

# Arrangement of Green Open Space in Pekanbaru City in Human Rights Perspective and Regional Autonomy

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**Abstract**—The right to the environment is an inseparable part of human rights guaranteed by the constitution. The 1945 Constitution of the Republic of Indonesia (UUD NRI) explicitly formulates 2 special articles relating to the environment, namely Article 28 H Paragraph (1): "Everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to enjoy a natural environment, good and healthy and have the right to obtain health services. In Law Number 23 of 2014 concerning Regional Government, Regency/Municipal Regions are authorized to regulate spatial planning. In particular, city/district areas are also given the authority to regulate the implementation of spatial planning for their regions, including in making the RTRW, which then becomes the basis for utilizing and spatial control in urban areas. The city area is burdened with additional authority, namely to specifically regulate the plan for the provision and use of Green Open Space (RTH). And this is also in line with Law No. 26 of 2007 concerning Spatial Planning which was born to realize harmonious spatial management with the natural and artificial environment, which is able to realize the integrated use of natural resources and artificial resources and can provide protection for spatial functions, and prevention of negative impacts on the environment due to the use of space. The proportion of this green open space is at least 30% of the city area. Fulfillment of green open space is an instrument that is part of the city's spatial planning instrument, so it is the obligation of the regional government, autonomously to allocate 30% of its area to be sterilized from development that can threaten the balance of the region, in this case the city of Pekanbaru is not yet where it belongs. mandate of the law.

**Keywords**—green open space, human rights and regional autonomy

## I. INTRODUCTION

### A. Preface

The right to the environment is an inseparable part of human rights guaranteed by the constitution. The 1945 Constitution of the Republic of Indonesia (UUD NRI) explicitly formulates 2 special articles relating to the

environment, namely Article 28 H Paragraph (1) [1]: "Everyone has the right to live in physical and spiritual prosperity, to have a place to live, and to enjoy a natural environment, good and healthy and have the right to obtain health services". and Article 33 Paragraph (4) [2]: "The national economy is organized based on economic democracy with the principles of togetherness, efficiency with justice, sustainability, environmental insight, independence, and by maintaining a balance of progress and national economic unity".

According to Jimly Asshiddiqie [3], Article 28H of the 1945 Constitution of the Republic of Indonesia can be categorized as a green constitution. This means that all government and development policies and actions must comply with the provisions regarding human rights to a good and healthy environment. There should be no more policies contained in the form of laws or regulations under it that contradict the provisions of this pro-environmental constitution.

In addition, the constitution also mandates the right to control the state to be able to manage all natural resources in Indonesia with the aim of realizing the greatest prosperity of the people. Natural resource management as part of the realization of the national economy is limited by the principles regulated in Article 33 Paragraph (4) [2]. Human rights to the environment (the right to the environment) are closely related to the right to development (the right to development). The discussion of rights to the environment is not singular and substantive, but there are derivative rights regarding the extent to which the quality of rights to the environment can be fulfilled procedurally through access to information, public participation in decision-making and access to justice.

So that this can be a bridge in understanding the relationship between Article 28 H Paragraph (1) and Article 33 Paragraph (4). That the national economy which will encourage the fulfillment of the right to development must be carried out in various principles. In particular, there are 3

principles related to the environment, namely the principle of sustainability, environmental insight, and balance of progress. Thus, the national development that is carried out remains in the corridor of fulfilling human rights, in particular the right to the environment.

The right to control the state is then manifested in several laws, one of which relates to spatial planning to ensure that natural resource management is carried out in accordance with environmental conditions, namely Law No. 26 of 2007 on Spatial Planning. In this regulation, so that the management of natural resources or the direction of development remains environmentally sound and sustainable or at least prevents the occurrence of increasingly massive environmental damage due to the development carried out, each city is required to allocate 30% of its area to fulfill Green Open Space (RTH) [3].

RTH is an elongated area/lane and/or clustered, whose use is more open, where plants grow, both those that grow naturally and those that are intentionally planted. The existence of green open space in an urban area has a very significant impact on human life and environmental sustainability. RTH is an instrument to maintain the ecosystem of an area so that it remains sustainable and can support human life. The allocation of 30% of the urban area is aimed at the sterilization of development that can threaten the balance of the region [4].

In addition, Law No. 26 of 2007 was enacted to realize spatial management that is harmonious with the natural environment and the artificial environment, which is able to realize the integrated use of natural resources and artificial resources and can provide protection for spatial functions and prevent negative impacts on the environment. life due to the use of space.

Spatial planning is very important in development. This is because spatial planning is one of the instruments to ensure environmental sustainability or at least prevent pollution and damage caused by the development carried out. A person cannot carry out development in an area or region without paying attention to the regional spatial plan (RTRW) in the area. In addition, as a guarantee of environmental preservation, the RTRW is stipulated as a forest area of at least 30% of the watershed area.

In particular, the city/regency area is also given the authority to regulate the implementation of spatial planning for the region, including in making the RTRW, which then becomes the basis for utilizing and controlling space in the city area. The city area is burdened with additional authority, namely to specifically regulate the plan for the provision and use of Green Open Space (RTH).

The proportion of this green open space is at least 30% of the city area. Fulfillment of green open space is an instrument that is part of the city's spatial planning instrument, so that it is the obligation of the regional government to autonomously allocate 30% of its area to be sterilized from development that can threaten the balance of the region.

Normatively, the fulfillment of green open space in urban areas is divided into public green open space as much as 20% and private green open space as much as 10%. In addition to the rhetoric of Law No. 26 of 2007 concerning Spatial Planning, Law No. 32 of 2009 concerning PPLH mandates that in terms of spatial planning, it must first contain KLHS. In an effort to fulfill green open space, a careful spatial planning is needed. Spatial planning is a process to determine the spatial structure and spatial pattern which includes the preparation and determination of the spatial plan. Spatial planning in urban areas is contained in and produces an RTRW.

With the above rationale, it attracted the author to conduct a research entitled "Green Open Space Arrangement (RTH) in Pekanbaru City in the Perspective of Human Rights and Regional Autonomy"

### *B. Formulation of the Problem*

Based on the background above, the researcher formulates the problem, namely How to regulate Green Open Space (RTH) in Pekanbaru City in the perspective of Human Rights and Regional Autonomy

### *C. Research Method*

This study tries to examine the problems as mentioned above with the approach used is the normative juridical method (legal research). Normative juridical research is legal research that puts the law as building a system of norms, the system of norms in question is about principles, norms, rules of statutory regulations, court decisions and doctrines or teachings. The data used in this study were obtained from the literature with the type of secondary data. Secondary legal materials include explanations of primary legal materials in the form of expert doctrines found in books, journals, and on websites.

## II. DISCUSSION

### *A. How is the arrangement of Green Open Space (RTH) in Pekanbaru City in the perspective of Human Rights and Regional Autonomy.*

The Regional Government (Pemda) through a regional development plan accommodates the plan to fulfill RTH in the city area considering that the fulfillment of RTH is included in the Mandatory Government Affairs. So the region must have a regional development planning document, which consists of:

- Regional Long-Term Development Plan (RPJPD), prepared by referring to the National Long-Term Development Plan (RPJPN) and Regional Spatial Planning (RTRW),
- Regional Mid-Term Development Plan (RPJMD), and
- Local Government Work Plan (RKPD).

And the regions through their regional apparatus prepare a Strategic Plan (Renstra) based on the RPJMD. The Strategic Plan contains development objectives, targets, programs, and

activities in the context of implementing Mandatory Government Affairs and/or Selected Government Affairs in accordance with the duties and functions of each Regional Apparatus.

The city of Pekanbaru as one of the regions established by law is one of the areas with very fast growth, because geographically it has a strategic position on the East Sumatran route, connected to several cities such as Medan, Padang, and Jambi. Pekanbaru City is also flanked by Siak and Kampar regencies in the north, Kampar and Pelalawan regencies in the south, Siak and Pelalawan regencies in the east, and Kampar regencies in the west administratively [5].

With the strategic condition of Pekanbaru City which is a trade and service route across Sumatra, Pekanbaru city can be said to be a city that will be visited by migrants who come from outside the city of Pekanbaru or outside Riau Province. Thus many of them settled and lived in the city of Pekanbaru and became residents of the city of Pekanbaru. This will clearly increase the population of Pekanbaru city, of course, thus the need for each individual, society will be more complex. Including his needs as a human being who needs a good and comfortable environment, which brings peace within the human being.

For that, Pekanbaru City of course and must have a container or space needed by its citizens. The greater the number of residents, the greater the amount of land or green areas needed to support the health needs of the people of Pekanbaru city. Currently, the city of Pekanbaru has an area of 632.26 sq km. Based on the large number of areas with a population that continues to increase, namely with an increase from 2012 as many as 964,558 people and in 2013 as many as 999,031 people, and in 2014 the population of Pekanbaru city amounted to 1.1 million. And since 2010, Pekanbaru has become the third most populous city on the island of Sumatra, after Medan and Palembang. Pekanbaru's rapid economic growth rate has become a driving force for the rate of population growth

Meanwhile, the area and number of green open spaces in Pekanbaru is currently 27 parks, and only a few good green lanes (Jln. Sudirman, Jln. Diponegoro, Jln. Pattimura, Jln Arifin Ahmad, Jln. Soekarno Hatta, Jln. SM. Amin) of the total park area in Pekanbaru city is 133,822.02 m<sup>2</sup> or 13,382 ha. So it was found from this amount that the number of green open spaces that had been fulfilled was 10.637% of the minimum percentage of green open space for public areas, which was 20%. To achieve the 20% target, the Pekanbaru city government needs to increase the amount of green open space by 12,645.2 ha in the future.

The total percentage of 10.637% is still very less than the provisions of Article 29 of Law no. 26 of 2007 concerning spatial planning which states [6]:

- Green open space as referred to in Article 28 letter a consists of public green open space and private green open space.

- The proportion of green open space in the city area is at least 30 (thirty) percent of the city area.
- The proportion of public green open space in the city area is at least 20 (twenty) percent of the city area.

Based on the rules of the legal policy, green open space in the city of Pekanbaru currently needs to be added. One of the rules that regulate green open spaces in the city of Pekanbaru is the Pekanbaru City Regulation Number 7 of 2020 concerning Regional Spatial Planning, in the regional regulation it regulates spatial planning strategies, where article 6 paragraph (4) states the following:

The strategy for preserving/strengthening the functions of protected areas to maintain the balance of the urban environment as referred to in Article 5 letter d, is [4]:

- Maintain and protect protected areas;
- Increase green open space (rth) at least 30% of the city area; and
- Preserve and protect cultural heritage areas and buildings.

And furthermore, the regulation of Green Open Space in the Regional Regulation is stated in article 37 which reads:

- City Green Open Space (RTH) as referred to in Article 32 letter e, includes:
- Public RTH covering an area of at least 20% (twenty percent) of the urban area; and Private RTH covering a minimum area of 10% (ten percent) of the urban area.
- City green open space as part of the public green open space as referred to in paragraph (f) letter a is set to cover an area of approximately 7,623.46 hectares (one thousand six hundred twenty three point forty six hectares) spread over the city area.

Through the Pekanbaru City Regional Regulation Number 7 of 2020 concerning Regional Spatial Planning, the author concludes that the existence of this regulation is not enough to become the basis for regulating green open spaces (RTH) in the city of Pekanbaru.

So from the above thought, the establishment of the Pekanbaru City Regional Regulation Draft concerning Green Open Space as a more specific rule is urgent to be born as an effort to protect and fulfill human rights and regional autonomy.

### III. CONCLUSION

From the background thought framework and discussion and carried out in-depth analysis, it was concluded that the

development of Pekanbaru City was so fast and with such high space competition, so to follow up on the orders of Law Number 26 of 2007 concerning Spatial Planning regarding regional obligations in allocating green open space. 30% of the area becomes urgent and must be followed up through the establishment of a Draft Regional Regulation on Green Open Space in Pekanbaru City as an effort to fulfill the human rights of city residents and sustainable environmental conservation efforts, due to the existence of Pekanbaru City Regional Regulation Number 7 of 2020 concerning Administrative Planning Regional Space is not enough to become the basis for regulating green open space (RTH) in Pekanbaru City in the perspective of Human Rights and Regional Autonomy.

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