

# THE IMPLEMENTATION OF RTRW GOVERNMENT BASES ON REGULATION NO. 6 IN 2010 DURING THE PERIOD 2009-2029: CASE STUDY OF REACTIVATION OF RAILWAY LINE AT TANJUNG MAS PORT SEMARANG

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## ABSTRACT

*This research aims to find the answer to the problem implementing of the national project, case study of the reactivation of the railway to Tanjung Mas port Semarang City that reaps the rejection of residents affected by this project. The analysis method used to answer the problem failure of the railway reactivation project to Tanjung Mas Port Semarang is the theory of policy implementation from [1] by using the method of top down and bottom up. The results of the analysis concluded that the reactivation of the railway line to adversely affects the welfare of the surrounding people's lives very significantly. Where almost all settlements in Kebonharjo residents, North Semarang in accordance with this regulation on the spatial plan of central Java province in 2009-2029 and conflated of [2] into a transportation area that was previously a residential area. Thus is causing conflict to the implementation of the policy states in the joint agreement between the Ministry of Transportation with the Central Java Provincial Government and PT. Port of Indonesia III (Persero) and PT. Kereta API Indonesia (Persero). It is continued cooperation agreement between the Directorate General of Railways and the Directorate General of Marine Transportation and Central Java Province Government and PT. Kereta API Indonesia (Persero). It states in the agreement amount 130 such buildings are above the land of PT. Kereta API Indonesia while most residents still have a Certificate of Property That has not been cancelled. It is recommended to the Provincial Government of Central Java and Semarang City to respond appropriately so as not to adversely affect the rising poverty rate in Semarang City area, Central Java province.*

**Keywords:** Implementation, Project Failure, Top Down and Bottom Up; Semarang City; and PT Kereta Api Indonesia (PERSERO)

## INTRODUCTION

The implementation of development today, in addition to improving the welfare of the community turns out to cause problems. The problems faced by the government in the implementation of development include the problem of providing land for the development itself, because the land of the state controlled directly by the State is limited or can be said to be almost non-epistles. According to [3], "The only way that could be reached is to liberate the land owned by the people, whether controlled by the People (Land That Has Certificate of Property) or Customary Law, or other rights attached to it".

In Article 1 number 2 on [4] determined that "Land procurement is the activity of providing land by providing proper and fair damages to the entitled Party". Then Article 86 on [4] determined that if there is no agreement in the deliberations in determining the form and amount of damages then the Land Procurement Committee will leave compensation to the head of the District Court which is the area of development site for the public benefit. Judging by the meaning of the provision, it can be said that there is an element of coercion

from the government to obtain the land. While in the Constitution of Indonesia Republic 1945 prohibits acts of arbitrariness, as set out in article 28 letters h paragraph (4) which specifies, "Everyone has the right to own personal property and property rights must not be arbitrarily taken over by anyone".

In order to carry out construction is an inevitable necessity for land as its container. Without land, development would only be the plan. Without development, the value of such development will not be maximal. However, what is happening and becoming a problem today is that the area of land that has not been judged is getting less. Therefore specifically according theory from [5] mentioned that the selected tenure systems and placed them in a wider context of local land and housing markets. In addition, according to theory from [6] mentioned that property especially for land right needed in this era inseparable from various interests that result in the onion of land politics. The policy of the state in making a regulation is not detached from the interests especially with the decentralization from center to region so that the establishment of [7] on regional autonomy because of the central authority.

These policies are issued so that national development, especially development for the public benefit that requires land, can be done clearly in the implementation of land procurement. The principles and provisions of the law must remain the foundation in accordance with the principle that the state of Indonesia is a country of law. However, because there has been a long time in the practice of land procurement for the public benefit of the rights and interests of the landowner's community lacks legal protection. In addition, there is not yet the same understanding and attitude among the executors including the court bodies in carrying out the policies set out in the regulation, so that it arise the impression as if the law does not or lack legal protection to the people whose land is necessary for development for the public good.

The implementation of land procurement is carried out by taking into account the role and function of the land in human life as well as the principle of respect for legitimate rights to the land. Thus, the procurement of land for the public benefit pursued in a balanced manner and pursued by direct deliberation with the land rights holders. If the procurement of land through deliberation does not find a way out between the government and the land rights holder, while the land will be used for the public benefit, then it can be pursued by the revocation of land rights as conveyed by [8].

This is case also occur in the procurement of land for the Development Plan of reactivation of the railway line to the port and the continuation is the development of Container Terminal in Tanjung Mas Port in Semarang City. This until now still has many polemics in the issue of land acquisition or damage to land owned by local residents who have Certificate of Property Rights. Such as land, that is the object of the plan to build container terminals in Tanjung Mas Port precisely in the citizen's settlement with a total area of 20 ha and the number of 30.246 People, with the number of public housing houses as many as 4000 houses and has a Certificate of Property Rights (SHM) amount 3,470 (SHM). However, until now, Semarang City Government and Container Terminal Development Process in Tanjung Mas Port in Semarang City have not attempted the process of land procurement or land acquisition.

Based on the description in the background above, the main problems in this writing are as follows;

- 1) How does to implement RTRW Platform bases on [9] on Reactivation railway line to Tanjung Mas Port. ?

- 2) What does factors influence the implementation of public policy reactivation of the rail line to Tanjung Mas Port Semarang?
- 3) How does the RTRW policy implementation model execute through top down and bottom up referenced to make improvements to the implementation of the rail line of reactivation project to Tanjung Mas Port that failed?

## **LITERATURE REVIEW**

The condition of the land right in Kebonharjo Resident faces much problem because this land status is still illegal based on Regional Government Regulation. According to [10] mentioned that “urban area management in developed countries such as the United States and Japan which have implemented “Transit Oriented Development” (TOD), shows that TOD seems capable of increasing the property values and and reducing household expenditure for transportation costs. However, applying the TOD concept in Indonesian cities such as Jakarta, Surabaya, and Medan, is a unique and considerable challenge, considering urban transportation condition in Indonesia that is far different from the conditions in urban areas in developed countries”. This condition is contrary in Kebonharjo Resident because these are classified into slum area in North Semarang that consists of much house house who’s living close to railway station.

Semarang City Government has been tried to improve the best way to solve the problem between resident in Kebonharjo Resident in North Semarang and PT. Kereta Api Indonesia (PERSERO) relating land right certificated. As the basis for the implementation of the reactivation of the railway line to Tanjung Mas Port Semarang, public policy that highlights about the failure of implementation will use the implementation model of top down and bottom up policies. These are aim to address the failure of the implementation of local regulations that include, research on the implementation of regional regulations of the Regional Spatial Plan [11].

The implementation of the reactivation of the rail line to Tanjung Mas Port Semarang on the basis of RTRW regulation of [1] becomes the beginning of a state project with the sustainability of the Development of container terminal area. In accordance with [2] about The Layout Plan of Semarang City Area which transforms residential areas into land transportation areas and The development of c-type freight terminals in Kebonharjo Residential Area around Tanjung Mas sub-district of North Semarang has a negative (bad) impact on the residents of Tanjung Mas Sub-District.

The other theory from [12] mentioned that the development of railway station in Hong Kong applied Rail and Property development programs. This program executed by giving compensation for the resident live or has a property illegally through size and measurement area. Regarding this case, Semarang City Government could be applied this similar method by giving all of compensation for Kebonharjo Resident as well as community around the project of railway line.

Eviction of 4000 residential houses with a total certificate of 3,470 Certificate of Property known as SHM and inhabited by 30,246 residents wants to be mandated [13]. While the government's job is to alleviate the mission rather than impoverish its people, even though the land is planned for the public good, namely the construction of new rail and the development of a c-type freight container terminal of Tanjung Mas Port Semarang. It is Not only eviction of district but also for school levels such State Elementary School, or Private Elementary School in the area of Kebonharjo is a basic education that has been established for decades. It becomes the focus of citizens to educate the lives of the nation's children among the small

people's economy, very influential to the efforts of the people to help the state's duty to educate the future generation of youth, which is only defeated by the business interests of state-owned enterprises.

The decrease in welfare of Kebonharjo citizen who have to move from Kebonharjo area while their search eyes are already settled both as traders and factory employees in the belted area of Tanjung Mas port, if it has to be moved from Kebonharjo village of Tanjung Mas Sub-District of North Semarang. It will increase the economic burden of Kebonharjo residents. Therefore, the Security around this place also become tendency because it is a coastal area and seen from residential areas with densely populated and low economy as well as education level is very vulnerable if Kebonbonharjo residents are treated unfairly will increase the level of criminality in Semarang City [14].

## **RESEARCH METHOD**

In order to obtain results that have high validity that can be scientifically responsible, a proper research method is needed to provide guidance and direction in studying and understanding the objects studied. Thus, the research will run well and smoothly according to the set plan. Research on the failure of the implementation of RTRW based on the regulation of [1] as the basis for the implementation reactivation of the railway line to Tanjung Mas Port Semarang. The public policy that highlights about the failure of implementation will use the implementation model of top down and bottom up policies to address the failure of regional regulation implementation [15].

The specification of this research is analytical descriptive research [16]. This research conducts analysis only to the level of description, Data analysis in this study is done qualitatively i.e. analyzing and presenting facts systematically, so that it can be easier to understand and conclude the results of the study. Usually descriptive research like this uses survey methods. This research was conducted in Semarang City area more precisely in Tanjung Mas Port Semarang Village. The sample used in this study is purposive sampling, i.e. sample withdrawal done by taking subjects based on a specific purpose [17].

The data required in this study includes primary and secondary data. Primary Data is data obtained directly from the community through observation, interview and the results of the audience of Kebonharjo citizens with some government institutions both city and province. Secondary data is data obtained through literature studies conducted as a first step to obtaining reference materials for research writing [18].

## **RESULT AND DISCUSSION**

According to the collection and data analysis in this study can be formulated several research findings. These are consist of as follows: The implementation of the reactivation of the rail line to Tanjung Mas Port Semarang on the basis of RTRW according to [1]. It relates to the beginning of a state project with the sustainability Development of Container Terminal area in accordance with [2] On Semarang's Spatial Layout Plan that transforms residential areas into land transportation areas. C-type freight terminal development in Kebonharjo Residential Area at Tanjung Mas Sub-District of North Semarang has a negative (bad) impact on the residents of Tanjung Mas Sub-District.

Government Policy on The Rejection of citizens in the Development of Kebonharjo Residential Area at Tanjung Mas Sub-District of North Semarang District became a reactivation area of the railway line to Tanjung Mas Port Semarang had a bad impact on the

welfare of the surrounding community. Because it turned out not only because of the reactivation problem of the railway line but also impacted on the change of the settlement platform into transportation and containers in the future of total population amount 30,246 people, and the residence of 4000 people and has a Certificate of Property Rights (SHM) of 3,470 (SHM).

When the residents made an effort to form a community forum called *Pam Swakarsa* which carried out the following efforts. The application of Audience residents of Tanjung Mas Sub-District of North Semarang District of Semarang City to the government of Semarang city and Regional Representative on Level II of Semarang City got a good response. It is namely the audience among the residents of Kebonharjo, PT. KAI, National Land Agency (BPN), City Office, Semarang City Law Bureau, Semarang City Transportation Institution; Regional Development Planning Agency of Semarang City on May 20, 2015 facilitated by Commission A on Level II Semarang, resulted in an agreement in the form of as follows:

- A. It is stated that Freehold Title known as (SHM) owned by Kebonharjo residents is legally valid by National Defense Agencies (BPN) of Semarang City.
- B. Semarang City Office has never received Detail Engineering Design (DED) from PT. Kereta Api Indonesia (PERSERO) for the creation of a new rail (Revitalization) so that it was decided to discontinue the new Rail project that crashed into the homes of Freehold Title certified in Kebonharjo residents.
- C. Semarang City Law Office will form a Team to deal with the issue of [19] on RTRW

Kebonharjo residents reject Semarang city because there is no socialization to Kebonharjo residents as stockholders affected by the change of settlement into land transportation area and development of Goods Terminal type c (container) in accordance with article 20 letter C number 3 in this Regional Regulation.

The application of Kebonharjo residents to the Head of National Land Agency (BPN) of Semarang City named Jonahar on the issue of Freehold Title certified belongs to the residents of Tanjung Mas Sub-District of North Semarang City, which numbered 3,470. Freehold Title certified and a statement from Head of Public Relations PT. Kereta Api Indonesia (PERSERO) claimed that the land is an asset owned by PT. KAI. This statement supported by Head of National Land Agency (BPN) of Semarang City stated that Freehold Title certified Owned by Kebonharjo residents is valid and this statement was published in *Suara Merdeka Daily* on July 7, 2015 and *Tribun Jateng Daily* on January 6, 2016.

Audience application of Kebonharjo residents in Central Java Governor was positioned at Commission A Level I of Central Java on May 28, 2015. Because PT. Kereta Api Indonesia (Persero) was unable to attend by the chairman of the Commission A Level I of Central Java citizens were asked to calm down first and a team will be created to resolve the issue of complaints from Kebonharjo residents in Regional Representative on Level I Central Java. Audience application of Kebonharjo citizens are at National Commission on Human Rights Office on July 7, 2015. The convey to complain about [19] article 20 Letter C number 3 concerning RTRW Semarang City which transformed the residential area into a Land Transportation Area and The Development of Terminal C container in kebonharjo Tanjung Mas Subdistrict of North Semarang City which harmed the residents of Kebonharjo.

The application of Kebonharjo residents in Governor of Central Java positioned to the Central Java Office of Transportation, Communication and Informatics attended by PT. Kereta Api Indonesia (PERSERO) and The application of Kebonharjo residents in the Governor of Central Java positioned to the Central Java Office of Transportation, Communication and

Informatics. These activities attended by PT. Kereta Api Indonesia (PERSERO) and Railway Hall as well as Regional Office of the National Land Agency of Central Java on October 1, 2015.

These results were as follows: The Head of the Central Java Department of Transportation, Communication and Informatics told the event that the cost of unloading managed PT. Kereta Api Indonesia (PERSERO). It is given to Kebonharjo residents amounting to IDR. 250.000/meter is withdrawn by the State due to PT. Kereta Api Indonesia (PERSERO) cannot prove proof of ownership of land in Kebonharjo while Kebonharjo residents have 3,470 Freehold Title and Regional Office of National Land Agency of Central Java on October 1, 2015.

The Governor of Central Java named Ganjar Pranowo, Director of PT. Kereta Api Indonesia (PERSERO) named Ignatius Jonan, Director of PT. Pelindo named Djarwo Surjanto and Minister of Transportation EE signed the old railway reactive plan signed in Memorandum Of Understanding on March 21, 2014. Continuity this Memorandum Of Understanding were signed on February 20, 2015 by The Directorate General of Railways of the Ministry of Transportation named Herwanto Dwiatmoko. Director General of Marine Transportation Ministry of Transportation Capt. ROBBY R. MAMAHIT, Head of Communication and Informatics Office of Central Java named Satria Hidayat. Director of Operations and Business Development of PT. Pelindo III named Rahmat Satrio, President Director of PT. KAI Edi Sukmoro's. The second Memorandum Of Understanding on Reactive reactivation reactivated the old rail line from Tawang railway station to Tanjung Mas Port. Moreover, PT. KAI was violated by the creation of a new rail (Revitalization) so that it crashed into the homes of Freehold Title certified citizens and places of worship and educational institutions that triggered the problem on the grounds of PT. KAI claims Kebonharjo land is Asset of PT. KAI. While these residents still have Freehold Title certified that has not been resolved in accordance with the ownership rules of land before the court.

Bases on the analysis of research results and reactions of rejection of Kebonharjo residents of Tanjung Mas Sub-district of North Semarang against RTRW on Regulation [1] as the basis for the implementation of the reactivation of the railway line to the Tanjung Mas Port Semarang. It is directly proportional to regulation [19] in article 20 number 3 letter C on RTRW. It is concerning the change of residential areas into Land Transportation areas and the development of type C (container) terminal areas forgetting the legal principle of the treatment of community Freehold Title certificates and requesting that the government revised or revoked because it was detrimental to poverty people of the land to which it belongs.

## **CONCLUSION AND SUGGESTION**

Bases on the research results conducted and submitted some suggestions as follows; Given the weak governance in socializing regulation no. 6 of 2010 that has been legalized about the Spatial Plan of Spatial Governance in Kebonharjo Tanjung Mas District, North Semarang Sub district. It is recommended to the Central Java Government in the future to immediately form a Socialization Team and re-evaluate the regulations that have been made based on the prevailing laws and regulations. The need for repressive supervision is carried out on all Government after the Government is enacted and repressive supervision is carried out in the form of clarification.

According to article 1 number (19) of the Regulation of the Minister of Home Affairs [20] which mentioned that "Clarification is the assessment of the Provisions, regulations and regulations of Regional Representative to determine whether it is contrary to the public

interest, decency, as well as higher laws and regulations. This clarification process is known as *executive review*.

It is expected that the next researchers will not only examine differences before and after the development and implementation of local regulations in that field, but also look for other indicators such as the level of economic development of the community, and the social impact on the local community.

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