



## Spatial Planning Regulation Policy of Hotel Building in Residential Area

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### **Keywords :**

Spatial Planning Policy, Building Permit, Hotel Building

### **ABSTRACT**

*Spatial planning policy in the form of legal norm must face many interests. Regional Rules Number 26 Year 2011 about Regional Spatial Plan and Regional Regulation Number 12 Year 2009 about Building Structure become the problem of that norm. Hotel building in residential area in Kuningan Regency become focus of the study with normative juridical approach. Spatial policy through norms built, has put goals of development suitable with regulation goals in Kuningan Regency. In other perspective, the Licensing Office and Public Work and Spatial Planning Office of Kuningan Regency play their function and role suitable with that Regional Regulation. This fact indicates the investor has adjusted with the existing license, including hotel building. The crucial problem happens to procedural aspect that is when the investor only prioritize Building Permit, by ignoring environment review dimension related to spatial planning, has the effect of environmental aspect ignorance by prioritize licensing procedure. This become a problem in spatial planning related to hotel building, especially in residential area.*

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## **INTRODUCTION**

Increasing population needs facility fulfilment, this is related to welfare state as mentioned in Article 33 of 1945 Constitution of the Republic of Indonesia, state position is demanded to get involved more and intervene to the aspects of society needs fulfillment in order to create society welfare, the reality is there are some interest conflict of values, the confrontation of the traditional norm with the modern norm results in the reality at the intersection of norm encounter; communities lose their basic foundation to undergo the development process, while on the other side the modern norms are not fully accepted as a guidance in doing the development process.

Development in local area must concern the development dynamic of society needs because more developed one area is, the harder pressure faces by environment life support. The development and growth of a city gave a big impact to the capacity and endurance of the city from the effects of growth. Population settlement pressure, community activity, and social interaction of the population has given the problems to the city.

Spatial regulation becomes the best alternative answer to overcome development problem and needs to keep environment conservation and management in urban area. Regional commitment to be based on agreed norm becomes the answer to anticipate investor intervention to develop tourism or residence.

For that reason, norm about spatial planning will be used by regional government to preserve the environment.

Regency Spatial Planning (RSP) is the result of regency spatial planning and spatial structure of residential area arrangement and facility network that function as the supporter of society social economy activity that has functional relation and society involvement in spatial planning of Kuningan regency.

Kuningan regency is a regency that administratively border on Cirebon regency in the north. Kuningan regency has 1.069.448 citizens and landscape that mostly hills and mountains with the highest peak is Mount Ciremai. Kuningan regency landscape support to be developed in tourism sector.

Tourism and water resources potential in Kuningan regency are inseparable. The increasing of hotel building will increase the use of clean water. Water resources in Kuningan regency are 627 points, mostly located in Mount Ciremai area. From 627 points, 440 points has not been used because the water debit is relatively small. Because of that non optimal use, in Kuningan regency there are 84 villages that are water disturbed. Natural condition related to water resources gives more benefit to society outside Kuningan regency, especially Cirebon. Water that flows in main rivers in Kuningan regency has been used for farming, industry, hotel and household needs by Cirebon people.

Kuningan regency has 38 (thirty eight) hotels, and hotel building must have permit. Many permits are arranged in regional regulation, concerning that hotel building can have positive or negative impacts depends on the capacity of regulation control and implementation. One of negative impacts of uncontrolled hotel building is lack of clean water for citizens. This spatial regulation in zoning arrangement, definition, and classification of clear area usage legally will become main foundation in deciding whether one application of spatial usage is suitable with spatial planning or not and whether permit can be given or denied.

Based on description above, it becomes a reference that every activity of spatial planning done by Kuningan regency government always refers to all society life, including the economy to build justice and welfare society, so the arrangement of tourism area development is done especially hotel building in residential area that is suitable with spatial planning. That description create basic question: is the implementation of hotel building permit policy in residential area suitable with Regional Regulation of Kuningan Regency Number 26 Year 2011 about Spatial Planning.

## **METHOD**

This research is done based on normative juridical approach refers to secondary and tertiary data sources as the supporting data and in its application cover research of law principles, law comparison, law system, positive law inventory. This research focuses on study of written norm of Kuningan Regency Regional Regulation Number 26 Year 2011 about Spatial Planning that has been analyzed related to the norm implementation in Kuningan area. Analysis of legal material used in this research is secondary data, that is data from literary review in the form of books, newspaper, journals, archive, and other documents related to spatial planning.

## **RESULTS AND DISCUSSIONS**

Government regulation has important role especially in its relation with primary investment in tourism are to protect tourists in context of improving trip experience. Important regulations that must be made by government especially Local Government for that interests are: (1) regulation of tourist protection especially for travel agent that obligate tourist to pay the deposit payment as the guarantee for accommodation, tour, etc; (2) safety regulation of fire that covers arrangement of minimum number of lamp in each hotel floor and other safety supporting tools; (3) safety regulation of eating and health served to tourists; (4) regulation of worker competency standard that need knowledge and special skill such as pilot, driver and captain of the ship.

Besides that, government is also responsible for management of natural resources such as rare flora and fauna, water, land, and air in order to prevent pollution that can disturb and even damage

ecosystem. That is why the implementation of all absolute government regulation and law is done by government.

Kuningan regency in development growth as a city, can be known as tourism city is very well known. Of course without no reason, Kuningan regency has culture atmosphere that support society to develop, in art and culture. But, lately we often found phenomenon that is not suitable with the existence of this cultural city, that is the growth of hotel building at the same time that is not suitable with limited tourism object, create many negative impacts. The biggest impacts are drought and traffic jam. Physical building is one of physical form of spatial usage. That is why in arrangement of physical building still refers to regulation of spatial arrangement suitable with existing rules of law.

Recently in Kuningan regency there are many hotel building, where the process of building must be suitable with regulation that is decided by the authoritative institution. Hotel building in Kuningan regency refers to law that consists of Regional Regulation of Kuningan Regency Number 12 Year 2009 about Physical Building, Regional Regulation of Kuningan Regency Number 16 Year 2010 about Certain Permit Retribution, that also arrange Building Permit and Regional Regulation of Kuningan Regency Number 26 Year 2011 about Spatial Planning as the guidance of hotel building as one form of tourism sector development. In Article 2 paragraph (2) and paragraph (3) of this regulation consist of position of regency spatial planning as the guidance of:

- a. Arrangement of regency long term development plan, regency middle term development plan, and other sectoral plan;
- b. Spatial usage/regency development;
- c. Implementation of development balance in regency area;
- d. Investment location decision in regency area done by regency government, society and private sector;
- e. Arrangement of detailed spatial planning in regency area;
- f. Spatial usage control in arrangement/development of regency area that cover zoning decision, permit, incentive and disincentive giving and sanction giving; and
- g. Land administration.

Function of regency spatial planning is as harmonization of national spatial planning policy, province, border regency/city, and as the guideline for regency government and society to direct location, and arrange development program related to spatial usage in regency area.

Success of a policy implementation is affected by some variables or factors, and also policy taken by Public Work and Spatial Office and Permit Office of Kuningan Regency. According to George D. Edwards III one factor that affect the success of policy implementation are *first factor*, the doer communication must really understand what should be done related to that policy. Besides that, target policy group must be informed about the aim and goal of the policy. For that, intensive socialization about the policy must be done. Socialization can be done through many ways, such as elucidation, socialization, printed media or electronic media. According to Head of Service Departement of Kuningan Regency Permit Office, government of Kuningan regency try to create good communication with investor and society of Kuningan regency.

One of communication implementation is through elucidation or socialization about related regulation given by official of Permit Office to some society representatives such as head of subdistrict, head of village, RW or RT to be continued to their society. Besides communication as socialization, communication is also used as way to make decision making of permit issue by Kuningan regency office. It means the discussion between three related parties, official of Permit Office, investor candidates and society about process of hotel building plan that must be agreed by those parties is suitable with what is in rules of law.

*Second factor* resources of policy implementation success besides determine by information clarity is also determined by resources owned by implementor. Without sufficient resources, policy implementation will not run optimum. Those resources can be in the form of human resources that is implementor competency and financial resources. Without resources, policy will only be dream or document. Resources owned by Public Work Office and Permit Office of Kuningan regency consist of Head of Office, Secretary, Functional Position Group, Head of Sub Departement, Head of Departement, Head of Section and Staff.

Competency owned is good enough, educational background of the employees are graduate, under graduate, diploma and senior high school graduates. That good educational program is expected to be

along with good work and service to the society. Head of Service Departement of Kuningan Regency Office shows that number of employee is sufficient to do the existing activity. Human resources no longer become the problem of Permit Office and Public Work Office in giving service to society. Besides human resources, influential factor is financial resources. Head of Service Deartement of Kuningan Regency Permit Office said that financial resources is god enough for activity process because fund as the support of service to society has been budgeted. By the sufficient number of those two resources it is expected that the related office can serve society needs well.

*Third factor* is implementor behaviour that cover nature and characteristic owned by implementor, such as commitment, honesty, democratic attitude, etc. This is one important variable in policy implementation. If implementor has good disposition, so he can do the policy well as expected by policy maker. In other words, in this level the commitment and honesty from implementor is needed. Head of Service Departement of Kuningan Regency Permit Office said that employee of Kuningan Regency Permit Office is always try ti implement honesty in doing his job especially in selecting the permit that will be granted.

Commitment is always highly respected and become the foundation of service practice, so the service given can do well. Even in its practice there are complain from society related to the effects of permit issue, employee of Permit Office and Public Work abd Spatial Office of Kuningan Regency as the implementor of the policy always give and consider the complain frim society ti be fixed and make the work better so it create goodness for society. The same thing is said by one of the applicant who is doing permit registration process, he feels that the employee in Permit Office of Kuningan Regency has done his job honestly and commitment.

*Fourth factor* is bureaucracy structure. Bureaucracy is organization structure that has duty to implement the policy and has significant influent to policy implementation. To support thr success of policy implementation it is needed a *Standard Operational Procedures* (SOP), this standard is needed as operational guidance for every policy implementor. Besides that bureaucracy organization structure must be designed to avoid long and complicated procedure. Bureaucracy structure implementation in Permit Office generally is good and structured so it is easy for society in finishing permit process.

Permit Office of Kuningan Regency has applied SOP well and must be maintained in its implementation, this is said by Head of Service Departement of Kuningan Regency Permit Office. The success of regional government in implementing regional policy can be seen from public service quality and real result of officials work especially in permit area. According to Sutedi, permit is allowance given by authority based on government regulation or law in certain condition, in this case the one who has authority and power to issue permit is Permit Office of Kuningan Regency.

The requirement of policy implementation has been fulfilled in policy related to permit for hotel building in residential area, only in certain area must be concerned is the existence of Regional Regulation of Kuningan Regency Number 26 Year 2011 about Spatial Planning so it does not have bad effect to preservation and management of environment. Positive impact created by hotel building in Kuningan regency is the increase of Regional Income in the form of tax, retribution or other tax levied, the existence of hotel can increase job vacation, hotel building can support development of Kuningan regency as tourism city, because hotel is one pillar of tourism development and the growth of hotel number can increase economic activity.

While the negative impact of hotel building felt by society of Kuningan regency are drought, waste disturbance, water and air pollution, traffic jam, comfort and peace disturbance of society life especially when they rest. In fact, that effort is not optimum, because there are many people that feel the negative impact until now.

## CONCLUSION AND SUGGESTION

### Conclusion

Hotel building in Kuningan Regency refers to Regional Regulation of Kuningan Regency Number 26 Year 2011 about Spatial Planning and Regional Regulation Number 12 Year 2009 about Physical Building. In this case, Permit Office and Public Work and Spatial Office, in implementing policy about hotel building permit in Kuningan regency create problem that is investor in applying hotel

building permit must concern permit procedure that sometimes not suitable with Building Permit. Investor does building that is not suitable with Building Permit must be get out so regional government must stop building process and ask hotel to re-register the suitable Building Permit. This create impact and bad perception of society to the work of regional government of Kuningan regency.

### **Recommendation**

1. Regional Government of Kuningan Regency consistently apply legal norm as stated in Regional Regulation of Kuningan Regency Number 26 Year 2011 about Spatial Planning and Regional Regulation Numbet 12 Year 2009 about Physical Building, so regional government commitment to keep the preservation and management of environment can be done well;
2. Investor who will invest his capital related to hotel building must concern existing rules of permit, especially the one related to environment management.

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