsibility to give permission to build a hotel in Yogyakarta city that the private enterprises may have not built the hotels in the city but they build it at the urban area of Sleman or the outside border of Yogyakarta City. In addition, Anto said if the investors have complete requirements, the citizen can't stop them from building the hotel/mall.

Although the requirements that needed have already completed, sometimes in the field, there are still individuals (*oknum*) who didn't do the construction in accordance with the provisions. For example, the maximum tall of the hotel is 4 floors²⁷, but in reality, the hotel is built more than 4 floors. The officers on duty (*petugas tata tertib*) are needed but the financial problems have hindered their appointment.²⁸ It is proven that the order officials who are also in charge cannot supervise fully the constructions so that violations can still occur in the field. Therefore, in the implementation, it is needed the law enforcement and supervision that more powerful.

2. The Obstacles on The Implementation of the Local Regulation of Yogyakarta City No. 2 of 2010 on Spatial Plans in Yogyakarta City year 2010-2029

a. The Obstacles on The Implementation of the Local Regulation of Yogyakarta City No. 2 of 2010 on Spatial Plans in Yogyakarta City year 2010-2029

Based on the interview with the DPTR and member of DPRD, the researcher can highlight some obstacles. They are as follows:

²⁵ Interview results with Suwanto as the member of DPRD of Yogyakarta City from PDIP Party that used to be Specific Committee (*Pansus*) on the making of Local Regulation of Yogyakarta City on Spatial Plans of Yogyakarta City

²⁶ Kasubag/Kepala Sub Bagian Perundang-undangan DPRD of Yogyakarta City

²⁷ Article 102 (2) Local Regulation No. 2 of 2010 stated, "Rencana Jumlah Lantai Bangunan untuk Wilayah Perencanaan KLB berkisar 0,5-4."

²⁸ Interview results with Suwanto as the member of DPRD of Yogyakarta City from PDIP Party that used to be Specific Committee (*Pansus*) on the making of Local Regulation of Yogyakarta City on Spatial Plans of Yogyakarta City

- 1) There is no synchronized regulation on spatial plans
- 2) There are no supporting technical instruments to execute the plan like a technical guideline (*juklak*) for implementing the Local Regulation.
- 3) Lack of understanding that found in the Office and OPD related to spatial and spatial plans
- 4) The lack of communication between the Local Government and the citizens.
- 5) Lack of public awareness and public knowledge of spatial planning.
- 6) The assertiveness of the officers from both the government and related OPD.
- 7) The Office of Land and Spatial Planning in following up violations does not have Civil Servant Investigator Officers (*PPNS/Penyidik Pegawai Negeri Sipil*).
- 8) The time needed in the process of reviewing the Local Regulations is very long.

b. Problem Solution on The Implementation of the Local Regulation of Yogyakarta City No. 2 of 2010 on Spatial Plans in Yogyakarta City year 2010-2029

From the obstacles that found in the implementation of the Local Regulation of Yogyakarta City on Spatial Plans of Yogyakarta City year 2010-2029, there are some solutions for those problems such as:

- 1) The government (lawmaker/legislative) provides new innovations, namely the Operational Spatial Plan, which is a merger between the Spatial Plan (RTRW) and the Detailed Spatial Plans (RDTR).
- 2) The Yogyakarta Mayor still on progress in the making of a technical instrument to operate the regulation called implementation (*juklak/petunjuk pelaksanaan*).
- 3) Give more understanding to the human resource or executors involved, in understanding spatial and spatial planning.

- 4) The lawmaker (legislative) is more thorough/careful in formulating the legislation, so it can be understood by each officer.
- 5) Public awareness on spatial planning increased, not only through socialization that held by the Official but also through the applications named JSS (Jogja Smart Service) and Yogyakarta Smart City in order to realize smart city.
- 6) Law enforcement and the consistency carried out by the local government of the Yogyakarta city itself must be increased.
- 7) Even though until now the Official (*DPTR*) didn't has *PPNS* but the Official is still cooperating with the unit of civil service police (*satpol pp/satuan polisi pamong praja*)²⁹ along with police investigators.
- 8) The evaluation review within a period of 5 (five) years should be carried out on time in order to prevent the same obstacles happened again.

According to the theory that told by Edward III (1980), there are four indicators that can affect the implementation of a policy, they are; Communication, Resources, Disposition, and Structure Organization.³⁰ The communication still having a trouble/missed, the resources in the form of human resources, Yogyakarta City Official and Local Government still has limited human resources who understand spatial and spatial plans. In addition, the Local Government itself still has problems in the law enforcement to implement the Local Regulation and in the structure organization, that Yogyakarta City still has no specific OPD to implement the Local Regulation.

G. CONCLUSION AND RECOMMENDATION

1. Conclusion

The implementation of the Local Regulation of Yogyakarta City on Spatial Plans does not work effectively as it is, starting in the form of planning. The implementation will not work if the Local Regulation was not made properly for all

²⁹ The civil service police unit/*satpol pp* was formed to enforce the Local Regulation (*Perda*) and Regulation of District Head (*Perkada*), to carry out public order and peace also to protect the society.

³⁰ Mhd. Taufik dan Isril, "Implementasi Peraturan Daerah Badan Permusyawaratan Daerah", *Jurnal Kebijakan Publik*, Vol. 4 No.2 (October, 2013).

related parties who implement it. Secondly, there was lack of law enforcement given by Local Government and the officer who directly face the real situation. The third one is lack of cooperation and communication between the Local Governments and the city population (society).

2. Recommendation

a. Recommendation for Local Government

First, the Mayor of Yogyakarta as Regional Head must be consistent, have a commitment to implement the Local Regulation on Spatial Plans, and increase the law enforcement against violation. Second, the DPRD as the supervisor of the implementation of the local Regulation and also part of the legislative organ must check more on the substance of the regulation whether it is suitable or contradict to the upper Law. The third, the Official and related OPD (*Organisasi Perangkat Daerah*) should do more socialization on the Local Regulation on spatial plans and its implementation. The coordination and communication between the stakeholders and the local government need to have more monitoring and assessment.

b. Recommendation for Society

The city population (society) must be aware of the implementation of the Local Regulation on spatial plans in their own region, by involving in the controlling of utilization of the spatial plan. The spatial plans will not work well without the participation of society.

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