



Implementation of Land Procurement for Public Green Open Space Development in Yogyakarta City, Indonesia

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Abstract

The provision of land to build green open spaces in urban areas as in the city of Yogyakarta is important considering that the increasing activities of urban communities will cause various environmental problems, such as an increase in vehicle smoke pollution, a decrease in the quality and quantity of groundwater, flooding, and so on. This study aims to determine how the implementation of land acquisition for the construction of public green open space in Yogyakarta City and the obstacles that arise in land acquisition for the construction of public green open space. This research is a type of empirical juridical research, which begins with understanding the legal rules or norms governing green open spaces in urban areas. Because of the limited land available to build this Public Urban Green Space, what the Yogyakarta City Government does is one of the ways to acquire land to build Public Urban Green Space is to buy people's land as allowed in the Land Acquisition Law and its implementing regulations.

Keywords: *Land Acquisition; Urban Green Space; Public Urban Green Space*

A. Introduction

Population growth in big cities in Indonesia is causing the need for space to increase. Land that has an area does not increase, but the human need for land for shelter is increasing, especially in urban areas. The availability of open space that is possible to use is decreasing and limited. There is a serious problem that occurs in big city in Indonesia because of the lack of available land (Yunus, 2010).

Urban Green Open Space is a component of an urban area's open spaces that are filled with plants, plants, and vegetation to sustain ecological, socio-cultural, and architectural advantages that can generate economic (welfare) for the community. Non-green open spaces can be in the form of paved open spaces or blue open spaces such as rivers, lakes, or areas designated as retention ponds (Dwiyanto, 2021). The provision of this public space is a means of support for various social activities and interactions in society. This is important considering that the increasing activities of urban communities will cause various environmental problems. Those interested in acquiring land for urban green space can do so under the terms of Law 2 of 2012, regulating Land Acquisition for Development in the Public Interest. Green open space with a good arrangement will provide good ecological value, especially for the balance of nature, which can reduce negative impacts due to human activities such as absorption of air pollutants.

absorb rainwater, reduce noise etc. In addition, green open spaces also have social, cultural and psychological values that are needed by city dwellers (Bradley & Millward, 1986). The narrowing of green open space, especially parks, can lead to the emergence of individualistic vulnerability and social disease and indifference to the environment that is often found in urban communities. Apart from this, the limited green open space also has an effect on the improvement of the micro climate, air pollution, flooding and various other negative environmental impacts (Nugroho, 2015).

For these ecological processes to be carried out in urban areas, the minimum area for Urban Green Space in urban areas shall be at least 30 percent of the total urban area, consisting of at least 20 percent of Public Urban Green Space and 10 percent of Private urban green space, as laid down in Law No. 26 of 2007 on spatial design. Urban green spatial areas must be maintained at a minimum to keep the urban ecosystem equilibrium that comprises hydrological system equilibrium, microclimate system balance and other ecological systems. Green open space is needed to boost the population's access of clean water and air as well as improve urban aesthetics (Ismaun & Joga, 2011). The legislation governing urban green space is supplemented by Minister of Public Works Regulation No. 05 / PRT / M / 2008 establishing Guidelines for the Provision and Use of Green Open Space in Urban Areas. The development, arrangement and fulfillment of green open space for all components of the urban environment are the responsibility of all stakeholders, even central government, provincial or local government, private sector, and the community. Green open space is an open space which in its use is more like filling green, in terms of green plants or plants naturally (Sukatn, 200).

To establish an environmentally sound development, in this example in terms of the availability of green open space, involves not only solid planning but also oversight during the plan's implementation or implementation. Supervision is focused on the organization's objectives, planning, and execution. Supervision of green open space provision is critical in light of the rapid advancement and growth of technology and development in Indonesia's main cities today (Wijayanto & Hidayati, 2017). Public parks or also called urban parks are parks specifically designed to accommodate the recreational activities of city residents and are useful for healthy physical activities, beneficial for the education of children and young people to love and appreciate the green environment (Hasni, 2008). The use of the green city idea is projected to expand both public and private green open space. This is done in order to maintain the rate of growth and demand for urban space. Several factors influence changes in the area of green open land, according to Sitorus et al. Some of these factors include health care, the number of migrants, population density, and educational facilities (Sitorus et al., 2011).

Urban Green Space is regulated in Article 77 paragraph (1) and (2) Regional Regulation Number 2 of 2010 concerning the Yogyakarta City Spatial Plan. Public space is a complicated system that includes all aspects of the structure and the natural surroundings and is open to the public. The main characteristics of the public space include being open, easily accessible by the community to carry out group activities, and not always having a green element. It can take the form of a mall, plaza, or playground (Carmona, 2021). While the arrangement for Private Urban Green Space is on Yogyakarta city is regulated separately in Yogyakarta Mayor Regulation Number 6 of 2010 concerning Private Green Open Space.

Current conditions in Yogyakarta's green open spaces are becoming increasingly precarious, and the city's quantity of green areas is diminishing. The Yogyakarta City Environmental Service estimates that the number of green open spaces that can be given in the city of Yogyakarta in 2014 will be 35 green open spaces spread over 14 sub-districts. Additionally, according to 2019 data, the city of Yogyakarta now has 47 green open areas, accounting for almost 19 percent of the city's total area. The area of green open space for the city of Yogyakarta is certainly still far from the target of green open space as mandated by Law Number 26 of 2007 concerning Spatial Planning, which states that each district / city has at least 30 percent of its area of green open space. Based on the aforementioned background, the following

problems can be raised: a) How is the implementation of land acquisition for the construction of Public Urban Green Space in Yogyakarta City; b) What are the obstacles that arise in land acquisition for the construction of the Public Urban Green Space.

B. Research Method

This research is a type of empirical juridical research, which begins with understanding the legal rules or norms governing green open spaces in urban areas as regulated in Law No. 26 of 2007 concerning Spatial Planning and Yogyakarta City Regional Regulation No. 2 of 2010 concerning Neighbourhood and Hamlet. The data obtained were then analyzed qualitatively with the inductive method, namely the method used to draw conclusions from specific things to reach general conclusions.

C. Discussion

1. Implementation of Land Acquisition for Public Urban Green Space Development in Yogyakarta City

City development is something that cannot be avoided and one of the crucial things that affects it is accessibility (Putri & Zain, 2010). Regarding the concept of a green city it has a strategic meaning because it is motivated by several factors, including the rapid growth of the city which has implications for the emergence of various urban problems such as congestion, floods, slum settlements, social inequality, and reduced green open space (Ernawi, 2012). Green Open Space is described as urban spaces, whether in the form of corridors / routes or areas / areas serving as points of movement / linking and pauses / destinations, where natural green components (vegetation) and the character of open spaces take precedence (Hakim & Utomo, 2008). In general, cities have two sorts of open public spaces: green and non-green. Ecological, socio-cultural, and architectural benefits (welfare) to the community can be achieved by planting plants in urban green open space. Open space not only serves the aim of developing social contact in an area, but it also plays an essential part in the overall maintenance of the environmental ecological system, as well as promoting the creation of environmental aesthetic components (Hidayah, 2012). Besides open space, non-green open spaces can also be paved open spaces or blue open spaces in the shape of rivers, lakes and places that are classified as retention ponds (Dwiyanto, 2009).

According to Law No. 26 of 2007 on Spatial Planning, urban spatial planning must include plans for the supply and usage of green open spaces covering a minimum of 30% of the city's total area. This green open area is one that the public can use directly for a short time or indirectly for an unlimited amount of time. Open space can take the shape of green open areas, forest, walkways, and roadways, among other things (Darmawan, 2009). The Law specifies that 10% of the area of Urban Green Space is reserved for private use and 20% for public use. The regulation on Urban Green Space is further defined in Article 8 paragraph (3) sub c of Government Regulation No.13 of 2017 amending Government Regulation No.26 of 2008 concerning the General Plan for National Spatial Planning, which states that developing large green open spaces equal to at least 30% of the total urban area is required.

According to Minister of Public Works Regulation No. 05 / PRT / M / 2008 on the Provision and Usage of Green Open Space in Urban Areas, Green Open Space is an area that extends / lanes and / or groups, whose use is more open, a place to grow plants, both naturally occurring and purposefully planted. The primary purposes of green open space in urban settings can be classified as ecological, social and cultural, aesthetic, and recreational.

Urban Green Space includes city parks, sports fields, ceremonial fields, green lines, environmental parks and cemeteries. The provision and utilization of green open space is directed at

maintaining and controlling environmental functions. Urban Green Space Yogyakarta City is managed and preserved to maintain a minimum area of 30% of the area of the Regional administration. Yogyakarta Mayor Regulation No.5/2016 on Public Urban Green Space is to provide sufficient space for hydrological preservation and water control areas. The purpose of Public Urban Green Space is to control pollution and damage to soil, water and air; protect germplasm and biodiversity; safeguard natural, artificial and historical resources; and promote social interaction. Yogyakarta City Government may not follow the stages of land acquisition administration as regulated in Law no. 2 of 2012 concerning Land Acquisition for Development for Public Interest and its implementing regulations. The provision of land to build green open space in the city is based on the condition of the city which is relatively small, which is only around 32.5 km² with a very high population density level.

Land acquisition for Public Urban Green Space builders is regulated in Article 5 Mayor Regulations of Yogyakarta No. 5 of 2016 concerning public green open space. Landowner must provide proof of ownership rights, photocopy of the last year's Payable Tax Return (SPPT) and a statement with sufficient duty stamp from the land owner that the proposed land parcel is not currently in dispute, is not being pledged as collateral and is available for sale to the Regional Government.

The Regional Government Land Acquisition Verification Team will verify the proposal for Public Urban Green Space before it is approved by the Mayor of Yogyakarta. The results of the verification from the Verification team will be submitted to the Mayor as a consideration for proposed budgeting in the APBD. If the proposal is approved, then the land acquisition process for public green space will be carried out by the regional government land acquisition team.

From the research results obtained data that in 2017 the city of Yogyakarta was named one of the six cities in Indonesia that was the greenest version of the Treepedia website. This recognition came from Treepedia, which is an institution initiated by the World Economic Forum (WEF) with Senseable Lab. The predicate for Yogya emerged after measuring the number of green open spaces that could be provided in 2014, namely 35 locations of public green open space in 14 sub-districts in the city of Yogyakarta.

Additionally, according to statistics from the Yogyakarta City Environmental Service, the total public green open space in Yogyakarta City in 2019 is 6,109,988 m², or approximately 18.8 percent of the city's total area of 32 square kilometers. The Yogyakarta City Government is attempting to realize the amount of public green open space specified in the Spatial Planning Law by redefining the purpose of green open space as something other than an ecological function or the city's lungs. Additionally, it helps the social function of providing a venue for citizen engagement. Urban Green Space is not just about greening places; it also includes amenities such as playgrounds for children, sports facilities, and guard posts.

Because of the limited land available to build this Public Urban Green Space, what the Yogyakarta City Government does is one of the ways to acquire land to build Public Urban Green Space is to buy people's land as possible in the Land Acquisition Law and its implementing regulations. This is given the background of the character of the city of Yogyakarta, which is an old city, with a very small area, and filled with narrow streets, and full of sections and bends. However, looking for land with a minimum area of 300 square meters as stipulated in Perwalkot No. 5 of 2015 concerning Public Urban Green Space is very difficult or impossible, because the average area of land sold in urban areas only has an area of about 100 square meters. Seeing this situation, what the Yogyakarta City Government has done is to choose to hunt down land in densely populated locations to become new green open space.

The Environment Agency plans and implements public green open space in the city of Yogyakarta in collaboration with associated SKPDs and the community. The constructed Public Urban Green Space will be realized if the open land area dedicated to green plants in the form of parks or shade trees is at least 60% (sixty percent) of the total area of each Public Urban Green Space, as specified in Mayor Regulations (Perwalkot) No. 5 of 2016 concerning Public Urban Green Space. The Public Urban Green Space's status will be established by a Mayor's Decree. The Public Urban Green Space will be managed by the City of Yogyakarta's Environmental Service in collaboration with the District in which it is located. The community can then utilize / delegate the public Urban Green Space. The community may utilize public urban green space for a variety of purposes, including sports, arts, playgrounds, community meetings, open stages, and other community activities, as long as they do not violate existing social standards.

2. Obstacles in Land Acquisition for Public Urban Green Space Development in Yogyakarta City

Providing land to build public green open space in the city of Yogyakarta is not an easy matter to make it happen. There are many obstacles that hinder the implementation of the provision of public green open space in the city of Yogyakarta green open space for the city of Yogyakarta. This is because the area of the city of Yogyakarta is relatively small with a very limited land area and also a very high level of population and building density. Therefore, the provision of land to build public green open space in the city of Yogyakarta requires support from various parties, both physical and non-physical. Based on information from the Yogyakarta City Environmental Service, although every year efforts are made to build public green open space in the city of Yogyakarta, the provision of public green open space faces the same problems, namely limited land and expensive land in the city of Yogyakarta. Currently in the city of Jogja there are as many as 45 points of Public Green Open Space. This amount is only around 18% of the targeted Public Urban Green Space area, which is 30% of the total area. Head of DLH Jogja City, Suyana, said that his party has targeted the annual growth of Public Urban Green Space at a minimum of five points. He saw the difficulty in procuring Urban Green Space because Jogja is a city that has become a city, not a developing city, so it is difficult to redesign it, especially for Public Urban Green Space.

Of the lands that have been successfully purchased by the Yogyakarta City Government to build a Public Urban Green Space in the city of Yogyakarta, the allocation is divided by 60 percent for green open space and 40 percent for community social facilities; such as children's playrooms, sports facilities, and other public facilities for residents. Currently, Urban Green SpaceP is not yet available in every urban village, so in the future it is targeted that there will be Public Urban Green Space in every village, although with a limited area. In addition to the ecological function Public Urban Green Space also has a large social function, namely as a place to chat, to play for children to play not far from home, a field for sports, a Ronda Post for gentleman's at night.

Provision of land for the development of public green open space in Yogyakarta can be accomplished in the following ways: 1) Scarcity of land; 2) High land prices in Yogyakarta City; 3) The public urban green space that was constructed did not meet the community's demands; 4) Inadequate socialization about the public's appreciation of the value of Public Urban Green Space; 5) Inadequate community engagement in planning for the supply of Public Urban Green Space. To overcome the aforementioned barriers to providing public urban green space, many actions may be done, including land acquisition, innovation in reforestation forms and processes, and the protection of private green open space. Increased conversion of land to residential structures, offices, hotels, and other uses has resulted in a decrease in the environment's ecological function, since land designated for the environment has been converted to buildings.

There is limited land owned by the Yogyakarta City Government to provide Yogyakarta City Public Urban Green Space makes the Yogyakarta City Government have to have alternatives in adding

land as required in the laws and regulations. As a result, the Yogyakarta City Government has emphasized the development of Public Urban Green Space in the form of a pergola and a green lane in order to reach a minimum of 20% public green open space. The community need public green open space in the form of recreational parks, playgrounds, and so on in order to avoid large numbers of children playing in inappropriate locations, such as at funerals. The price of land in the city of Yogyakarta is expensive and the limited land owned by the Government of the City of Yogyakarta, it is necessary to add land, whether purchased from the community or grants given by the community.

Conclusion

Based on the discussion above, it can be concluded that the implementation of land acquisition for the construction of Public Urban Green Space in Yogyakarta City is carried out by buying and selling land owned by the community considering that looking for the land to build Public Urban Green Space is very difficult because of the narrow land and very high population density. This is also in accordance with the provisions stipulated in Yogyakarta Mayor Regulation Number 5 of 2016 concerning Public Green Open Spaces. Additionally, the difficulties in obtaining land for the construction of public green open spaces in the city of Yogyakarta include the difficulty in obtaining land locations for the construction of public green open spaces, the high cost of land, and the limited budget available to purchase land for residents or communities.

References

A. Book

- Carmona, M. (2021). *Public places urban spaces*: Architectural Press, UK.
- Yunus, H. S. (2010). *Metodologi Penelitian Wilayah Kontemporer*, Pustaka Pelajar, Yogyakarta.
- Hakim, R., & Utomo, H. (2008). *Komponen Perancangan Arsitektur Lanskap*, Bumi Aksara, Jakarta
- Hasni, M. (2008). *Hukum Penataan Ruang dan Penatagunaan Tanah*, Radja Grafindo, Jakarta.
- Ismaun, I., & Joga, N. (2016). *RTH 30%! Resolusi (Kota) Hijau*, PT Gramedia Pustaka Utama, Jakarta.
- Nugroho, M. L. E. (2015). *Problematika Penyediaan Ruang Terbuka Hijau di Kota Semarang*. Universitas Diponegoro, Semarang.
- Hidayah, R. (2012). *Tata Bangunan dan Lingkungan*. PPS UNY, Yogyakarta.

B. Journal Articles

- Dwiyanto, A. (2021). *Mewujudkan Good Governance melalui Pelayanan Publik*, Gadjah Mada University Press, Yogyakarta.
- Darmawan, E. (2009). *Ruang Publik dalam Arsitektur Kota*, Badan Penerbit Universitas Diponegoro, Semarang.
- Bradley, C., & Millward, A. (1986). *Successful Green Space, Do we know it, when we see it?* The Planner. July.
- Dwiyanto, A. (2009). *Kuantitas dan Kualitas Ruang Terbuka Hijau di Permukiman Perkotaan*. Jurnal Teknik, Vol. 30 No. 2: 88-93.

- Ernawi, I. S. (2012). *Gerakan Kota Hijau: Merespon Perubahan Iklim dan Pelestarian Lingkungan*, Bulletin Tata Ruang. (Januari-Februari 2012), hlm 4-7.
- Wijayanto, H., & Hidayati, R. K. (2017). *Implementasi Kebijakan Ruang Terbuka Hijau di Kawasan Perkotaan (Studi Pengembangan di Kota Administrasi Jakarta Utara)*, Spirit Publik, Volume 12, Nomor 2, Oktober 2017 Halaman 61-74
- Putri, P., & Zain, A. F. (2010). *Analisis Spasial dan Temporal Perubahan Luas Ruang Terbuka Hijau di Kota Bandung*. Jurnal Lanskap Indonesia 2 (2), hlm 115-121.
- Sitorus, S. R., Aurelia, W., & Panuju, D. R. (2011). *Analisis Perubahan Luas Ruang Terbuka Hijau dan Faktor-Faktor yang Mempengaruhinya di Jakarta Selatan*. Jurnal Lanskap Indonesia, 2 (1): 15-20.
- Sukatn, A. (2000). *Kemitraan Membangun Ruang Terbuka Hijau*. Jurnal Arsitektur Landsekap Indonesia. No. 09, Oktober .2000.

C. Regulations of Law

Undang-Undang No. 26 Tahun 2007 tentang Penataan Ruang

Undang-Undang Nomor 2 Tahun 2012 tentang Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum.

Peraturan Pemerintah Nomor 26 Tahun 2018 tentang Rencana Umum Tata Ruang Wilayah Nasional

Peraturan Pemerintah Nomor 13 Tahun 2017 tentang Perubahan Atas Peraturan Pemerintah Nomor 26 Tahun 2008 tentang Rencana Umum Tata Ruang Wilayah Nasional

Peraturan Presiden Nomor 71 Tahun 2012 tentang Penyelenggaraan Pengadaan Tanah Bagi Pembangunan untuk Kepentingan Umum,

Peraturan Menteri Pekerjaan Umum No. 05/PRT/M/2008 Tentang Penyediaan dan Pemanfaatan Ruang Terbuka Hijau di Kawasan Perkotaan

Peraturan Menteri Agraria dan Tata Ruang/ Kepala Badan Pertanahan Nasional (PMATR/KBPN) Nomor 6 Tahun 2015 tentang Perubahan Atas Peraturan KBPN Nomor 5 Tahun 2015 tentang Petunjuk Teknis Pelaksanaan Pengadaan Tanah

Peraturan Daerah Kota Yogyakarta Nomor 2 Tahun 2010 tentang Rencana Tata Ruang Wilayah Kota Yogyakarta.

Peraturan Walikota Yogyakarta Nomor 6 Tahun 2010 tentang Ruang Terbuka Hijau Privat Kota Yogyakarta.

Peraturan Walikota Yogyakarta Nomor 5 Tahun 2016 tentang Ruang Terbuka Hijau Publik Kota Yogyakarta.

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