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POLITICS OF SPATIAL PLANNING: RELATIONSHIP BETWEEN
THE EXECUTIVE AND LEGISLATIVE

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Abstract

This paper examines the power relations between the Executive and the Legislative in the Issuance of Use and Utilization of Land Permits in Gowa Regency. This study aims to describe the power relations between the DPRD and the Government of Gowa Regency in the Issuance of Land Use and Utilization Permits. The results of this study explain that the Gowa Regency Government and DPRD prioritize the interests of the developer. The Gowa Regency Government and the DPRD support or accept developers to invest in Gowa Regency especially for the issuance of land use and utilization permits for housing development. But on the other hand, the people who want to take care of land certificates tend to be complicated by the government and in this matter, there is no form of supervision or follow-up from the DPRD. The DPRD is not included in the process of issuing permits for direct use of land but the function of the DPRD is to oversee the process of issuing permits for use and utilization of land. This study implies that the Regional Government of Gowa Regency should have serious attention in this matter by formulating spatial policies. For the Gowa Regency Parliament to oversee the issuance of land use and utilization permits for housing development and investor activities in Gowa Regency that have not been regulated in regional regulations and developers or investors should pay more attention to the suitability of the requested space.

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1. Introduction

Today, cities in Indonesia experience many changes in spatial planning. This can be seen from the many changes and new buildings added by other problems, namely the emergence of illegal buildings, buildings that are not per the functions of the land, buildings are built without regard to land use, reclamation of space and much more. To carry out development in the form of housing, hotels, industrial estates, schools, hospitals and so on, it requires permission to use and use land, this is important because it involves the authorities.

The phenomenon of spatial planning is something that is being discussed at this time. Spatial planning becomes an arena for all parties, both the executive, legislative and also the community. The effects of spatial planning with an unfavourable political process will result in many problems, such as the use and availability of existing land to benefit certain parties who carry out development because they do not pay attention to the use and utilization of land. The use of land is a form of cover of the earth's surface both natural and man-made. Land use is an activity to obtain added value without changing the physical form of land use. Land management in principle is based on integration, legal protection, justice, sustainable, efficient and effective, harmonious, balanced, openness, and equality.

Space is an important part of the Living Environment, so the protection and management of the environment is also determined by the implementation of spatial planning. Therefore, it is necessary to do systematic efforts to organize space properly so that there is an absence of success in achieving the goal of spatial use, which is sustainable prosperity (Hasni & Potvin, 2015). Space theory explains that space is not correlatively correlated with the political context, and the political context covers parts of the spatial arena.

Regional government is the implementation of government affairs by the Regional Government and DPRD in accordance with the principle of the task of autonomy and assistance, with the principle of autonomy as far as possible in the system and principles of the Unitary State of the Republic of Indonesia. The Regional Government is the Governor, regent, and mayor, and regional apparatus as an element of regional government administration. Local government administrators are the Regional Government and DPRD (Republic of Indonesia Law Number 32 Year 2004).

Relations between the Regional Government and the DPRD are equal partners who both carry out the duties of administering regional government. Relationships are reflected in regional policymaking in the form of Regional Regulations. Thus, between the two institutions must build mutually supportive relationships not as opponents or competitors in carrying out their respective functions. So the function and role of the Head of Regional Office, regional apparatus and DPRD in carrying out the regional government are not superficial but are bound in a partnership system.

Provisions regarding the procedure for granting permits for the use and use of state land are regulated in Regents of the Regent (Gowa Regional Regulation number 03 of 2014). Location permit as an instrument for implementing the Spatial Planning Law and land rights. Location permits are the authority exercised by the district/city government while land rights are the authority of the central government. The process of issuing location permits is given through various considerations regarding aspects of land tenure and technical land use which include the state of rights and tenure in question, physical assessment of the area, land use, and land capability. Before the decision letter for granting location, permits is signed by the regent/mayor (Previously signed by BPN officials), a coordination meeting is held between agencies related

to the feasibility of the location permit requested. This coordination meeting was also accompanied by consultation with the community holding rights to land in the location requested (Regulation of the State Minister for Agrarian Affairs number 2 of 1999, chapter IV Article 6).

Every person or business entity that will or has used/utilized state land must have a regent's permit. The local Village Head (re: Lurah in Indonesia) is prohibited from issuing a statement that justifies evidence of use and/or utilization of state land and/or Certificate of Mastery and ownership of ex-customary land without the approval of the Regent.

Next, Gowa Regency is one of the Level II Regions in the province of South Sulawesi, Indonesia. The total area of Gowa Regency is 1,883.33 km² or equal to 3, 01 % of South Sulawesi Province. The Gowa regency area is divided into 18 Subdistricts with a total of 167 and 726 Hamlets / Neighborhood.

The district is only about 10 minutes away from Makassar, this city supplies most of the basic needs of city life. Starting from the ingredients material for physical development, foodstuffs, especially vegetables, until the flow of clean water from the Bili-Bili Reservoir. The ability of Gowa Regency to supply the needs of the surrounding area due to its natural conditions, in addition to fertile land. The use and utilization of land discussed here is land that is now developed into housing in Gowa Regency is a city conducive to long-term investment and is inseparable from the attention of business people, such as developers who want to build residential areas. The rapid development is inseparable from bureaucratic factors as the main entrance to the existence of investors or developers and development. This will change the face of Gowa Regency in the future to become a capitalistic city with the presence of business people or Developers who build residential areas.

The relationship between the DPRD and the Gowa Regency Government tends to support or approve the use of space as business land such as housing construction. Currently, there are many housing estates built in Gowa Regency, mainly in urban areas, one of which is Zarindah Permai Samata Housing, located at coordinates 5°11'56.86 south latitude and 119°29'48.80 east longitude. In this area, there is a large soil basin so that during the rainy season it can become a swamp even a small lake. The surrounding area of Zarindah Permai Samata Housing also has many other housing estates built which if the rainy season arrives can become a swamp and even a small lake (Keddy & Campbell, 2019).

This is can be a positive and negative impact in terms of the political process. The positive impact can be in the form of relations between the DPRD and the Gowa Regency Government taking place in an open manner supporting the development or use and use of land as a residential area. One of the negative impacts is the availability of land that is more beneficial to certain parties who carry out development without regard to the use or function of the land used to build a residential area. The effects of spatial planning with an unfavorable political process will result in many problems, such as the use and availability of existing land to benefit certain parties who carry out development because they do not pay attention to the use and utilization of land.

2. Problem Statement

The dynamics of power relations between the Government and the Gowa Regency DPRD in licensing the use and utilization of housing. The dynamics of power relations means a system of ties that are related and influence each other between these two state institutions in government, where the DPRD

as the people's representative council has three functions, one of which is supervision. Hence, in this study an attempt is made to explain the oversight function of the DPRD in leading government performance related to permits and land use, where the DPRD is not directly involved in the process of obtaining permits, but acts as a supervisor in mutually supportive interactions in the political and administrative process. The effect of spatial planning with a good political process, which is carried out according to procedures and also remains under the supervision of the DPRD will produce a good working system related to the process of land use and utilization.

3. Research Questions

What is the dynamics of power relations between the Government and the DPRD of Gowa Regency in the issuance of permits for the use and utilization of land for housing?

4. Purpose of the Study

Following the research problems above, the objectives of this study are: To study and analyze the dynamics of power relations between the Government and DPRD of Gowa Regency in the issuance of permits for the use and use of land for housing.

5. Research Methods

5.1. Types of research

This research is a type of explanatory research that tries to explain a phenomenon by connecting several variables. In this study, the author tries to explain the power relations between the executive (government) and legislative (DPRD) in the process of issuing permits related to the use and utilization of land.

5.2. Data collection method

The author uses data collection methods are library research. As for collecting data related to the topic of discussion using books, articles, journals, e-journals, and also through the development of media relating to the development of phenomena in this study that did not escape the author's attention. Next is the interview and observation, where the technique used in this method is that the researcher is directly involved in interviewing several subjects, such as housing construction contractors and also the community.

5.3. Data analysis technique

This study explains the power relations between the executive and the legislative in the process of obtaining permits related to the use and utilization of land, so the writer uses a qualitative method that is by using written data contained in the literature regarding a phenomenon being studied. The purpose of this technique is to show how the actual process of permission for the use of spatial planning is issued, in this case the utilization and use of land, and how the power relationship between the government as the implementing government and the DPRD as the course supervisors. government activities.

6. Findings

An understanding of spatial practices, especially in the making of a Spatial and Regional Plan of a city, can be seen in how these spaces are constructed and contested by each actor based on their interests manifested in the establishment of buildings. The process of constructing space is closely related to power relations between actors who are in government. Space is an area and tool that functions to preserve the political-economic order. Interactive characteristics of the space itself are composed of several things, namely investors / capitalists (entrepreneurs), the state (government), and the community (including non-governmental organizations that have an interest in ecology). Therefore, in spatial practices, conflicts and contestation between actors is unavoidable. This is in line with de Freitas (2019) idea that space becomes something that is not neutral and passive because space is used as an instrument and political product to create changes that have an impact on every field including socio-economics (Asni, Mahamud, & Sulong, 2020).

Land use management activities cover three things, namely planning, implementing and controlling. To harmonize land use planning with regional spatial plans, these three things need to be coordinated with relevant agencies at the center and in the regions. Inland stewardship planning, two things need to be coordinated, namely harmonization of conception and material for land stewardship plans with regional spatial plans (Reside, Butt, & Adams, 2018). In accordance with the results obtained by researchers in the field, the power relations between the DPRD and Gowa Regency Government in issuing land use and utilization permits can be in the form of issuance of permits for developers who want to develop housing such as Zarindah Permai Housing, Bakung Regency, Griya Yuda Mas, Baruga Samata or otherwise the permit was not issued for this matter such as a request for a permit for Bumi Cendana housing by PT Esada Saga Pratama.

6.1. Issuance of Permit for Use and Utilization of Land for Housing

Issuance of permits as an instrument for implementing the Spatial Planning Law and land rights is the authority exercised by the district/city government. The permit issuance process is given through various considerations regarding aspects of land tenure and land use techniques which include the state of rights and tenure in question, physical assessment of the area, land use, and land capability.

Before the decision to grant permission is signed by the regent/mayor (Previously signed by BPN officials), a coordination meeting is held between agencies regarding the feasibility of the permit requested. This coordination meeting was also accompanied by consultation with the community holding rights to land in the location requested. Any person or business entity that will, or has used/utilized state land must have a regent's permit. The process of issuing land use and utilization permits is as follows (Figure 01):

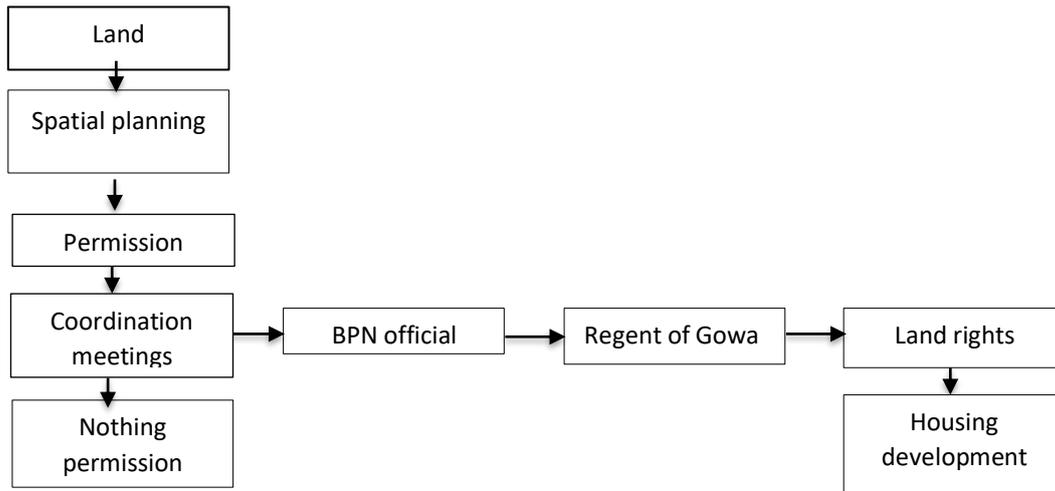


Figure 01. Flow of Issuance of Land Use and Utilization Permits for housing in general

Based on the table above, it can be said that, if the developer wants to invest in building housing, first the land that will be used is reviewed for its suitability with spatial planning to subsequently apply for a permit then a Coordination Meeting between Agencies will be carried out after the land has been proven to build housing, the letter of request for permission is then brought to the BPN to be signed by the BPN officer before being signed by the Bupati and obtaining land rights for housing construction.

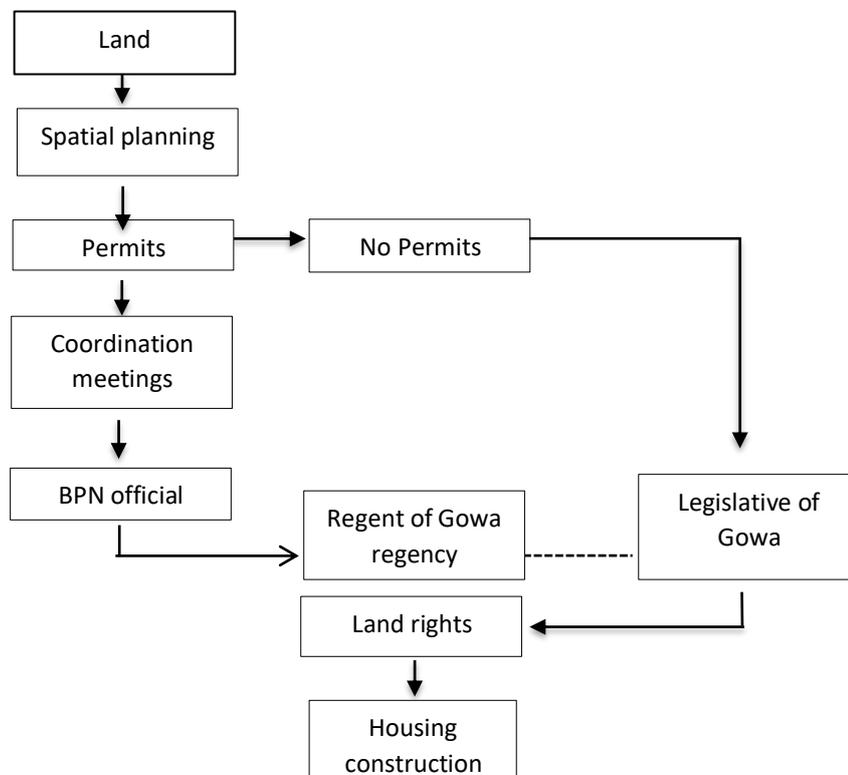


Figure 02. Flow of Issuance of Land Use and Utilization Permits in Gowa Regency

From the figure 02 above, it can be seen that the process of issuing land use and use permits for housing does not only involve the regional government, but the DPRD also has a role in the process of issuing permits for the use and use of land for housing indirectly. For developers or investors who do not get permission to build housing, they can take other steps, namely, to complain to the DPRD formally and legally to find a solution. Normally, procedural land use and utilization permits are through BPN officials and then forwarded to the Bupati to then get land rights, but if permission from BPN officials (Badan Pertanahan Nasional) is not obtained, developers or investors who do not obtain permits to build housing can take other steps to complain to the DPRD formally and legally to find a solution. Here, the relationship between executives and the legislature can be seen, namely from mutually supportive interactions in the political and administrative process, in which supervision is one of the functions of the DPRD in the government bureaucracy. The intended supervision is the authority to control implementation and other regulations and local government policies.

The government and DPRD open the door for developers who want to invest in Gowa Regency. Local government administrators are the Regional Government and DPRD. Relations between the Regional Government and the DPRD are equal partners who both carry out the duties of administering regional government. DPRD and regional government have partnerships or are diametric and are not opponents or competitors. So it can be said that the relations between the DPRD and the regional government are diametric because they have different functions. The process of issuing permits for use and use of land is carried out by the regional government that is authorized.

The relationship created by the process of issuing land use and utilization clearance in Gowa Regency between the Government and the DPRD is diametric. Where this is proven by seeing both of them perform their respective functions. The DPRD is not included in the process of issuing permits for direct use and use of land, but the DPRD carries out its function of overseeing the process of issuing land use and utilization permits. The relationship between the DPRD and the Government in issuing permits for the use and use of land both have diametric relationships, even though DPRD participation is not very concrete in the process of issuing land use and utilization permits.

Governance has its standards and measurements to be said to be good. The criteria for governance are themselves if they meet the criteria, first. Resources or public problems are managed effectively in accordance with the needs of the community. Second, management is carried out efficiently and responsively, based on a democratic political climate. Third, these political resources and problems are managed transparently, participative and accountable. However, we cannot see these ideal criteria in real terms in the field. The process of issuing permits for use and use of land cannot be said as good governance.

Gowa Regency Government and DPRD tend to favor the interests of developers or developer. Less attention to the needs of the middle and lower classes. People who want to take care of land certificates tend to be complicated by the government and in this matter, there is no form of monitoring or follow-up from the parliament in concrete.

Basically, the relationship between the Gowa Regency Government and the DPRD is open in supporting or accepting the developer to invest in Gowa Regency especially for the issuance of land use and utilization permits for housing development. After seeing the positive side of the many developers who invest in Gowa Regency such as increasing the District locally generated revenue. Gowa, contributing to

the success of the President's one million home program, bringing the community to life, economic turnaround is getting better.

From the results of the interview, it can be said that the government welcomed the presence of investors. The large number of investors who choose to invest in Gowa Regency is inseparable from the condition of the Gowa Regency which is close to Makassar City. The large number of investors investing in Gowa Regency is valued well for Gowa Regency in the future and helps to make the program a million homes successful. Besides Gowa Regency has the potential of the region, this is supported by the government that provides good services for investors who will invest, thus attracting investors to invest in the use and use of land as housing. Gowa Regency Government tends to approve the existence of investors regarding the use and utilization of land for housing.

Gowa's Government tends to accept the existence of investors or developers well, especially to developers who want to take care of the use and utilization of land for housing permits. The relationship between the DPRD and the Government in issuing permits for the use and use of land both have an open relationship, even though DPRD participation is not very concrete in the process of issuing land use and utilization permits. The relationship between the DPRD and the Gowa Regency Government takes place in an open manner supporting the development or use and use of land as a residential area. Relation between DPRD and Gowa Regency Government which tends to accept the use of space as business land such as housing construction. Currently, there are many housing estates built in Gowa Regency, one of which is Zarindah Permai Samata Housing, located at coordinates 5°11'56.86 south latitude and 119°29'48.80 east longitude. Administratively, this housing is located in Samata Sub-District, Somba Opu District, Gowa Regency. This housing is located in Samata RW 8 and consists of RT 1, 2 and 3. There is a large soil basin so that during the rainy season it can become a swamp even a small lake.

The location of the construction of the Zarindah housing Permai Samata was previously flood-prone because it used to be a water bag. But now the housing is housing that is habitable and free from flooding because the developer managed to manage the location well, now beside Sarindah Permai housing lots of other housing estates such as Baruga Samata, Bakung Regency, Harmony Recident, Harmony Cluster, Griya Yhuda Mas.

Although Zarindah Permai Samata Housing was prone to flooding or former water bags but now the Developer has managed to manage the location to be habitable and flood-free housing, the puddles that are still visible on some streets in the Settlement are due to developers or developers wanting to complete it first housing construction and then repairing the road. In the sense that the government issues permits for land is following the use of land.

In issuing land use and utilization permits for housing, the government will not issue permits if the land conditions are not suitable for residential land. That the Gowa district government has never issued permits for use and use of land that are not under the suitability of the spatial planning of Gowa Regency. Many developers have chosen Gowa Regency as a place to invest in addition to the availability of land also supported by the geographical location of Gowa Regency which is directly adjacent to the City of Makassar.

6.2. No issuance of permits for use and utilization for housing development

If the developer wants to invest in building a housing, then the land that will be used is reviewed according to its suitability with spatial planning, then submits an application for permission, then a Coordination Meeting between Institutions will be conducted, after the proposed land is suitable for housing construction, then the permit bring it to the BPN to be signed by the BPN officer before it is signed by the Regent and get land rights for housing construction. Unlike the case when the land that wants to be built housing is not following the suitability of space in Gowa Regency, the Application for permission cannot be taken to the BPN or the next stage. Land that is declared not following spatial planning cannot get permission, while things that make the government do not issue land use and utilization permits, namely the function of land not following spatial planning, problematic land status, or due to completeness of files.

In the process of issuing permits for the use and use of land, the DPRD is indirectly involved. The process of issuing land use and use permits for housing does not only involve the regional government, but the DPRD also has a role in the process of issuing land use and utilization permits for housing indirectly. For developers or investors who do not obtain permits to build housing, they can take other steps, namely to complain to the DPRD formally and legally and then find a solution, but so far it has never happened in Gowa Regency The developer complained to Gowa Regency DPRD for not obtaining use and utilization permits. land but this is not to blame. Such permission was requested by Erfan on behalf of PT Esada Saga Pratama for the plan to use Bumi Cendana Parang Banoa residential land located in Tattakang Village, Parangbanoa Sub-District, Pallangga District, Gowa Regency, which had not yet been issued a permit. The relationship between the Gowa Regency Government and the DPRD tends to support or accommodate developers to invest in Gowa Regency especially for issuing land use and utilization permits for housing development.

7. Conclusion

The results of this study explain that the Gowa Regency Government and DPRD prioritize the interests of the developer. The suitability of space, in this case, is not too much attention. The Gowa Regency Government and the DPRD support or accept developers to invest in Gowa Regency especially for the issuance of land use and utilization permits for housing development. But on the other hand, the people who want to take care of land certificates tend to be complicated by the government and in this matter, there is no form of supervision or follow-up from the DPRD. The DPRD is not included in the process of issuing permits for direct use and use of land but the function of the DPRD is to oversee the process of issuing land use and utilization permits. For developers or investors who do not get permission, they can take other steps, namely to complain to the DPRD formally and legally to find a solution.

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