

# Rebuilding the Tourism Area of Palu City After Three Years of Earthquake: An Overview of Spatial Law Studies

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## ABSTRACT

Natural disasters (earthquake, tsunami, and liquefaction) that were hit Palu City in 2018 had massively damaged the structure of Palu City. One of the affected areas is the tourism area. The tourism area is one of the sources of regional income for Palu City so that the destruction of the area automatically reduces the source of regional income. To rebuild the tourism area after the natural disaster, the Palu City Government needs to update the spatial planning plan for the tourism area. The problems raised in this paper include, firstly, the steps of the Palu City Government in preparing a spatial planning plan for the tourism area after three years of the earthquake and secondly, the obstacles experienced by the Palu City Government in the process of compiling the spatial arrangement. Based on the research conducted, we know that preparing the spatial plan for the tourism area in Palu City has been running for three years but has not yet received the final draft to hampers the process of restoring tourism Palu City. Secondly, the obstacles experienced by the Palu City Government during the spatial planning preparation include the lack of coordination between the bureaucracy in Palu City and central government, lack of budget support, and lack of human resources. This research is included in doctrinal legal research that uses a sociological juridical approach (applied law research). The sociological juridical approach uses case studies in the form of normative-empirical law that focuses on looking at legal behavior and the implementation of legal provisions that apply to a problem in society. There are two kinds of discussions, firstly a discussion on the law of the spatial arrangement of the tourism areas after the disaster in Palu City. Secondly, there is a discussion on the law implementation in the spatial arrangement of the tourist areas and the obstacles. The obstacles experienced in revising the spatial planning document in the tourism sector are lacking budget support, lacking qualified human resources, and lacking coordination between agencies in the regions.

**Keywords:** Palu City Government, Palu City, Spatial Planning, Tourism Object.

## 1. INTRODUCTION

Natural disasters, such as floods, drought, earthquakes, tsunami, and others, are part of this nature. Geographically, Indonesia is placed between three tectonic plates that crossed each other: Eurasia Plate, Indo-Australia plate, Pacific plate. Those crossed plates that made Indonesia prone to natural disasters such as volcano eruption and earthquake. The earthquake and tsunami that struck Palu City three years ago, precisely on September 28th, 2018, have destroyed the city massively and caused physical, property, and infrastructure damages as well as psychosocial, social-demographic, social-economic, and social-politic disorders. The disaster killed 2.045 people and resulted in 18,4 trillion rupiah material losses [1]. One of the most severely affected sectors was tourism. The disaster caused the paralysis of tourism in Palu City and

significant losses, such as the decrease in the number of tourists, which reached 17,822 people, economic loss of 62 billion rupiah, job losses of entrepreneurs, workers, and street vendors around the tourist destinations [2].

Palu City tourism is a source of Palu City's regional income; therefore, the tourism sector is a priority for regional development objects. Reviewing from the Long-Term Regional Development target of Palu City 2005-2025, tourism and trade, and industry sectors become one of the pillars of long-term development of Palu City [3]. Unfortunately, the development was constrained by the natural disaster, which caused the postponement of the tourism development process set in the Long-Term Regional Development target of Palu City 2005-2025. The Palu City government needed to rehabilitate and reconstruct tourism areas destroyed by the natural disaster.

Three years after the earthquake, liquefaction, and tsunami in 2018, the regional government of Central Sulawesi has arranged a Master Plan for the Recovery and Redevelopment of the Post-Disaster Area of Central Sulawesi in 2018. The master plan, particularly in Section V, is about social-economic rehabilitation and economic reconstruction. Measures to accelerate economic rehabilitation and reconstruction are by doing trauma healing for the society, financial relaxation in the form of easy verification of financial prerequisites, rehabilitation of tourist destinations (accessibility, amenity, attractions), and marketing rehabilitation (branding, advertising, selling) [4]. The master plan then became a basis of the Master Plan for the Acceleration of Recovery in Post-Disaster Areas of Palu City, which was stated in The Palu City Government Annual Work Planning and the General Draft of the Palu City Post-Disaster Spatial and Regional Planning.

In three years after the disaster, it was known that the progress of rehabilitation and reconstruction of the Palu City tourism area had not run optimally. It could be seen from the substantial the Palu City regional regulations No.16 of 2011, which was not arranged based on disaster study. This hindered the data collection of area reconstruction and rehabilitation, which caused the slow pace of the Palu City rehabilitation process.

Based on that basis, therefore, it is necessary to conduct a comprehensive study that discusses spatial planning implementation in tourism areas after the disaster in Palu City and the obstacles in doing it.

## 2. METHOD

There are two research methods available, the normative method and the empirical method. The normative method focuses on library and statute study, analyzing problems and questions in researches based on the law that already applied but has some contradictive measures, blurry definitions of the law. Even that an incident happened without any law as the basis to make the best decision. Secondly, there is the Empirical method, and this method focuses on field study, whereas if the application of the law is already held as it should be or not, an empirical study using informant and/or respondent as the consideration, compiling it by using interview methods and compare the answer gathered by an interview with the law that as the basis of the incident.

This research uses a mixed-method, which means this research uses both normative and empirical methods, but library research and field research was held to fulfill this research's question. This research is included in the type of doctrinal legal research that uses a sociological juridical approach (applied law research). The sociological juridical approach uses case studies in the form of normative-empirical law that focuses on looking at legal behavior and the implementation of legal provisions that apply to a problem in society [6].

In this study, there are two kinds of discussions, firstly a discussion on the law of the spatial arrangement of the tourism areas after the disaster in Palu City, and secondly discussion on the law implementation in the spatial arrangement of the tourist areas and the obstacles. The data used in this study includes primary data in the form of interviews and secondary data in the form of primary legal materials in the form of legislation in the field of spatial planning and tourism, secondary legal materials are literature reviews in the form of books, journals, popular articles that discusses spatial planning of tourism areas, and finally tertiary legal materials in the form of legal dictionaries.

## 3. RESULT AND DISCUSSION

The arrangement of the tourism areas of Palu City has been included in the third phase of the Long-Term Regional Development target of Palu City in 2005-2025 (RPJMD) as stated in Section V regarding the Targets and Directions of the Regional Long-Term Development Policy [7]. Tourism is directed to be a priority for investment receivers in order to encourage urban economic growth.

In order to achieve the goal, the Palu City Regional Government is directed to arrange a development master plan and development of tourism infrastructure, which are expected to be completed in 2010 for the sub-district area (RPJPD phase one or RPJMD phase one). The master plan is generally known as an Urban Tourism Plan or a Master Plan for City Tourism Development arranged in stages.

The Master Plan for Tourism Development itself, as regulated in Article 8 of Law Number 10 of 2009 on Tourism (Law No. 10 of 2009), basically orders the arrangement of the master plan in stages starting from the provincial to district/city levels. Following these orders, the Central Sulawesi Provincial Government has arranged a Master Plan for Tourism Development by issuing Central Sulawesi Provincial Regulation Number 5 of 2019 (Perda Provinsi Sulawesi Tengah No.5 Tahun 2019).

The Central Sulawesi Provincial Regulation No. 5 of 2019 is a legal umbrella for the Palu City Government to arrange the Palu City Tourism Development Master Plan immediately. Even though the directions for the preparation of the master plan have been ordered in advance through the RPJPD of Palu City for 2005-2025, until 2016, the Palu City Government has not had the study [8].

Normatively, the directions for the arrangement of the master plan for the tourism development can be prepared based on the spatial planning study carried out. Looking at the Palu City Regulation No. 16 of 2011, the regulation regarding the development of tourism areas is regulated more clearly in Article 49 *jo*. Article 36 section (1) letter b. The article regulates tourism areas developed into three

types, namely cultural tourism areas, natural tourism areas, and artificial tourism areas.

Furthermore, Article 49 section (3)-(5) of the Palu City Regulation No. 16 of 2011 has stated the designation of each tourism area in each sub-district. This information can indeed be followed up to prepare the Master Plan for the Tourism Development of Palu City, but until now, the document has not been formed [9]. This condition, of course, becomes one of the inhibiting factors for the advancement of tourism development in Palu City.

Not only the aspect of the absence of the Palu City Tourism Development Master Plan, the natural disaster that was occurred in 2018 indeed forced the Palu City Government to update the aspect of structuring the tourism area due to the many damaged tourist attractions, for example, the Palu Bay area. The Palu Bay area is classified in a red zone, which means a high earthquake-prone zone, so it is included in a prohibited area. The areas included in the red zone include [10]:

**Table 1.** The List of Red Zone Areas

4L	: Massive liquefaction zone after the earthquake (Kws Petobo, Balaroa, Jono Oge, Lolu, and Sibalaya)
4T	: The tsunami swamp coastal border zone is at least 100-200 meters from the highest tide point  (100m swamp coastal border for Teluk Palu, except in Kelurahan Lere, Besusu Barat, and Talise are decided 200m)
4S	: Active fault border zone Palu-Koro 0-10m (Danger zone of Active Fault Deformation)
4G	: Zone prone to high ground motion – post-earthquake

Based on the table, red zone areas are advised not to redevelop or built new ones. These locations are prioritized as protected areas, green open spaces, and monuments [11]. Such conditions indicate a change in space function that was initially a natural tourism area onto a protected area or green open space. It requires a spatial planning update that is also aimed at rehabilitating the post-disaster area of Palu City.

The main idea that needs to be added to the Spatial Planning and Spatial Planning formulation plan for the City of Palu is the Spatial Planning and Regional Planning based on disaster risk mitigation [12]. Based on Article 1 point 9 of Law Number 24 of 2007 on Disaster Management (Law No. 24 of 2007), what is meant by disaster risk mitigation is a series of efforts to reduce disaster risk, both through physical development as well as awareness and capacity building in dealing with disaster threats. One of these ideas is realized in a spatial

plan whose enforcement is optimized through control (licensing and imposition of sanctions).

In its implementation, the post-disaster spatial planning of Palu City is focused on paying attention to mitigation risk studies, especially on the threat of geological disasters such as earthquakes, active faults, ground motion, tsunamis, and liquefaction, and hydrometeorology. These studies have also been presented in Focus Group Discussions in the regions that involve coordination with relevant stakeholders, academics, the private sector, and the community. It is hoped that in addition to presenting a more comprehensive study with a mitigation risk study, the FGD can be used as a forum to educate the public about natural disasters [13].

Furthermore, the Technical Team for the Detailed Spatial Planning (RDTR) of Palu City has also divided the roles to facilitate the division of planning areas into four (4) namely: a) BWP 1 in the fields of cultural areas, service trade, and tourism; b) BWP 2 in the central gate area of Central Sulawesi Province; c) BWP 3 in the city service center area based on trade, services, and tourism; and d) BWP 4 in the field of industrial development centers and movement nodes [14]. Although it has been arranged in such a way, it was conveyed by Syaifulah Djafar as Head of the Office of Highways and Spatial Planning of Central Sulawesi Province that the condition of the Regional Governments, both the Province and Palu City after the disaster, had difficulties in coordinating and determining regional zoning to prepare a Strategic Environmental Study and Risk Assessment. Disaster Mitigation is due to the lack of availability of qualified human resources, funds, and competencies [15]

Revising the RTRW of Palu City takes a long time because the formulation process takes three years. Until now, the Regional Regulation on the RTRW of Palu City has not been stipulated, whereas the regional regulation on RTRW will be the foundation for spatial management, including, in this case, the rehabilitated tourist area.

The rehabilitation of the tourism area itself received special attention from the Palu City Government. It can be seen from the local government's efforts to include the development of tourism areas in the 2020 Palu City Government Work Plan (Palu City RKPD 2020). Based on the attachment to the Palu Mayor's Decree Number 13 of 2019 concerning the 2020 Palu City Government Work Plan (Perwali No. 13 of 2019), it is known that the development of the tourism sector is targeted to be achieved by the end of the fourth phase of the Palu City RPJPD. Furthermore, the tourism area is included in the designation of the function of the cultivation area that must share a land area of ± 17,216 ha and a marine area of ± 10,460 ha with other sectors such as residential areas, trade, and service areas, office areas, industrial areas, space areas, non-green open areas, and disaster evacuation areas.

Natural disasters may destroy tourism objects but, on the other hand, open opportunities for new tourist

destinations. These tourist destinations can only be developed if the Spatial Planning Document has been issued in a regional regulation and then directed by the mayor to prepare a Master Plan for Strategic Tourism. The master plan is a legal umbrella for the Regional Culture and Tourism Agency to open and build cooperation with relevant stakeholders at the provincial and ministry levels to build tourist destinations. Without a master plan, the Regional Culture and Tourism Agency cannot coordinate with these stakeholders. Furthermore, the discourse related to the preparation of the master plan has been conveyed with minimum budget, so that it causes delays in the preparation of the master plan [16].

#### 4. CONCLUSION

Based on the discussion above, revising the Spatial Planning document for Palu City is going well, although it is slow. The spatial planning draft takes up to three years after the earthquake and has not been legalized in a regional regulation. The spatial planning document will be the basis for relevant stakeholders to develop a Strategic Master Plan for Tourism as the legal basis to develop the tourist destinations in Palu City. Furthermore, the obstacles experienced in revising the spatial planning document in the tourism sector are lacking budget support, lacking qualified human resources, and lacking coordination between agencies in the regions.

#### REFERENCES

- [1] Mohammad Fauzi dan Mussadun, *Dampak Bencana Gempa Bumi dan Tsunami di Kawasan Pesisir Lere Kota Palu*, Jurnal Pembangunan Wilayah dan Kota, Volume 17, No.1, 2021, hlm.1
- [2] DPR RI. *Laporan Kunjungan Kerja Spesifik Bidang Pendidikan dan Pariwisata Komisi X DPR RI ke Provinsi Sulawesi Tengah Meninjau Proses Pemulihan Sarpras Pendidikan dan Pariwisata Pasca Bencana Alam Sulawesi Tengah*. Jakarta: DPR RI, hlm.7
- [3] Badan Pembangunan Daerah Kota Palu. *Arahan RPJPD Kota Palu Tahun 2005-2025*, diakses melalui [https://sippa.ciptakarya.pu.go.id/sippa\\_online/ws\\_file/dokumen/rpi2jm/DOCRPIJM\\_bf1459dadd\\_BAB%20VBAB%205.pdf](https://sippa.ciptakarya.pu.go.id/sippa_online/ws_file/dokumen/rpi2jm/DOCRPIJM_bf1459dadd_BAB%20VBAB%205.pdf)
- [4] Pemerintah Daerah Provinsi Sulawesi Tengah. *Rencana Induk Pemulihan dan Pembangunan Kembali Wilayah Pascabencana Provinsi Sulawesi Tengah*. 14 Desember 2018,hlm.108
- [5] Adi Prianto, *Manipulator Bencana dalam Revisi RTRW Kota Palu*, Februari 2020 retrieved at <https://www.sultengbergerak.org/manipulator-bencana-dalam-revisi-rtrw-kota-palu/> on Juli 2021, 12.10 WIB.
- [6] Suteki, *Metodologi Penelitian Hukum (Filsafat, Teori, dan Praktik)*, Rajawali Pers, Depok, 2018
- [7] Rencana Pembangunan Jangka Panjang Daerah Kota Palu Tahun 2005-2025 diakses melalui <http://bappeda.palukota.go.id/wp-content/uploads/2018/03/BAB-V-RPJP.pdf> retrieved at 10 Juli 2021, 13.00 WIB.
- [8] Rencana Pembangunan Jangka Menengah Kota Palu Tahun 2011-2015 retrieved at <http://bappeda.palukota.go.id/wp-content/uploads/2018/04/BAB-4-final-cetak.pdf> on 10 Juli 2021, 15.00 WIB
- [9] Interview with Mrs Dewi Head of Marketing at Palu Regional Culture and Tourism Agency
- [10] Peta Zonasi Bencana Kota Palu Pasca Gempa Bumi, Likuifaksi, dan Tsunami retrieved at [https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/zrb\\_palu\\_dsk\\_alternatif\\_1\\_11des.pdf](https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/zrb_palu_dsk_alternatif_1_11des.pdf) pada 10 Juli 2021 puku 17.00 WIB.
- [11] Martin Dody Kumoro dan Evan Cryf, *Penataan Ruang untuk Mitigasi Risiko Bencana*, Majalah Kareba Palu Koro, Januari 2019-II retrieved at [https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/kar ebapalu\\_jan\\_ii\\_id\\_final\\_edisi\\_6.pdf](https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/kar ebapalu_jan_ii_id_final_edisi_6.pdf) on 11 Juli 2021, 10.00 WIB
- [12] Direktorat Penataan Kawasan Kementerian Agraria dan Tata Ruang/Badan Pertanahan Nasional Republik Indonesia, *Pembahasan Konsep Awal RDTR Kota Palu Bersama Masyarakat*, 16 September 2019 retrieved at <https://tataruang.atrbpn.go.id/Berita/Detail/3557> on 11 Juli 2021 pukul 11.00 WIB
- [13] Interview with Mrs Dewi Head of Marketing at Palu Regional Culture and Tourism Agency