

The Concept of Regulations of Spatial Planning in Rural Areas Based on Local Wisdom in a Sustainable National Spatial Planning System

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ABSTRACT

In regulating the sustainable spatial planning in rural areas based on local wisdom, the cultural dimension should precede other dimensions as it contains a set of values. Prioritizing cultural dimension, among other dimensions considering Indonesia's plurality as a state, nation, and community. The set of values in the cultural dimension will become the foundation of the formulation of the policy, which the establishment of the law follows as a juridical guide in the life of rural communities in terms of spatial planning. This process involves reinforcing participant culture, local wisdom, and sustainability, which reflect Indonesian people's noble values, rooted in Pancasila as the state philosophy. In the future, rural areas will become the local entity that strengthens the Republic of Indonesia through its independence.

Keywords: *Local Wisdom, Regulations, Spatial Planning in Rural Areas.*

1. INTRODUCTION

Indonesia has many rural areas. the large numbers of rural areas in indonesia are evident in the areas' vast expanse and large population. the public often misunderstands rural areas, including planning experts, who tend to exhibit "urban bias," which prioritizes urban areas over rural areas. rural planning has not been a concern of professional planners for a long time, making it seem like rural areas do not require development planning and spatial planning. [1]

Expert in rural development in developing countries, dalal-clayton concludes that the prevalent issues of rural development in the third world (developing countries) are: poverty and employment, sustainable management and access to agrarian resources.

Rural-urban linkage (spatial links and sectoral links). The issues in indonesian rural areas are not that different from dalal-clayton's general description. Rural Areas in indonesia have many problems because they accommodate more than two-thirds of indonesia's poor. [2]

From the perspective of philosophy, which includes ontology, epistemology, and axiology, space means activities that utilize said space to form interconnected spatial design. Thus, the utilization of space or region

reflects the relationship between fellow human beings and the relationship between humans and the environment. Space, in general, is seen as a place that accommodates humans' private and social life and to carry out activities that improve their welfare, quality of life, and cultural pride. On various scales, space is also a place of actualization for humans as the primary space users with their social behavior and characteristics. [3]

Meanwhile, space in a juridical sense is a means to formulate spatial planning as a juridical instrument for the optimization and integration of the utilization of natural resources through three main pillars: planning, utilization, and management. [4]. Spatial planning as a system is regulated in article 1 number 5 of law number 26 of 2007 concerning spatial planning (state gazette of the republic of indonesia number 68 of 2007, supplement to state gazette number 4725) (hereafter referred to as law on spatial planning). [5] The law is a crucial component in spatial planning, and it also indicates that spatial planning is strongly connected to constitutional law and administrative law. Planning is a form of wisdom, and as such, it is considered a species of the genus of wisdom. [6]

Spatial planning consists of three interrelated components: planning, utilization, and management. These components then produce a plan in the form of a

regional spatial plan, which hierarchically consists of a national spatial plan, provincial spatial plan, and regency/city spatial plan. Furthermore, management of space utilization is carried out systematically by establishing the regulations concerning zoning, licensing, granting incentives and disincentives, and the imposition of sanctions.

In the discussion about the spatial planning bill and the government regulation concerning the implementation of spatial planning, the problem of spatial planning in rural areas is not considered as the domain of the village government since the drafting and stipulation of spatial planning in rural areas fall to the regional government's domain.

The village's independence in regulating rural areas' spatial planning is not considered as rural areas are regarded as part of regional development. This matter can be studied in the spatial planning bill, which states that: in the implementation of spatial planning that concerns matters directly related to the community's crisis, it is necessary to have a regulation that includes aspects that encourage improvement in the quality of spatial planning and performance of space management. The improvement in the quality of the spatial plan is expected to be achieved through a clear distinction of content in the national spatial planning, provincial spatial planning, and regency/city spatial planning, which should be complementary. [7]

This research is essential because rural areas tend to be perceived as "residual areas" in development policies. However, the passing of law number 6 of 2014 concerning villages (state gazette of the republic of Indonesia number 7 of 2014, supplement to the state gazette of the republic of Indonesia number 5495) allows the rural area development policy to be an order of law number 6 of 2014. Juridical limitations in article 1 number 9 of law number 6 of 2014 include the phrase rural areas as follows:

"Rural areas are areas characterized by agriculture as the primary activities, including natural resource management, and their functions as a place for settlements, government services, social services, and economic activities."

The phrase "rural areas" contains an explicit policy on spatial planning in rural areas, which is centered on agricultural livelihood. This pattern is supported by natural resource management. Additionally, rural areas have four functions: rural settlements, government services, social services, and economic activities

2. METHOD

This paper is legal research. [8]. It means that "as a know-how activity, legal research is conducted to solve the legal issues at hand." Thus, it is necessary to have the ability to identify legal problems, conduct legal reasoning, and provide solutions to those problems. As a branch of science, legal studies are prescriptive rather

than descriptive. Therefore, legal research does not begin with a hypothesis. When applying this approach, the researcher needs to understand the hierarchy and the principles in statutory regulation. [10]. Thus, a statute here refers to legislation and regulation or an approach that uses legislation and regulation in analyzing the political synchronization of the law on sustainable regional spatial planning. This approach helps the researcher to understand the philosophy of legal regulations from time to time. This approach also allows the researcher to understand the changes and development that underlies a legal regulation. Finally, this approach helps to analyze the development of spatial planning in rural areas in terms of forming legislation on spatial planning in Indonesia. This approach focuses on the views and doctrines in legal studies. This approach makes it easier to describe and analyze the problems and respond to the existing legal issues since legal concepts can also be found in the law, although not explicitly.

3. RESULT AND DISCUSSION

3.1 Building the Concept of Participant Culture in Spatial Planning

There must be a balance between law and society in developing and realizing the law in people's lives. In short, the law is created to protect the interests of society. Bernard L. Tanya argued that the pivot of all legal theories is the relationship between humans and law. In other words, if the paradigm aims only to make a regulation, then it would be seen as a formal and legalistic closed theory, while if the paradigm aims to make a regulation for the benefit of the people, it would be seen as an open theory that touches the social mosaic of humanity. [11]

The development of national law is inseparable from the legal system. The system itself consists of several interrelated elements, which work to achieve the legal aim. The diversity of ethnic groups, language, culture, and religion in Indonesia will also affect the process of national law development for sure. According to Friedman's legal system theory, the legal system consists of three elements: legal substance, legal structure, and legal culture. The legal substance is a product of legal structure. It can be the regulations made through formal structure mechanisms or those born out of habits. The legal structure is a structural component that moves within the mechanism of the making and the implementation of regulations.

Meanwhile, the legal culture values, thoughts, and expectations of the rules or norms in the community's social life. These three interrelated elements work in harmony to achieve the legal aim. Furthermore, strengthening the national legal culture is inseparable from the norms or fundamental values that the nation agreed upon, Pancasila and the 1945 Constitution of the Republic of Indonesia. Every citizen in the legal system can take over in the legal culture subsystem. [12]

In Indonesian political, national, and social life, the cultural dimension should precede other dimensions because it contains a system of value. It becomes the foundation for policy formulation, followed by establishing the law as a juridical guide and code of conduct in people's lives that are expected to reflect the nation's noble values. According to Friedman, of the three elements forming the legal system, legal culture should precede the other two elements. [13]

Understanding the community's legal culture is essential as it allows people to know the structure, the legal system, legal concepts, legal norms, and the behavior of the local community. [14]. Legal culture is not unique culture but a comprehensive culture of a particular society, a unity of attitudes and behavior. Therefore, the study of legal culture is inseparable from the condition, system, and community structure to which the legal culture belongs. Legal culture is a response, either an acceptance or a rejection, to a legal event. It shows human's attitude towards legal issues and legal events faced by society. [15]

There are three types of legal culture, classified based on human behavior in social life: parochial culture, subject culture, and participant culture. The members of parochial society have a narrow way of thinking. Their response towards the law is also still confined to their society. In addition, if the leader is egocentric, he will be more preoccupied with himself. On the contrary, if the leader is altruist, he will pay more attention to his citizens as he sees himself as *primus inter pares*, a first among equals. [16]

According to the aim of the strategic policy, the most important thing is the institutions' commitment of policy formulation and legal regulations drafting to adhere to the philosophical value system consistently to ensure that every policy and legal regulation accommodate and respond to the community's aspirations equitably. Political wisdom with a cultural approach becomes a constitutional demand for Indonesia, which possesses heterogeneous social structures as seen in its diverse ethnics, religion, customs, and cultures.

Legal culture is a response, either acceptance or rejection, to a legal event, which shows humans' attitude towards legal issues and legal events in society. Meanwhile, the legal system is a link that connects humans, society, authority, and rules. As such, the focus of legal anthropology lies in the behavior of the people involved in legal events. Therefore, any actions taken by anyone, primarily actions related to law, are formulated and accepted as a legal culture. Legal norms are only one part of legal life.

Adopting Lawrence Friedman's concept, legal norms are a substantial aspect of the law, in addition to legal structure and legal culture. Legal structure refers to the institution of formation and implementation of the law, while legal culture refers to the society's values, orientation, and expectations of the law. The legal apparatus and culture must be the focus of legal

development. It means that the formation, management, values, orientation, and expectations of the law in society should be the utmost priority. Although the legal norms in positive law are considered a guide of every person's values and orientation, empirically, they always have flaws. People will not adhere to the norms if the norms do not live up to their orientation and expectation. [17]

Participation has two meanings: 1) the willingness to contribute to the success of each program according to the ability of each person and 2) taking part in joint activities or the implementation of government services. [18]. Participation plays a crucial role in spatial planning because the result of spatial planning must give benefits to society. The society acts as a partner of the government in spatial planning by actively utilizing its abilities as a form of community participation in achieving spatial planning objectives.

Community participation in spatial planning means the management of the lands. People's rights to land are attached to these lands. Thus, the community should be involved by providing valuable input regarding their interests in the context of common interest, without ignoring the interests of each holder of land rights. It is a manifestation of the protection of the holders of land rights. [19]

Budihardjo stated that "in the ongoing regional development process, it seems that community participation is still at an undetermined level." [20]. The community should actively share their aspirations since determining the goals and targets of regional development. So far, community participation is seen as the transfer of information about development plans and programs prepared by decision-makers and policy-makers. Furthermore, according to Satjipto Raharjo, legislation has three functions: accommodating the community's needs, institutionalizing social conflict, and offering solutions to conflict in the community. This notion suggests that legislation reflects the conflict of interest and power within the community. Therefore, community participation (as stakeholders) in regional development is crucial. [21]

Drafting the regional regulation must begin with preparing the Academic Manuscript. It contains the conception of a regulation of a problem (a type of legislation), studied from theoretical and sociological perspectives. Theoretical perspective, specifically, examines the philosophical, juridical, and political foundation of a problem to have a strong regulatory groundwork. The philosophical foundation means the philosophical view that becomes the basis of ideals when transforming a problem into legislation. Meanwhile, the juridical foundation is the legal regulations that become the legal basis (*rechtsgrond*) for making legislation. There are two types of juridical foundations: formal and material juridical foundations. The formal juridical foundation refers to regulations that give authority (*bevoegdheid*) to an institution to make specific regulations. Meanwhile, the material juridical foundation

is the legal foundation for regulating the problem (object). Thus, the juridical foundation is vital because it provides the groundwork for regulating the legislation and prevents legal conflict from happening. [22]

In spatial planning in rural areas, the concept of participant culture can be implemented in the planning, utilization, and management of space, which adhere to Pancasila and society's values as the paradigm of national legal development.

To make an effective legal instrument, lawmakers of legislation concerning the preservation of forests and environment, during the stage of content drafting (het onderwerp), need to create a balance between legal substance and principles and evolving values and living law in the community. [23]

In contrast to western science that claims to be universal, traditional wisdom is local as it has a solid connection to a specific place. It is always related to a specific group (the local community), nature (the surrounding environment, including trees, mountains, caves, lakes, or seas), and the relationship between the community and nature. However, humans and nature are universal, and thus, traditional wisdom naturally becomes universal without being engineered. [24]

Managing diverse natural resources should be integrated with other resources following a sustainable model by developing a humanopolis spatial plan. Humanopolis spatial plan prioritizes the community's interests and creates a beautiful environment which adheres to archipelago insights and national tenacity. Based on this concept, the fundamental principles in spatial planning guidelines are as follows: [25]

- a. Allowing the community to be a crucial factor in space utilization;
- b. Assigning the government as a facilitator in space utilization;
- c. Respecting the community's rights, local wisdom, and socio-cultural diversity;
- d. Upholding transparency and ethics; and
- e. Following technological advancement and upholding professionalism.

3.2 The Concept of Regulations of Sustainable Spatial Planning in Rural Areas Based on Village Autonomy

Two Laws explicitly mention rural areas, namely Law on Spatial Planning Number 26 of 2007 and Law on Village Number 6 of 2014. The Law on Spatial Planning emphasizes that spatial planning in rural areas has to follow six principles in the Law on Spatial Planning. This notion, then, is translated into the Regional Spatial Plan. Rural areas are treated equally with urban areas, mining areas, and others.

Meanwhile, the Law on Village asserts that rural areas are shaped through a bottom-up process (Village regulations and Regional policies), covering matters related to the physical and non-physical infrastructure of

the village. Physical infrastructure includes roads, electricity, telecommunications, markets, etcetera. Non-physical infrastructure includes technology in production and consumption, institutional cooperation between villages, and many others. Both of these are urgently needed to encourage development in rural areas. [26]

In rural sociology, rural development is a process of deliberate or conscious change to achieve physical and spiritual prosperity for all members of the rural community. Rural development covers all aspects of rural community life, such as economic, social, political, cultural, religious, defense, and security. In essence, rural development is a development process aimed at rural communities. Thus, it should differ from urban development. The aim of rural development is not to change the characteristics of rural communities from *wesenville* and non-market economy to *kurville* and market economy. Even though a change does occur, rural communities will not become a total market economy, but rather a *wesenville* with a hint of a market economy, a change caused by two elements: the intervention from the state and the socio-cultural dimension of society. [27]

Synergy in the development of rural areas is essential for several reasons. First, rural development is an effort to improve the standard of living to achieve the welfare of the village, carried out in combination with development efforts based on the region's potential. Therefore, the concept of rural areas in Law No. 6 of 2014 concerning the village, where rural areas function for agriculture and management of the natural resource, must synergize with the Regional Spatial Plan. Second, the government needs to provide and synergize the documents of rural development planning with Regional Spatial Planning documents. [28]

Historically, all local communities in Indonesia have vital local wisdom that contains a spirit of sufficiency, balance, and sustainability, especially in managing natural and human resources. They also have local wisdom that regulates matters concerning the government, resource management, interpersonal relationships, etcetera. In principle, these local regulations are intended to maintain the balance and sustainability in human relationships with fellow humans, nature, and God. Meanwhile, from a philosophical perspective, it is clear that the village exists before the government. Therefore, the village should be the basis and part of the government that comes after. The older, more experienced government in the village should spearhead every implementation of government, development, and societal affairs. [29]

As part of national ideals, efforts to strengthen regional and "village autonomy" aim to build Indonesia's strong and perfect imagination, which goes beyond centralism and localism. Indonesia will be stronger if it is supported by the people's sovereignty and local independence (the region and village). In other words, the center "respect" the local while the local "respect" the

center. The independence of the village is the key to the foundation, strength, and imagination of Indonesia. If the village remains marginal and dependent, it will just become a heavy burden on the government.

Furthermore, it will disrupt the foundation of Indonesia. In the future, we need the village as a local entity that possesses strong and unique characteristics, political sovereignty, economic empowerment, and cultural dignity.

Independence means village autonomy. Village autonomy has objectives and benefits as follows:

- a. Strengthening the independence of the village as the basis of Indonesian independence;
- b. Strengthening the village's position as the subject of development;
- c. Familiarizing the community with development planning;
- d. Improving public services and implementing equitable development;
- e. Creating efficient development financing per under local needs;
- f. Stimulating the local economy and the livelihoods of the village communities;
- g. Giving trust, responsibility, and challenges to the village to increase its initiatives and potential;
- h. Forging village capacity in managing the government and development;
- i. Providing a valuable learning arena for the village government, institutions, and communities; and
- j. Encouraging local communities' Participation. [\[30\]](#)

The regulation on village autonomy is a response to globalization, characterized by the liberalization of information, economy, technology, culture, and so on. As such, there must be a rational division of tasks and authority in the state and society so that each can carry out its functions. There is a fundamental principle that people must adhere to in executing the division of tasks and authority, which is imagining the regions and villages as a flexible part within an entity called a state. A politically sovereign, economically empowered, and culturally dignified village becomes the ideals and local-bottom foundation that strengthen the nation-state.

4. CONCLUSION

There are several principles that underlie the concept of sustainable spatial planning in rural areas based on local wisdom:

The cultural dimension is the basis for formulating policies on the formation of laws in spatial planning in rural areas. The village government's authority in village-based spatial planning in rural areas through the principle of recognition and subsidiary, in the form of authority, to establish rural areas following village initiatives to the village government through the village regulation. Community participation in spatial planning

in rural areas as a form of democracy in planning, utilization, and management of village-based spaces by the village government, the Village Representative Body, and the community, facilitated by the regional government. The importance of planning experts' assistance in preparing spatial plans as a reference in preparing the Village Medium-Term Development Plan. The village government (administrative village or *desa dinas*) and traditional village (*desa adat*) should synergize in planning, utilization, and management in developing spatial planning in rural areas.

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