

LEGAL CERTAINTY ON BUILDING DISTRIBUTION AND CONFORMITY WITH THE DETAILED SPATING PLAN IN THE WILDLAND OF MENGWI SPECIFICALLY IN THE GREEN OPEN SPACE ZONE AND THE AGRICULTURAL ZONE (ANALYSIS OF LEGAL CERTAINTY FOR BUILDINGS THAT VIOLATE SPATIAL PLANNING)

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Keywords

Legal certainty, spating plan, Mengwi, agricultural zone

ABSTRACT

This study aims to identify and understand in depth the factors that cause development in the green open space zone and agricultural zone in Mengwi District, Badung Regency, as well as analyze the legal certainty for building owners in these zones. The research was carried out in a qualitative descriptive manner with legal interpretation and legal communication methods, which systematically prepared legal materials to be presented in the thesis entitled "Legal Certainty Against the Distribution of Buildings and Conformity with Detailed Spatial Plans in the Mengwan District Area (RDTR WP), Especially in the Green Open Space Zone and Agricultural Zone." The results show that social factors such as population growth, inheritance rights distribution system, and low interest of the younger generation in agriculture are the most important factors that affect the development and conversion of green open spaces (RTH) in this area. However, there are challenges in law enforcement such as the effectiveness of long-standing regulations and the lack of public awareness of the importance of preserving green lanes. The government and related agencies need to be more decisive in sanctioning buildings in the area to maintain green areas and agriculture as a mitigation effort in preventing land conversion. This research is expected to be a guideline for the community in using land in accordance with spatial planning, providing input for the government on the legal impact of land use transitions, and providing guidance for all stakeholders related to land use.

INTRODUCTION

Urban areas are the center of governmental, economic, socio-political and educational activities. As the place of complex activities takes place, the use of urban area space must receive special attention so that comfort is still felt by the community. Comfort can certainly be obtained with the right and wise use of space. The local government as the holder of authority must utilize the space in accordance with the designation that has been determined as in the regulation on the regional spatial plan (RTRW).

Regional spatial planning is one of the problems in the development of cities today. The development of cities that are quite fast with rapid population growth as well, so environmental problems are a fairly urgent problem in the discussion of environmental sustainability for the future generations. Spatial planning has three urgency, namely first; optimization of resource utilization (principles of productivity and efficiency), second; tools and forms of resource distribution (principles of equity, balance, and justice), and third; sustainability (Darmawati et al., 2015).

Spatial planning is important in the development of a region, so each province, city/regency must have regulations that will be guidelines in spatial planning and become a reference in the implementation of development (Alhasanah et al., 2020; Budiman et al., 2020; Firmanto et al., 2022). The policies made by the government from year to year have a great impact on the community, in order to realize the government's goals in order to prosper the community and citizens, various policies have been formulated, implemented, and then evaluated. The existence of a well-formulated policy does not guarantee the implementation of the policy because implementation is a very important momentum where the policy that has been formulated will be maximized when the implementation of the policy can be realized equally for the community and the government. Taufiq stated that Spatial Planning or in English Land use is a form of spatial structure and spatial patterns arranged nationally, regionally and locally (Taufiq, 2015).

Nationally it is called the National Spatial Plan, which is described in the Provincial Spatial Plan, and the Regional Spatial Plan (RTRW) needs to be described in the City/Regency Spatial Plan. Spatial Structure is an arrangement of residential centers and a network of infrastructure and facilities that function as a support for socio-economic activities of the community that have a hierarchical functional relationship. Spatial planning is a system of spatial planning, space utilization, and space utilization control. RTRW at least consists of planning, utilization, and control stages. Space utilization is an effort to realize the spatial structure and pattern of space utilization in accordance with the spatial plan through the preparation and implementation of programs and their financing. The space utilization program is prepared based on the spatial plan that has been determined by each stakeholder in accordance with their authority.

Space utilization control is an effort to increase the use of space so that it remains in accordance with the spatial plan that has been set (an effort to realize spatial order). Space utilization control is carried out through zoning regulations, licensing, monitoring, evaluation, and control of space utilization. Ontologically, the subject matter of the implementation study is intended to understand the phenomena of public policy implementation, such as (i) why a public policy fails to be implemented in a region; (ii) why the same public policy, formulated by the government, has different success rates when implemented by local governments; (iii) why one type of policy is easier to compare with another; (iv) why differences in policy target groups affect the success of the implementation of a policy (Purwanto & Sulistyastuti, 2012).

Policy implementation is not an easy thing to do, so several elements of the government are supportive in its implementation. Especially agencies related to regional spatial planning policies so that there are not many problems in its implementation. Winter introduced the Integrated

Implementation Model (Maturbongs, 2011). Winter argues that the success of policy implementation is influenced by policy formulation, policy implementation process, and the impact/results of policy implementation itself (Maturbongs, 2011).

Space utilization is an effort to realize spatial structure and spatial patterns in accordance with spatial plans through the preparation and implementation of programs and their financing, this is regulated in the provisions of Article 1 number 14 of Law Number 26 of 2007 (hereinafter referred to as UUPR). Meanwhile, the control of space use is regulated in the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 21 of 2021 concerning the Implementation of Space Utilization Control and Supervision of Space Utilization, carried out in accordance with the Spatial Plan to reduce violations or inconsistencies so that the suitability of space use can be maintained (Akib, 2013). Control of space utilization can be carried out through the determination of zoning, licensing, incentivization and disincentive as well as the imposition of sanctions (Jazuli, 2017).

In Article 5 paragraph (3) of the UUPR it is emphasized that: "Spatial arrangement based on administrative areas consists of spatial arrangement of national, provincial, and regency/city areas." The provisions regarding the Regency Regional Spatial Plan (RTRWK) are contained in Article 25 - Article 27 of the UUPR and the City Regional Spatial Plan (RTRW Kota) is contained in Article 28 - Article 31 of the UUPR. The Regency Regional Spatial Plan (RTRWK), the preparation of which refers to the National RTRW and Provincial RTRW, guidelines and guidelines for the implementation of the field of spatial planning, and the Regional Long-Term Development Plan (Wahid, 2016).

In accordance with Article 26 of the UUPR, the district spatial plan is the basis for the issuance of permits for development sites and land administration, but the increasing rate of population growth, the demand for space, especially for settlements and built land, is often the condition of the existing buildings in the field is not in accordance with the proper spatial planning, this results in violations of the suitability of spatial planning cannot be avoided. Land use in an area is never separated from human intervention both in terms of its activities and population growth in the area, because land can be used by humans in various kinds of human activities to meet the needs of life. With increasing population growth, it will lead to a considerable increase in land needs. The increase in land needs is used for the development process and increasing human activities to meet the needs of life, so that it is one of the factors that affect land use change. The need for land is intended for residential needs, the need for facilities and infrastructure to support life, industrial area land, agricultural land and so on, so that land use is needed in accordance with the designation of the area.

The availability of green open space (RTH) in urban areas is part of the formation of urban spatial structures and tools that synergistically support sustainable urban development and also have a function to support urban ecological factors. In order to support the availability of RTH, the role of the government and community concern is very important. Community concern and realizing the sustainability of urban life, among others, can be done in the form of city realization that ensures the existence of green open space. This mandate is inseparable from Law No. 26 of 2007 which expressly states that 30% of the city area is in the form of Green Open Space (RTH), 20% public RTH and 10% private RTH. 30% of the city's green open space is the minimum measure to ensure the sustainability of the balance of the urban ecosystem which includes the balance of hydrological systems, microclimate balances, and other ecological systems that can increase the availability of clean air needed by the community, open space for public activities and at the same time can increase the aesthetic value of the city (Hakim, 2004). Issues regarding environmental degradation and the impact of urbanization are problems for cities in developing countries. Urban growth only emphasizes increasing the economic sector, so that a lot of land in urban areas is converted into built land. This

condition is also exacerbated by the tendency of stakeholders to prioritize economic development so that they have high economic income profits (Darmawan, 2009).

Spatial planning in regency/city areas involves land use regulation, planned development, zoning, conservation of natural resources, provision of community services, population growth monitoring, environmental protection, and flood and natural disaster control. It involves regulating land use for various purposes, directing and coordinating physical development, and ensuring the provision of basic services like clean water, sanitation, electricity, and waste management. The region also monitors population growth and identifies the needs of facilities and infrastructure related to it. Environmental protection ensures development and economic activities do not damage the environment and maintain environmental quality. Flood and natural disaster control plans minimize the risk of floods and facilitate rapid response in emergency situations. Badung Regency, a key player in the Province of Bali, has the highest Gross Regional Domestic Product value of 68,397.56 billion, demonstrating the importance of sustainable development in its planning.

Development must be able to balance between three aspects, namely economic, social and environmental. The balancing of these three aspects is the concept of sustainable development, Sustainable development is intended to integrate economic aspects and social development which is for efforts to protect and improve the quality of the natural environment and social equity, The concept of sustainable development gives the meaning that it is important to maintain the availability of natural resources and preserve environmental functions. If only the economic aspect is emphasized, then of course the availability of natural resources will be depleted and the environment will no longer be able to support human activities, In order to protect the function of space and prevent negative impacts on the environment due to the use of space in urban areas, the government has made laws and regulations related to spatial planning regulating the provision and utilization of green open space (RTH) in urban areas.

Badung Regency has 6 sub-districts, including: Petang District, Abiansema District, Mengwi District, North Kuta District, Kuta District and South Kuta District. The Mangupura Mandala Government Center or Mangupura City is located in Mengwi District. Mengwi District has an area of 82 km² and has the largest RTH Zone and Agricultural Zone of 30 km² (36% of the total area RTH), which has exceeded 30% of the RTH requirements that must exist in an area, of course related to the suitability of the Green Open Space Zone and the Farming Zone in Mengwi District must still be maintained, in order to realize the Vision and Mission of Badung Regency, namely Development based on Tri Hita Karana or Sustainable Development.

Arrangements related to the Detailed Spatial Plan for the Mengwi Implementation Region (hereinafter referred to as RDTR WP Mengwi) in 2022-2042 are contained in Regent Regulation Number 34 of 2022, a detailed plan on the Regency Regional Spatial Plan which is complemented by Regency zoning regulations. Zoning Regulations (hereinafter abbreviated as PZ) are provisions that regulate the requirements for space utilization and their control provisions and are prepared for each block/zone for which the zoning is determined in the RDTR, the zone in the RDTR is an area or area that has a specific function or characteristic. The RDTR WP Mengwi consists of 40 zones, consisting of: Protection Zone, Cultivation Zone, Water Body Zone, Local Protection Zone, Green Open Space Zone, Cultural Heritage Zone, Road Body Zone, Agricultural Zone, Electric Power Generation Zone, Industrial Designated Area Zone, Tourism Zone, Housing Zone, Public Service Facilities Zone, Mixed Zone,

Trade and Services Zone, Office Zone, Allocation Zone, Transportation Zone, Defense and Security Zone, City Park Sub-Zone, Sub-District Park Sub-Zone, Village Park Sub-Zone, RW Park Sub-Zone, Cemetery Sub-Zone, Green Lane Sub-Zone, Food Crops Sub-Zone, Horticulture Sub-Zone, Horticulture Sub-Zone, High-Density Housing Sub-Zone, Density Housing Sub-Zone, Housing Sub-Zone,

Public Service Facilities Sub-Zone, Sub-Zone Public Service Facilities Sub-Zone, Sub-Zone of Public Service Facilities at Village Scale, Sub-Zone of Public Service Facilities at RW Scale, Mixed Sub-Zone of Medium/Medium Intensity, Sub-Zone of Trade and Services at City Scale, Sub-Zone of Trade and Services at WP Scale, Sub-Zone of Trade and Services at SWP Scale, Sub-Zone of Drinking Water Treatment Plants. In accordance with Article 4 of Regent Regulation Number 34 of 2022, the arrangement of WP Mengwi aims to realize WP Mengwi as the capital of Badung Regency that is comfortable, quality, competitive and sustainable supported by function as navel services, facilities and general infrastructure, agricultural development and preservation of Balinese culture based on the philosophy of Tri Hita Karana and Sat Kerthi Loka Bali. The suitability of the land that is regulated with the existing conditions in the field is very important, in this case because It can be used as a parameter to the extent to which the potential of the land can be used optimally. This land suitability can be done by monitoring land use which is used as an effort to control, arrange, and plan for the development of an area, so that planning of an area is needed in preparing an adjusted spatial arrangement.

With the conditions of an area and the applicable laws and regulations, in order for the development of land use to be utilized optimally, spatial planning that has been prepared and determined into regional regulations within a certain period of time must be supervised and controlled, but often the use of space in the field experiences inconsistencies with the spatial plan of an area resulting from the acceleration or slowdown of growth in various sectors in out of reach in the planning process as a result of population and regional growth, such as the need for housing, trade, offices, and other strategic functions. The rapid construction of buildings/buildings in the region is a dilemmatic achievement because the concentration of the fast-growing economic sector sometimes forgets the environmental sector. This does not rule out the possibility that it can result in inconsistencies between land use and the Spatial Plan. Physically, the need for land for housing and providing supporting facilities for housing is very limited while the demand for space needs is increasing. This has implications for the emergence of slums, chaotic district arrangements and potential losses due to major disasters if the planning of space use is not in accordance with the designated zones

This discrepancy needs to be monitored by comparing the existing land use in the field with the land use plan which refers to the preparation of the Detailed Spatial Plan (RDTR) that has been determined by the local government. The RDTR is stipulated in a government decree that has legal force and is regulated in Law No. 26 of 2007 concerning Spatial Planning.

This study aims to identify and understand in depth the factors that cause development in the green open space zone and agricultural zone in Mengwi District, Badung Regency, as well as analyze the legal certainty for building owners in these zones. Theoretically, this research is expected to contribute to the development of legal science, especially in the field of land related to efforts to prevent and follow up on buildings that violate the Detailed Spatial Plan of the Implementation Area (RDTR WP) Mengwi. Practically, this research is expected to be a guideline for the community in using land in accordance with spatial planning, providing input for the government on the legal impact of land use transitions that are not in accordance with spatial planning, and providing guidance for all stakeholders related to land use.

METHODS

This research is a type of normative legal research supported by field research (empirical). This study uses a legal approach by examining the provisions of spatial planning based on laws, as well as a conceptual approach through basic concepts related to the suitability of the Detailed Spatial Plan of the

Mengwi Implementation Area to existing conditions in the field. The focus of this study is mainly on buildings that violate spatial planning in Mengwi District, Badung Regency.

The sources of legal materials in this study include primary legal materials consisting of the 1945 Constitution of the Republic of Indonesia, Law Number 5 of 1960 concerning Agrarian Principles, Law Number 26 of 2007 concerning Spatial Planning, Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 21 of 2021 concerning the Implementation of Space Utilization Control and Spatial Planning Supervision, Badung Regency Regional Regulation Number 26 of 2013 concerning the Badung Regency Regional Spatial Plan for 2013-2033, and Badung Regent Regulation Number 34 of 2022 concerning the Detailed Spatial Plan of the Mengwi Planning Area for 2022-2042. In addition, this research also uses secondary legal materials in the form of books, journals, expert research results, encyclopedias, and documentation from the internet and the Badung Regency Land Office, as well as tertiary legal materials obtained from legal dictionaries and legal encyclopedias. This research is supported by literature research and field research conducted at research locations such as the Badung Regency land office.

Primary, secondary, and tertiary legal materials in this study were collected through documentation and recording techniques with a file system and document studies, including tracing and recording legal materials from the Badung Regency Land Office, the Badung Regency Regional Revenue Agency, the Badung Regency Public Works and Spatial Planning Office, and the Badung Regency Licensing Office, related to the Detailed Spatial Plan of the Mengwi Implementation Area. The analysis of legal materials was carried out in a qualitative descriptive manner with legal interpretation and legal communication methods, which systematically prepared legal materials to be presented in a thesis entitled "Legal Certainty Against the Distribution of Buildings and Conformity with Detailed Spatial Plans in the Mengwi District Area, Badung Regency, Especially in the Green Open Space Zone and Agricultural Zone." The results of this analysis will be used to formulate conclusions and suggestions or recommendations for all relevant stakeholders.

RESULTS

Overview of Spatial Planning, Green Open Space Zones and Space Utilization Control

Space is the physical form of the territory in the geographical and geometric dimensions which is a forum for humans to carry out their life activities with a decent quality of life (Acar et al., 2021; Suwala, 2021; Yong et al., 2022). Law Number 26 of 2007 concerning Spatial Planning explains that spatial planning is a form of spatial structure and spatial pattern, where spatial structure is the arrangement of residential centers and infrastructure network systems that support socio-economic activities of the community in a hierarchical manner, while spatial planning is a system of planning, utilization, and spatial control processes.

Spatial planning based on Article 2 of Law Number 26 of 2007 is held based on the principles of integration, harmony, balance, sustainability, utility, openness, togetherness, protection of the public interest, legal certainty, justice, and accountability. These principles integrate various interests across sectors and regions, ensure environmental sustainability, optimize the benefits of space, and involve all stakeholders to achieve quality and fair spatial planning with legal certainty.

The classification of spatial planning according to the Spatial Planning Law includes regional systems and urban internal systems, the main functions of the area (protected areas and cultivation areas), administrative areas (national, provincial, regency/city), regional activities (urban and rural), and regional strategic value (national, provincial, regency/city). The implementation of spatial planning must take into account the physical conditions of areas that are vulnerable to disasters, resource potential, social, cultural, political, legal, defense and security conditions, as well as geostrategic, geopolitical, and geoeconomic, and carried out in a tiered and complementary manner between national, provincial, and district/city areas to avoid overlapping authorities.

The government's duties in the implementation of spatial planning include regulation, guidance, and supervision of the implementation of spatial planning at various regional levels as well as the

implementation of spatial planning in strategic areas. Provincial governments have the authority to regulate, coach, supervise, and implement the spatial arrangement of provincial areas and provincial strategic areas, as well as cooperation in spatial planning between provinces. The district/city local government is responsible for the regulation, guidance, supervision, and implementation of the spatial arrangement of the district/city area and the district/city strategic area, including the planning, utilization, and control of the spatial area of the area.

The implementation of spatial planning in Indonesia is an important part of the implementation of state development for the welfare of the people, in accordance with Article 33 paragraph (3) of the 1945 Constitution which states that the state controls the earth, water, and natural resources for the prosperity of the people. Spatial planning involves the process of determining spatial structures and patterns that include land, sea, air, and space within the earth, as well as referring to national, provincial, and district/city spatial plans. Space utilization aims to realize the structure and pattern of space in accordance with the spatial plan through programs and financing, by paying attention to minimum service standards. Space utilization control is carried out to maintain the suitability of space use with the functions set out in the spatial plan, including zoning arrangements, permits, incentives, and sanctions. Spatial planning must consider various aspects such as the physical condition of the area, resource potential, socio-economic conditions, as well as geostrategy and geopolitics to achieve equitable and sustainable development.

Green Open Space Zones (RTH) are governed by zoning regulations that classify zones, land use, and development procedures. The goal is to guarantee local quality, protect the use of existing space, maintain the value of the property, the environment, and provide uniform rules in each zone. The benefits include minimizing inappropriate land use, improving public facility services, maintaining community balance, and encouraging economic development. RTH functions as the 'lungs' of the city, a place for social activities, beautifies the environment, and has economic and educational functions. Based on Law Number 26 of 2007, RTH covers open spaces with a predominance of vegetation that can be in the form of parks, sports fields, urban forests, and green paths. RTH is also differentiated based on ownership into public and private, with ecological, social, aesthetic, and economic functions that support environmental sustainability and community welfare.

Space utilization control includes zoning regulations, permits, incentives-disincentives, and sanctions arrangements that are prepared from the beginning of spatial planning. Community participation is regulated in various laws, ensuring their involvement in the preparation, utilization, and control of spatial planning. This control aims to protect people's rights, meet national interests, and international commitments. Serious complaint and response mechanisms are an important part of this control. For effectiveness, three main tools are used: Detailed Spatial Plans (RDTR), Zoning Regulations, and Incentives-Disincentive Mechanisms. Important steps include the revision of the spatial planning law, the preparation of NSPM, supervision of implementation, and law enforcement. All of this requires the support of the government, the community, and the business world to create a comfortable, productive, and sustainable space.

Factors Causing Development in Green Open Space Zones and Agricultural Zones in Mengwi District, Badung Regency

Overview of Green Open Space and Agricultural Zone in Mengwi District, Badung Regency

The development of urban areas has a significant impact on land use, causing the need for more land for settlements, tourism, industry, and trade. Land limitations have led to the conversion of agricultural land into settlements and other activities, as happened in the Mangupura Urban Area. Policies and regulations to control land use transfer already exist, but their implementation is still not optimal due to the lack of data support and proactive attitudes of the government and the community.

In Mengwi District, the conversion of agricultural land and green open space has reached alarming levels, with many buildings standing on top of zones that should have been used for agriculture and RTH. The identification of buildings shows many violations of spatial planning, especially on land converted for non-agricultural activities.

Prohibition of Erecting Buildings in Green Open Space Areas in Badung Regency

The Mengwi District area in Badung Regency has experienced significant land conversion, influenced by population growth, tourism infrastructure development, and the need for new settlements. The impact includes the reduction of green open space and agricultural land, which has the potential to cause environmental problems such as flooding due to the lack of water catchment land. Regulations such as the Spatial Planning Law and Badung Regency Regulation No. 3 of 1992 have been made to regulate and protect agricultural land and green open spaces from uncontrolled conversion of functions.

The application of the law related to the prohibition of erecting buildings on the green lane of Mengwi District shows the commitment of the Badung Regency Government in preserving the environment and maintaining natural beauty. However, there are challenges in law enforcement such as the effectiveness of long-standing regulations and the lack of public awareness of the importance of preserving green lanes.

Legal culture and community social awareness play an important role in maintaining the sustainability of environmental conservation policies in Mengwi District. Intensive collaboration between the government, the private sector, and the community is needed to overcome these obstacles and maintain the ecological balance in the area.

Thus, Mengwi District is an example of how uncontrolled tourism development can threaten the sustainability of the environment and the lives of local communities, while environmental conservation efforts need to be improved through more decisive and collaborative implementation.

Factors Causing Development in Green Open Space Zones and Agricultural Zones in Mengwi District, Badung Regency

In the context of regional development in Indonesia, there are several theories that provide a foundation for understanding the dynamics of land use change. First, Walter Isard proposed a cause-and-effect relationship between physical, socioeconomic, and cultural factors in shaping a region. Hirschmann then highlighted the polarization effect and trickle-down effect as an indication that the development of the region was not always evenly distributed. Myrdal discusses the backwash effect and the spreadwash effect, explaining the interaction between the forward and back regions. Friedmann developed the theory of growth centers to clarify the hierarchy in the development system. Douglass introduced the concept of village-city linkage. In addition, in the context of legal compliance, Tyler's compliance theory emphasizes the importance of socialization in influencing legal compliance behavior, both from an instrumental and normative perspective.

In addition to these two styles, there is another factor that is the human right to choose, namely the human equation factor. This factor can work as a centripetal or centripetal force, for example: a high land and building tax (PBB) in the city center can make a person move out of the city center (centripetal style) because of its uneconomical activities but can hold or attract other people to live (centripetal force) because the profits earned from its activities are still greater than the taxes payable.

Factors that affect the development and conversion of green open space (RTH) in Mengwi District, involve social, economic, environmental, and regulatory aspects. The social aspect includes population growth that increases the need for land for various purposes, from residential to

commercial activities, thus triggering the expansion of built-up areas, often on agricultural land or RTH. The inheritance distribution system that divides land into small plots that are not economical for agriculture, as well as the low interest of the younger generation to work in the agricultural sector, also encourages land conversion.

From an economic perspective, land is seen as a profitable investment tool, especially in urban areas where land prices continue to increase. Economic pressure also makes farmers encouraged to sell their land. Environmental aspects include a decline in land quality due to surrounding development that damages irrigation and pollutes the soil, as well as strategic location factors that make the land targeted by developers. On the regulatory side, weak law enforcement and lack of socialization of spatial planning regulations have resulted in rampant land use violations. These factors interact with each other and contribute to the conversion of agricultural land into a developed area in Mengwi District.

Legal Certainty for Building Owners Built in Green Open Space Zones and Agricultural Zones in Mengwi District, Badung Regency

Erection of Buildings on Green Lanes and Agricultural Zones

The economic development of the community which is increasing along with the growth of the property sector shows success in the economy. The middle and upper class people are competing to make investments, one of which is in the form of property that is considered promising. However, property development often causes problems such as the absence of Building Permits (IMB), construction on green lines, and abuse of building functions. Local governments have taken strict action against problematic buildings, such as the demolition of buildings without IMB and those on green lanes in various cities in Indonesia.

Laws and regulations in Indonesia regulate IMB to ensure certainty and legal order in the construction of buildings, as stated in Law Number 28 of 2002 concerning Buildings. IMB is needed to meet administrative and technical requirements and regulate building functions in accordance with the regional spatial plan. Violations of IMB provisions can be subject to sanctions ranging from written warnings to demolition of buildings by local governments. The proportion of green open space is also regulated so that at least 30% of the city's area is used for public purposes, with an emphasis on green lanes as an important part of infrastructure and public facilities.

Law Enforcement Against Violations of Green Open Spaces and Agricultural Zones in Badung Regency

Increasing development risks causing pollution and environmental damage, damaging the ecosystems that support life. In Bali, especially in the tourism sector, it is necessary to arrange dynamic spaces and maintain environmental sustainability in accordance with the philosophy of Tri Hita Karana, which includes a balance between the relationship between humans and God, fellow humans, and the environment. Badung Regency has special regulations regarding green lanes, as stipulated in the Badung Level II Regional Regency Regulation No. 3 of 1992, which prohibits construction on green lanes without permits. If violated, the building can be demolished and the perpetrator is subject to criminal sanctions of imprisonment and fines.

This regulation demonstrates the Badung Regency Government's commitment to preserving the environment and preventing damage before it occurs, by providing a strong legal basis for law enforcement. However, the implementation of these rules is often hampered by a lack of public awareness and ineffective law enforcement. The government seeks to overcome these obstacles through socialization, tax reduction policies, and awards to communities that protect green lands. A

collaborative and holistic approach between governments, the private sector, and communities is necessary for the success of sustainable environmental conservation policies.

Legal Certainty for Building Owners Built in Green Open Space Zones and Agricultural Zones in Mengwi District, Badung Regency

Types of Buildings and Legal Certainty on Buildings Standing in the Green Lane Area in Mengwi District

Spatial planning is a government affair that is divided into various levels, from the central to the regions. The central government is responsible for the national spatial planning, while the provincial government and district/city governments manage the spatial planning in their respective regions. In Badung Regency, development is directed in three areas: North Badung for plantations and agro-tourism, Central Badung for agriculture and cultural tourism, and South Badung for tourism and trade.

Mengwi District, part of Central Badung, has many semi-permanent and permanent buildings in the tourism area, although the government has installed a rainbow prohibiting the erection of buildings in green areas. The Mengwi community still erects buildings on the grounds of seeking a livelihood, which makes it difficult for the government to implement local regulations for green areas. Green open space, according to Government Regulation Number 36 of 2005, consists of public green open space managed by the government for the public interest and private green open space owned by the community.

Law enforcement related to green lane violations in Badung Regency involves administrative and criminal legal actions. The stages of control include coordination with related agencies, data collection of illegal buildings, and summoning violators. The Badung Regency Government, through the Pamong Praja Police, issued a summons as a warning to violators. Despite enforcement efforts, green lane violations still cause social conflicts in the community, and optimal results from law enforcement have not yet been achieved.

CONCLUSION

The development of green open space zones and agricultural zones in Mengwi District, Badung Regency, is influenced by various social, economic, environmental, and law enforcement factors. Social factors include population growth, inheritance rights distribution, and low interest in agriculture among younger generations. Economic factors include land investment and farmers' economic urgency. Environmental factors include development around the zones. Law enforcement is less firm, and many buildings in the green lane area lack legal certainty due to lack of permits. To address this issue, the Badung Regency Government should be more strict and efficient in monitoring and ordering buildings in these zones, and take decisive action in sanctioning buildings to maintain green areas and agriculture.

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International Journal of Social Service and Research (IJSSR)

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