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Conservation-Based Spatial Planning Policy Formulation to Strengthen Tourism Districts

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Abstract

This study discusses the formulation of regional policies in the field of conservation based spatial planning to strengthen tourism districts. The purpose of this study is to identify and analyze the factors that influence spatial planning policies in areas that have agricultural and tourism contours. This research uses a descriptive-analytical method with a qualitative approach. The results of this study indicate that there are several factors that influence conservation and tourism-based spatial planning policies in the regions, including national policies, regional policies, community needs, and regional tourism potential. Based on the results of this analysis, the researcher recommends that tourism-based spatial planning policies in the regions should be prepared by considering these factors and involving various related parties, such as the government, community, and tourism actors. In order to implement effective conservation and tourism-based spatial planning policies, the researcher also recommends forming a team or working group specifically tasked with compiling, supervising, and evaluating these policies. In addition, the researchers also suggested campaigns and outreach to the public to increase awareness and participation in maintaining and developing regional tourism.

1. Introduction

Law Number 26 of 2007 concerning Spatial Planning regulates procedures for spatial planning and sustainable development in Indonesia. The implementing regulations are formulated in Government Regulation Number 26 of 2008 concerning National Regional Spatial Planning and Presidential Regulation Number 54 of 2008 concerning the National Spatial Planning Coordinating Body. The planned spatial planning must have the principles of Sustainable Development and Community Participation. Sustainable development is

development that achieves a balance between economic, social and environmental needs, so that it is able to meet the needs of the present generation without sacrificing the interests of future generations. Meanwhile, community participation must be involved in the process of preparing spatial planning and implementing spatial planning, so that community interests can be accommodated in spatial planning policies. ¹Therefore, so that this spatial planning law can be implemented properly, authority has been formulated between the center and the regions in managing spatial planning.

However, to date, problems in the regions relating to the implementation of policies in the field of spatial planning still encounter several obstacles, including: ²(1) There is an overlap between regional spatial planning policies and national policies, thus causing ambiguity in implementation and coordination between related parties. (2) Preparation of inappropriate Spatial Planning Plans that do not involve community participation can result in conflicts of interest in land use. (3) Weak law enforcement against violators of spatial planning regulations can lead to various violations such as development in areas that should not be built, without permits, or by damaging the environment, (4) Lack of coordination between related parties such as local government, communities and actors business can cause conflicting interests in the implementation of spatial planning policies, (5) Budget limitations can limit the implementation of spatial planning policies in the regions, such as inadequate construction of facilities and infrastructure to support spatial planning, and (6) Low public awareness in maintaining sustainability environment and good spatial planning can cause environmental damage and conflicts of interest in land use. Therefore, there needs to be good coordination between regional governments, communities and business actors in implementing regional spatial planning policies as well as strict law enforcement and greater community participation so that the goals of sustainable spatial planning can be achieved.³

Results of research conducted by Ifan M Sofyan and Lia Warlina⁴ who researched land conversion in Purwawinangun District, Kuningan Regency, stated that agricultural land in Purwawinangun Subdistrict, Kuningan Regency during 10 years decreased by 69,304 ha due to land conversion which affected the type of livelihood of the local community. What happened in Purwawinangun District also happened in various sub-districts in Kuningan Regency. This research

¹ Amir, Ulan Aryantini, and Hasti Widiasamratri, "The Role of Community in Regional Development, Sustainable, Planning and Culture (SPACE)," *Journal of Regional and City Planning* Vol. 3 No. 2 (2021): pp. 30-34.

² Sumarsono, Dimas Dwiki. "Analysis of Law Number 26 of 2007 concerning Spatial Planning to Overcome Spatial Planning Problems for Regional Governments in Indonesia." *Widya Juridika: Legal Journal*, Vol. 4 No. 2 (2021).

³ Budiman, H., Dialog, BL, & Anugrah, D., "Spatial Planning Policy in the Region: Problems and Solutions". In *The 2nd International Conference of Law, Government and Social Justice (ICOLGAS 2020)*, Atlantis Press.

⁴ Ifan M Sofyan and Lia Warlina, "Identification of the Effect of Agricultural Land Conversion on Types of Community Livelihoods in Purwawinangun Subdistrict, Kuningan Regency", *Regional and City Journal*, Vol. 1 No. 4 (2017): pp. 12-19

has been carried out by the author which indicates that land conversion has occurred in all regions, which is marked by the decreasing amount of agricultural land and water sources in Kuningan Regency.⁵ In general, several studies related to spatial planning are more focused on the causes of conversion of agricultural land to non-agricultural land, not yet on efforts to reformulate existing regulations. Land conversion occurs because Indonesia needs infrastructure development in the form of roads, settlements and industrial areas.⁶ Land use should be carried out to create a safe, comfortable and sustainable regional space.⁷ Land conversion occurs due to population growth.⁸ The impact of land conversion causes problems that reflect that the quality of our living space is still far from these ideals, increasing the frequency and scope of disasters, slum housing environments, traffic jams, flooding in the rainy season, drought in the dry season, and environmental pollution.⁹ Spatial planning as an effort to protect tourism areas.¹⁰ From several studies that have been carried out above, it appears that problems in implementing spatial planning in regions are closely related to weak spatial planning regulations which serve as guidelines for regions in formulating their spatial planning policies. In this article, the author completes the study with a focus on legal development as a policy formulation in the form of regional regulations regarding RTRW as the initial source of legal certainty in the implementation of regional spatial planning policies.

2. Research Method

The method used in this research is a *non-doctoral research method*. This is because in this research law is not only conceptualized as the entirety of the principles and rules that regulate human life in society, but also includes the institutions and processes that realize the application of these rules in society.¹¹ The type of research used is the qualitative analysis method, namely the type of research used to examine the condition of natural objects, where the researcher is the key instrument, the data collection technique is carried out by triangulation (combination) data analysis is inductive and the results of qualitative research

⁵Haris Budiman, et al, "Spatial Policy Dilemma: Environmental Sustainability and Economic Growth", *Antag Law Review (ULREV)*, Vol. 2 No. 1 (May 2018): pp. 1-9

⁶Imran, et al., "Conversion of agricultural land to residential land and residential areas in the perspective of spatial planning law in Bone district", *Journal of Lex Generalis*, Vol. 3 No. 5, (May 2022): pp. 1128-1138

⁷Jaka Suryanta and Irmadi Nahib, "Spatial Study of Evaluation of Disaster-Based Spatial Planning in Kudus Regency, Central Java Province", *Globe Scientific Magazine*, Vol. 18 No. 1 (April 2016)

⁸Rohani Budi Prihatin, "Conversion of land use in urban areas (case study in the cities of Bandung and Jogjakarta)", *Aspiration: Journal of Social Problems*, Vol. 6 No. 2, (December 2015): pp. 106-117

⁹Grimaldy, Gerald, and Sutarki Sutisna. "Resort Based on Conservation Areas", *Journal of Science, Technology, Urban, Design, Architecture (Stupa)* 1.1 (2019): pp.129-135.

¹⁰Dede Frastien, "Use of Space Based on Spatial Planning in Efforts to Protect Coastal Natural Tourism Park Areas", *Rule of Law: Journal of Legal Research*, Vol. 27 No. 1, (January 2018): pp. 1-22

¹¹ Solomon, Solomon. "Paradigms in Legal Research." *Kanun Journal of Legal Studies*, Vol. 20 No.2 (2018): p. 255-272.

emphasize meaning, rather than generalizations. ¹²According to Agus Salim, a case study can be interpreted as a research method or strategy as well as the results of research on a particular case. In the developing mainstream of social science, case studies are understood as an approach to studying, explaining, or interpreting a case in its natural context without any outside intervention.¹³

The research approach used to discuss existing problems is socio-legal, this is because it combines normative and sociological approaches. The research location is in Kuningan Regency with a focus on the Regional Government's efforts in revising regional regulations in the Spatial Planning Sector to maintain and increase tourism potential in Kuningan Regency to increase local revenue (PAD) while preserving nature as a conservation district.

3. Results and Discussion

Construction of Kuningan Regency Regional Regulations regarding Regional Spatial Planning, Regional policies in the field of spatial planning are very important to maintain sustainable development in a region. Some regional policy constructions in the field of spatial planning that can be implemented include:¹⁴

- a. Preparation of Regional Spatial Planning (RTRW). RTRW is a planning document regulated by local governments to regulate land use in their area. This document contains information about land use determined in the long term, land use objectives, and regional development directions.
- b. Integrated Area Development: Local governments can build integrated areas as an effort to overcome spatial planning problems. Integrated areas can integrate various activities such as residential, trade and services in one well-planned area.
- c. Preparation of Regional Regulations (Perda) on Spatial Planning, Regional Regulations on spatial planning can be used to regulate land use, building density levels, and control overall spatial planning. This regional regulation can also be used to provide sanctions for spatial planning violations.
- d. Establishment of a Spatial Management Team. Regional governments can form a space management team whose task is to supervise and manage spatial

¹²Hidayat, T., & Purwokerto, UM "Discussion of case studies as part of research methodology". *Case Study Journal*, Vol. 3 (2019): p. 1-13.

¹³ Benuf, Kornelius, and Muhamad Azhar. "Legal research methodology as an instrument for analyzing contemporary legal problems." *Echoes of Justice*, Vol. 7 No.1 (2020): p. 20-33.

¹⁴ Tisya, Nabilah Assa'diyah, and Muh Ali Masnun. "Legal Aspects of Fulfilling Green Open Space and Its Application to Housing and Settlement Areas in Sidoarjo Regency." *Novum: Law Journal* (2022): pp. 76-91.

planning in their area. This team can consist of various government agencies and local communities.

- e. Application of the Smart City Concept. The Smart City concept can be applied to optimize spatial planning in urban areas. Smart technology can be used to regulate traffic, reduce pollution and optimize land use.

In developing regional policy construction in the field of spatial planning, regional governments must pay attention to community needs, environmental aspects, and pay attention to applicable regulations and regulations. Implementing good and planned policies can improve people's quality of life, reduce environmental damage, and create a more sustainable and environmentally friendly region.¹⁵ Spatial planning policies in Kuningan Regency are regulated in Regional Regulation Number 26 of 2011 concerning the 2011-2031 Kuningan Regional Spatial Planning Plan. This Regional Regulation consists of 13 (thirteen) Chapters and 121 Articles. The background to the issuance of this regulation is to accommodate development dynamics development that is growing rapidly in Kuningan Regency, as well as to ensure integration and harmony between the Kuningan Regency RTRW and the West Java Province and National RTRW¹⁶.

The function of this Regional Spatial Planning Regulation is as a guideline in establishing the Long Term Development Plan (RPJP) and Medium Term Development Plan (RPJM) for Kuningan Regency. With the aim of supporting Kuningan Regency as a competitive Agriculture and Tourism-based Conservation Regency. Therefore, the regional spatial structure plan in Kuningan Regency as regulated in Article 7 paragraph (1) includes the Activity Center System and Regional Infrastructure Network System. The Activity Center System consists of an Urban System and a Rural System. The District Urban System consists of Local Activity Centers and Regional Service Centers. Local Activity Centers are urban areas that function to serve district or several sub-district scale activities. Meanwhile, the Regional Service Center is an urban area that functions to serve sub-district or several village scale activities. The principles of spatial planning include integration, harmony, harmony and balance, sustainability, efficiency and effectiveness, openness, togetherness and partnership, protection and public interest, legal certainty and justice, and accountability. Has a position as a guide for the use of space for development of the district area, the realization of balanced development in the district area, determination of investment locations in the district area carried out by the district government, the community and the private sector, preparation of detailed spatial planning plans (RDTR), and control of space utilization in regional planning and development district which includes the determination of zoning regulations, licensing, providing incentives and

¹⁵ Nugroho, Wahyu. "Legal issues regarding settlement of land and environmental rights based on changes to the Minerba Law." *Ius Quia Iustum Law Journal* Vol. 27 No.3 (2020): pp 568-591.

¹⁶ Misno Misno. Sharia Tourism Development Strategy in West Java Province. *Adliya: Journal of Law and Humanity*. Vol.10.2.2016.181-200.

disincentives as well as the imposition of sanctions and land administration.¹⁷

The function of the Kuningan Regency RTRW is to harmonize national, provincial and bordering district/city spatial planning policies, as well as as a reference for the district government and the community to direct locations and prepare development programs related to space utilization in the Kuningan Regency area. The territorial scope includes boundaries determined based on administrative aspects, covering a land area of 119,571 hectares, airspace which is the Regency area, land area which is the Province area, and 32 Districts, 15 Subdistricts and 361 Villages. The coordinate boundaries of Kuningan Regency are 108 23' - 108 47' East Longitude and 6 47' - 7 12' South Latitude. The territorial boundaries of Kuningan Regency cover the north with Cirebon Regency, the east with Brebes Regency, the south with Ciamis Regency and Cilacap Regency, and the west with Majalengka Regency.¹⁸

The aim of spatial planning in Kuningan Regency is to create a competitive agricultural and tourism-based conservation district, therefore the spatial planning policy includes, utilization of conservation areas, development of integrated agricultural areas, development of tourism areas based on natural potential, sustainable use of resources, development of urban areas and rural areas as centers of hierarchical activity, optimizing cultivation areas, and increasing regional functions for national defense and security. The spatial structure plan includes an activity center system and a regional infrastructure network system. The activity center consists of an urban system and a rural system. Meanwhile, the regional infrastructure network system includes the main infrastructure system and other infrastructure systems. For the urban system, five Local Activity Centers will be built based on regional characteristics, namely Kuningan City, Cilimus City, Kadugede City, Luragung City and Ciawigebang City. Each city has its own characteristics and advantages which are described in article 10 of the Regional Spatial Planning Regulations.¹⁹

Regency Regional Spatial Pattern Plan includes a protected area pattern plan and a cultivation area pattern plan. The protected area spatial pattern plan includes areas that provide protection for the lower area, local protected areas, natural conservation and cultural heritage areas, areas prone to natural disasters, geological

¹⁷ Masayu, Nyayu Tiara. "Implications of the Job Creation Law on the Authority of Regional Governments in Carrying out National Spatial Planning and Implementing Spatial Planning." *Jatiswara*, Vol. 36 No.3 (2021): pp 238-249.

¹⁸ Cecep J Abbas and Wisnu Ahmad Maulana, "Agricultural Land Mapping System in Kuningan Regency", *Journal of Nuansa Informatics*, Vol. 8 No. 2 (2014), pp. 24-36

¹⁹ Haris Budiman, Spatial Planning Policy in the Implementation of Local Activity Centers in Kuningan Regency to Increase Regional Original Income, *Unification of Legal Sciences Journal*, Vol. 2 No. 2 (2015)

protected areas, and other protected areas. The spatial pattern plan for cultivation areas includes production forest areas, private forest areas, agricultural areas, fisheries areas, mining areas, industrial areas, tourism areas, housing areas and other areas.

The implementation of the district strategic area is carried out by taking into account the provincial strategic area, which includes the Sangkanurip geothermal strategic area and the West Java and Central Java border strategy areas. Determination of these areas takes into account economic interests, environmental functions and carrying capacity as well as the utilization of natural resources or high technology. Directions for regional spatial utilization contain indications of the main program for regional spatial planning in Kuningan Regency which includes the realization of regional spatial structures, namely the creation of activity centers and infrastructure systems. The embodiment of regional spatial patterns consists of protected areas and cultivation areas. The realization of protected areas includes a disaster mitigation master plan, structuring protected areas on owned land, protecting water catchment areas, structuring TNGC boundaries, installing warning signs in disaster-prone areas, developing green open spaces, normalizing rivers and protecting the borders of reservoirs, rivers and springs.

The realization of cultivation areas includes forest and land rehabilitation, reforestation, restoration, development of forests and annual crops, development of conservation village models and preparation of agricultural revitalization policies. Controlling space utilization is a provision intended as a means of controlling spatial planning in the context of realizing RTRW, which includes general provisions of zoning regulations, licensing provisions, provisions for providing incentives and disincentives, and sanctions directions. In its technical implementation, the RTRW of Kuningan Regency is under the Public Works and Spatial Planning Service (PUPR). In coordinating the implementation of spatial planning and cooperation between sectors, the Regional Spatial Planning Coordinating Board (BKPRD) was formed.

The RTRW Regional Regulation regulates the community's rights to know the spatial plan, enjoy the added value of space as a result of spatial planning, obtain appropriate compensation for losses arising from the implementation of development activities in accordance with the spatial plan, submit objections to the competent authority against construction that does not comply with the spatial plan in the area, submit a claim for cancellation of permits and cessation of development that does not comply with the spatial plan to the authorized official, and submit a claim for compensation to the government or permit holder if

development activities do not comply with the plan. spatial planning causes losses. Meanwhile, community obligations include complying with spatial planning plans , utilizing space in accordance with space utilization permits from authorized officials , complying with stipulated provisions , and providing access to areas that are declared by statutory provisions to be public property .²⁰

The role of the community should not only be in knowing the spatial plan, but this role should also be carried out starting from the planning, utilization and control stages of spatial use. ²¹The community's role in planning can be in the form of providing input in the formulation of spatial planning policies, or they can also collaborate in spatial planning. The community's role in space utilization can be done starting from providing input regarding spatial utilization policies, spatial utilization activities in accordance with local wisdom, increasing efficiency and effectiveness and harmony in space utilization as well as activities to protect, maintain and improve the sustainability of environmental functions and resources. natural.²²

The community's role in controlling space utilization is carried out through input regarding zoning directions and/or regulations, licensing, providing incentives and disincentives as well as imposing sanctions, participation in monitoring and supervising the implementation of spatial planning, reporting to the competent authority if there are allegations of land conversion violations, and filing objections to officials' decisions regarding development deemed not in accordance with the spatial plan. Taking into account that the Kuningan Regency spatial plan will form six Local Activity Centers (PKL) to become a city, of course a detailed spatial plan must be made. Therefore, Article 119 paragraph (3) of the Kuningan Regency Spatial Planning Regulation mandates that the next detailed spatial planning plan (RDTR) includes the Cilimus Urban RTDR, Sindangagung District RDTR, Kuningan Urban RDTR, Luragung District RDTR, Ciawigebang District RDTR, and Kadugede District RDTR. . However, until now the Detailed Spatial Planning Plan (RDTR) for these six regions has not been stipulated in the Regional Regulations

²⁰ Dewi, Ni Kadek Tisna Aristya, I. Putu Gede Seputra, and Luh Putu Suryani. "Green Open Spatial Planning in Accordance with Denpasar City Regional Regulation Number 27 of 2011". *Journal of Legal Interpretation*, Vol. 1 No.1 (2020): pp 154-160.

²¹ Amir, Ulan Aryantini, and Hasti Widiasamratri. "The Role of Communities in Regional Development, *Sustainable, Planning and Culture (SPACE): Journal of Regional and Urban Planning* , Vol. 3 No.2 (2021): pp. 30-34.

²² Sugara, Ayub, and Anitya Dwi Putri. "Study of the Suitability of Agricultural Land Conversion in Efforts to Support Food Security in Muara Bangkahulu District, Bengkulu City." *Naturalis: Journal of Natural Resources and Environmental Management Research*, Vol. 11 No. 2 (2022): pp. 171-176.

4. Conclusion

The formulation of conservation-based spatial planning policies to strengthen tourism districts is important to resolve the problem of conflicts of interest between nature conservation and tourism development. So far, inappropriate determination of conservation and tourism zones can cause environmental damage and harm the sustainability of the ecosystem in the area. This policy must also involve the community and pay attention to their needs and aspirations, so that the policies made can be accepted and implemented well. There needs to be strict supervision and strict sanctions against violators of spatial planning policies to ensure that these policies can be implemented effectively and efficiently.

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