

# Efforts to Realize a Sustainable City of Palembang by implementing Ideal Green Open Space Regulations and Constraints

Khalisah Hayatuddin  
Faculty of Law  
Universitas Muhammadiyah Palembang  
Palembang, Sumatera Selatan  
khalisahfhump@gmail.com

Febrina Hertika Rani  
Faculty of Law  
Universitas Muhammadiyah Palembang  
Palembang, Sumatera Selatan  
febrinaaranii@gmail.com

**Abstract—** The green open space (RTH) is an effort to actualize a healthy, comfortable, beautiful, productive and sustainable city. Palembang is one of many cities that lack of this green open space. This study uses a type of normative juridical research. The approach problems in this study include the statute approach and comparative approach. This research is deductive research describing a legal occurrence and a legal consequence related to the RTH of Palembang. Data obtained through this research activity then will be analyzed qualitatively with model descriptive analytics. So, the results can be described as comprehensively and systematically. About the ideal regulation of RTH and the obstacles an effort to actualize Palembang a sustainable city. From the obtaining data, Palembang's area is approximately 40.000 ha, while the currently available green open space is 4000 ha. The Law Act Number 26 of 2007 regarding Spatial Planning has stipulated that the proportion of RTH in urban areas is at least 20% to 30% of the total city area. The research shows the extensive amount of RTH is in range 20% to 30 % has not been achieved yet due to some reason, like the limited role of the institution, limited availability of land, the lack of funds for the construction and development of RTH and there are no binding regulations to realize The green open space (RTH)

**Keywords—** Regulation, RTH, Sustainable

## I. INTRODUCTION

Many developments of housing or offices in urban areas make the remaining land or spaces for public reduced as well known as The green open space (RTH). And this automatically causes the longer the carrying capacity and capacity of the natural environment more inadequate. Related to this case Emil Salim said in A. M. Yunus Wahid that the basic needed pushes a human being to damage the environment. This symptom has already occurred in the city of Palembang, South Sumatra, where every inch of land becomes hunted to meet personal and group interests which ultimately sacrifice green open space. (RTH) . Article 1 point 31 of Law Number 26 of 2007 concerning Spatial Planning states that green open space is a longitudinal /lane and/or clustered area, whose use is more open, where plants grow, both naturally grown and intentionally planted.

Therefore Law Number 26 of 2007 concerning Spatial Planning is the basis for the establishment of Green Open

Space. As mentioned in Article 29 paragraph (2) and (3) as stated above, regulating that "the proportion of Green Open Space in the city area is at least 30 (thirty) percent of the total city area". Paragraph (3) emphasizes more that "Public Green Open Space in the city area is at least 20 (twenty) percent of the city area". Then it follows up by the Minister of Public Works Regulation Number 05 / PRT / M / 2008 concerning Guidelines for the Provision and Use of Green Open Space in Urban Areas.

A phenomenon that is seen and felt that environmental problems that arise in the capital, one of which leads to the problem of lack of green open space Ecologically, the city as a place to live experiences degradation of environmental quality such as increasing air pollution which is increasingly high, water pollution from industrial waste, land subsidence due to industrial activities and the accumulation of solid waste/used goods , also the rise of buildings in malls, hotels and shop houses as business activities that do not meet environmental standards. The most obvious impact is the occurrence of flooding when the rain occurs even for a moment. Flooding is not only on the edge of Palembang City

However, floods occur in every section of the road in the center of Palembang City, including on protocol roads and offices. Certainly, this makes people uncomfortable and safe. This can be ascertained because of the lack of green open space in the city of Palembang. The Complex problems above if it is not seeking a good and appropriate solution to make Palembang City a sustainable city will be difficult to achieve. Because to make Palembang sustainable, one of them is to make RTH regulation as one of the legal system instruments in Palembang City. Therefore this research is important to do.

Regulation can be said as a regulation or policy that is made to help control the community, institutions/organizations so that they can achieve certain goals in shared life and socialize. Public policy is a proposed course of action of a person, group, or government within a given environment providing obstacles and opportunities which the policy was proposed to utilize and overcome in an effort to reach a goal or realize an objective or a purpose.

Since the 1970s, the concept of sustainability has been more commonly linked back to human sustainability on planet earth, and this has resulted in the most widely

quoted definition of sustainability and sustainable development. World Commission on Environment and Development of the United Nations<sup>1</sup> defined sustainable development as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs." The definition of sustainability development relates to three interlocking goals: environmental, economic, and social. The three pillars of sustainable development, environment, society, economy, have therefore considered as respected in the implementation of sustainability in the built environment.

For the content and originality of this research, it has been carried out searches through literature studies from several studies, journals or the internet for making a comparison with several previous studies related to RTH.

This research has similarities with previous research. Including the research that is doing by Widodo Brontowiyono Balance Of Green Open Space To Support Green Settlement In Yogyakarta Urban Area. This research seeks to map the potential and strategies design for the development of green open space to encourage the formation of green settlements in the city of Yogyakarta.

Also, the research that is doing by Irene Lestari, et al., with the title Suitability Analysis of Green Open Space (GOS) Model Based On Area Characteristics in Kupang City, Indonesia. This research has the purpose of increasing the quality of RTH (GOS) that combines the function of GOS, Model GOS, and the suitability of the GOS location with local vegetation to the optimal GOS location. This study involved descriptive analysis in determining the characteristics of GOS based on the characteristics of the local area in the city of Kupang.

So that is the difference between previous research, and this study is this study not only identified the existence and extent of green open space but focused more on analyzing green open space regulation in the city of Palembang as well as regulatory constraints and the lack of green open space in the city of Palembang.

It is expected that the formation of green open space will be able to overcome environmental problems as stated earlier. Where the proportion of 30% of open green space in the total area of the city can guarantee the balance of the city ecosystem, both hydrological balance, microclimate balance and also can increase the availability of clean air needed by the city residents and increase the aesthetic value of the city.

## II. METHOD

This study uses a type of normative juridical research. The approach problems in this study include the statute approach and comparative approach. This research is deductive research describing a legal occurrence and a legal consequence related to the RTH of Palembang. Data obtained through this research activity then will be analyzed qualitatively with model descriptive-analysis. So, the results can be described as comprehensively and systematically. About the ideal regulation of RTH and the obstacles an effort to actualize Palembang a sustainable city.

## III. DISCUSSION

### A. *Ideal Green Open Space Regulation as an Effort to Realize Sustainable Palembang City*

Palembang city is one of the towns in South Sumatra with an area of 400.61 km<sup>2</sup> or 40,061 hectares, with a population of 1,535,900 people. As a capital city in line with the increasing number and activities of its inhabitants, housing, industry and the number of vehicles as a means of transportation will also increase, which all have an impact on the environment. Thus, the Government of Palembang City must seriously consider the future impacts on security, comfort, health, sustainability, and sustainability of the city of Palembang.

From the results of several studies and several references related to green open space, one of the ways to overcome the above problems. Therefore, Law Number 26 of 2007 concerning Spatial Planning is the basis for the formation of Green Open Space As stated in Article 29 paragraph (2) and (3) as stated above. Regulates that "the proportion of RTH in the city is at least 30% (thirty percent) of the total area of the city ". Paragraph (3) further emphasizes that "Public Green Open Space in urban areas is at least 20% (twenty percent) of the total city area".

Furthermore this matter is also regulated in Government Regulation No. 26 of 2008 concerning National Territory Spatial Planning in Article 8 paragraph (3) that "the strategy for controlling the development of cultivation activities so as not to exceed the carrying capacity and environmental capacity in point c confirms that developing Green Open Space with an area of at least 30% ( thirty percent) of the total urban area ".

With RTH directly conservation has been carried out. Conservation and responsible use are two essential aspects of a harmonious relationship between humans and nature, and two relationships that form the basis of a strategy for sustainable forest development.

It has been described on the previous page the arrangement of green open space and its implementation in the city of Palembang along with the problem.

The government has also issued an Implementation Guideline from Green Open Space, namely Minister of Public Works Regulation Number 05 / PRT / M / 2008 concerning Guidelines for the Supply and Use of Green Open Space in Urban Areas

Concerning the matter above Law Number 32 Year 2009 concerning Protection and Management of the Environment, in Article 65 paragraph (1) affirms that "everyone has the right to a good and healthy environment as part of human rights". This Environmental Protection and Management Law was created to accommodate rights to a good and healthy environment. And this is the basic right of every citizen as mandated in Article 28H of the 1945 Constitution.

Thus, a good and healthy environment is an inherent right of all citizens of the city. In line with what Jimly Asshiddiqie stated about the green constitution and ecocracy discourse reflected in the ideas of power and human rights and the concept of democracy in the 1945

Constitution. The highest power is in the hands of the people reflected in the concept of good human rights to the environment and healthy as referred to in Article 28 H paragraph (1) of the 1945 Constitution, as well as reflected in the concept of democracy related to the principle of sustainable development and environmental insight, as confirmed in Article 33 paragraph (4) of the 1945 Constitution.

In addition, some of the laws and regulations above have explicitly regulated green open space. The Palembang City Government has issued Regional Regulation Number 15 of 2012 concerning the Palembang City Spatial Plan (RTRW) for 2012-2032, then Regional Regulation Number 6 of 2007 concerning Urban Forests. So for ideal City of Palembang RTH, the City of Palembang Government needs to make RTH regulation by implementing Ideally Green Open Space, which is 30% of the total area of Palembang City. That is 400.61 ha, which is 120,183 ha.

From the data obtained from the designation of the location of urban forest based on Perda Number 6 of 2007 concerning Urban Forest Article 6 regulates the location and extent of urban forests that need to be protected and preserved, in accordance with the Palembang City Spatial Plan and the South Sumatra Province Spatial Plan. Among others: Punti Kayu Tourism Forest with an area of 40 Ha; Sultan Mahmud Badaruddin II Urban Forest covering an area of 30 Ha; City Forest and Scout Campsite in Gandus District covering an area of 20 Ha; Bukit Siguntang Tourism Area Sriwijaya Kingdom Archaeological Park (TPKS), Tombs of Kings and other historical places; The area around the Ogan Permai Indah (OPI) Retention Pool is  $\pm 8$  Ha; The area around the Jakabaring Stadium is  $\pm 110$  Ha; Community Forests on  $\pm 1,000$  Ha of community land; City parks are scattered in 14 Subdistricts  $\pm 25$  Ha and abandoned Land belonging to the Government and the community. In total, the total number is 1,233 Ha.

The existence of green space can make environmental quality improve and function effectively in reducing noise, also absorbs heat, increases humidity, reduces dust, accumulates pollutants and creates a comfortable, healthy and aesthetic atmosphere.

Regarding the implementation of green open space that is not yet in the ideal proportion as required by law, which is 30% of the total area of the city. When viewed from the opinion of A. V. Dicey, which states that there are 3 (three) important characteristics for each rule of law:

1. The supremacy of the rule of law (supremacy of the law); absence of arbitrary power, in the event that a person may only be punished if he violates the law;
2. The same position in facing the law (equality before the law). Dallin applies to ordinary people and officials;
3. Guaranteed human rights by law (in other countries by the constitution) and court decisions.

What is stated in the Dice above can be interpreted when there are government officials who do not implement the laws and regulations related to the

implementation of RTH, the official has the right to be sanctioned because he has arbitrarily ignored the laws and regulations relating to RTH. Because every citizen has the same legal position, it must not be mistreated by the authorities. Because it is very clear that existing government officials have ignored the rights of citizens to get a healthy and clean environment, as mentioned earlier that the issue of rights to the environment as human rights is guaranteed by Article 28H paragraph (1) and the principle of sustainable development that regulated in Article 33 paragraph (4).

#### B. *Obstacles to Palembang's Green Open Space Regulations to achieve Ideal and sustainable*

The Brundtland Commission gives an understanding that development to meet current needs without having to prevent future generations from fulfilling their needs. In relation to this, Sarageldin revealed that experts identified three views on sustainable development that developed from three disciplines, these views are: First, from an economic standpoint, which focuses on efforts to increase prosperity to the maximum extent possible in terms of capital availability and technological capabilities; Second, the view from the perspective of ecology, which views the maintenance of the integrity of natural ecosystems as an absolute requirement to ensure the sustainability of life development; Third, a social perspective, which emphasizes the importance, empowerment, participation as the key to implementing sustainable development.

By carrying out the reconstruction of RTH regulations, it is expected that Palembang City will become a sustainable city. Continuous origin of the word continues which means continuously. Sustainability means continuous. The term sustainable is always in line with development. So that it is more familiar with the term sustainable development, this term was first introduced by WCED (The World Commission on Environment and Development) in Our Common Future, defined as follows: Development that meets the needs of the present without compromising the ability of the future generation to meet their own needs (literal translation is development that meets the needs of the present generation without reducing the ability of future generations to meet their needs).

In realizing this sustainable development out of the five documents produced by UNCED (The United Nations Conference on Environment and Development), there are five main principles of sustainable and environmentally sound development, namely:

1. Intergenerational balance,
2. Justice in one generation (intragenerational equity)
3. The principle of caution,
4. Conservation of biodiversity,
5. Internalization of environmental costs and incentive mechanisms (internalization of environmental costs and incentive mechanisms)

Indeed the implementation of sustainable development has become an international agenda, where every country has the responsibility to succeed in sustainable



development globally, both developed and developing countries. As a developing country, Indonesia has committed to implementing this sustainable development, but it is not yet maximal so that our natural resources can be said to be in a state of deterioration. In implementing the concept of sustainable development, a partnership triangle between the government, business world, and civil society are needed in the equality relationship economic, natural-ecological and civilization law.

Thus the constraints to making Palembang RTH become ideal and sustainable based on the findings in the field are related to: a. The role of institutions related to the implementation of existing green open space is not maximized; b. Narrow land availability; c. Lack of funds for the construction and development of green open space; d. There are no binding regulations that require the realization of green open space;

#### IV. CONCLUSIONS

The ideal RTH regulation as an effort to realize a sustainable city of Palembang is the need for green open space regulation that accommodates the ideals of the nation's people, namely the establishment of a democratic and socially just state of law. Able to apply or implement existing legal provisions, namely holding a Green Open Space of 30% of the total area of Palembang City.

Palembang City's Green Open Space Regulatory Constraints to achieve Ideal and sustainable. There are: 1). The role of institutions related to the provision of existing green open space; 2) Availability of land; 3) lack of funds for the construction and development of green open space; 4) There is no binding regulation that requires the realization of green open space;

It is expected that the government to reconstruct the ideal and sustainable RTH regulation must be brave enough to make a regulation that contains the upholding of a democratic law state that is based and can impose sanctions on officials or the government that ignore the implementation of urban forests. In Palembang City Government to be able to increase the role of related institutions in the implementation of ideal and sustainable RTH.

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