ABSTRACT
Since the issue of the new Spatial Planning Law (Law number 26/2007) in Indonesia, the role and authority of provincial governments and of local governments (regency/municipality) in spatial planning is differentiated and stated explicitly. This paper is a reflection on the process spatial planning formulation according to the Law Number 26/2007 about Spatial Planning, using West Java Province experience in 2010 as a reference. By comparing the principles of Law 26/2007 will be elaborate with the actual experience of West Java in formulating the spatial plan, along with some notes on the obstacles and difficulties in the process will be notified. By doing so, it is expected that by reflecting on obstacles and hindrances, in the future the weaknesses of spatial planning implementation can be anticipated beforehand. Strong demand for the perfect spatial plan (regional as well as local) and expectation that the spatial plan should accommodate all human endeavors related with space, must be accompanied by appropriate supporting facilities. The inexistence of those supporting facilities may hindrance the implementation of the plan, and on the contrary, it may trap planning actors into problems which substantially outside the range of spatial planning.

Key words: spatial planning, West Java Province, planning process
Background

During the year 2000-2002 there was an euphoria of decentralization or local autonomy throughout Indonesia due to the issuing of Law Number 22/1999 about Local Government. The main issue is equality between regional (province) and local (regency/municipality), which is the context of spatial planning, leading to opinion that there was no obligation for local government spatial to refer to provincial spatial plan. Although provincial government still exists, its role in coordinating spatial usage was very weak. Meanwhile, each regency and municipality exerts the newly gained autonomy by exploiting their natural resources, including space. The resulting problems steamed from that point of view were many, among others are uncoordinated utilization of space, conflicts of land usage in bordering areas, etc. The most significant decline happens in environmental quality as well as the shrinking of conservation area due to uncontrollable land use.

In response to the condition, a new Spatial Planning Law (Law number 26/2007) was issued in April, 2007 following the enactment of new decentralization law (Law Number 32/2004 about Local Government). The new Spatial Planning Law, the role and authority of provincial governments and of local governments (regency/municipality) in spatial planning is differentiated and stated explicitly. Meanwhile, spatial planning consisting of two or more provinces becomes the authority of respective provinces and should be used as a coordination tool for both provinces. The central government is no longer authorized to coordinate the spatial plan in the areas consisting of two or more provinces. The similar rule also applies to spatial planning covering two or more districts.

There are major differences between the new Spatial Planning Law (Number 26/2007) and the previous one (Number 32/1992), among others are the importance of public participation in spatial planning. The new law provides more detailed regulations than the previous spatial planning law including rights, obligations and the forms of public participation in spatial planning. Such provisions correspond with the more participatory system of government after the fall of the New Order Regime. The Spatial Planning Law (Law Number 24/1992) did not explicitly elaborate the authority of provincial governments and of local governments (regency and municipality) in spatial planning. The central government is responsible for spatial plan that covers areas in two or more provinces and the provincial government is responsible for spatial plan consisting of areas in two or more regency/municipality.

The table below outline major differences between Law Number 32/1992 and Law Number 26/2007 about Spatial Planning:

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Restricted – Cultivated Areas</td>
<td>Spatial Pattern (Allocation of Restricted &amp; Cultivated Areas)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Structure &amp; Pattern of Spatial Usage</td>
<td>Spatial Structure (The Planning of Settlement Centers System and Infrastructure Networking System)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Resources, Function, Esthetic, Quality</td>
<td>Resources, Function, Esthetic, Quality</td>
<td></td>
</tr>
<tr>
<td>Spatial Plan Implementation</td>
<td>Implementation Programming</td>
<td>Implementation Programming &amp; Financing</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Financing Program</td>
<td>Primary Program Indication</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Schedule</td>
<td>Mid term Schedule</td>
<td></td>
</tr>
</tbody>
</table>
Table 1. Comparison between Law Number 32/1992 and Law Number 26/2007.

<table>
<thead>
<tr>
<th>Management System</th>
<th>Incentive &amp; Disincentive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permit Mechanism</td>
<td>Zoning Regulation</td>
</tr>
<tr>
<td>Monitoring</td>
<td>Permitting</td>
</tr>
<tr>
<td>Enforcement</td>
<td>Incentive &amp; Disincentive Mechanism</td>
</tr>
<tr>
<td></td>
<td>Imposing Sanction (administrative and criminal sanction)</td>
</tr>
</tbody>
</table>

However, the idea of perfecting the practice of spatial planning in Indonesia contained in the new law of spatial planning is yet to be proven contrasted by its implementation realities. This paper aims to present some notes on the practice of spatial planning according to the Law Number 26/2007 about Spatial Planning, using West Java Province experience as reference. First, the principles of Law 26/2007 will be elaborated, then the experience of West Java in formulating the spatial plan, and afterwards some notes on the obstacles and difficulties in the process will be notified. It is hoped that by reflecting on obstacles and hindrances, in the future the weaknesses of spatial planning implementation is anticipated beforehand.

Principles of Law Number 26/2007 about Spatial Planning

The Spatial Planning Law 26/2007 has one new principle of the spatial planning that is not included in the previous law, which is the principle of accountability, apparently as a response for the enthusiasm of Indonesian people for more transparent and accountable system of government. The new law also states the minimal standard of services in spatial planning to ensure the good quality of basic services of spatial planning for the Indonesian people. The new law also takes into account the rapid urbanization in metropolitan cities in Indonesia, by introducing the concept of metropolitan and megapolitan area. A metropolitan area is defined as an urban area with the population of at least 1 million people, and megapolitan area is defined as two or more adjoining metropolitan areas that have functional relationship.

Othersubstantial changes brought by the new spatial law are ways for enhancing the development control including zoning, planning permits, implementation of incentive and disincentive and imposing sanctions including administration and criminal sanction. The incentives could be tax cut, compensation, cross subsidy, planning permit deregulation, and awards. The disincentives include higher tax, the limitation of infrastructure, imposing compensation and penalty. The implementation of incentive and disincentive could be from the central government to local governments (province, kabupaten and kota), from local government to other local governments and from governments to community.

Major perspectives introduced in the new spatial planning system is as follows;

1. Obligation of synchronicity between Long Term Development Plan (RPJP–Law No.17/2005) and Spatial Plan (Law No. 26/2007), known as mutatis-mutandis principle (that which follows should refer to the already existed),
2. More comprehensive hierarchy of statutory planning system based on both administrative level and functional aspect.
3. Distribution of authority and responsibility between central government and local government.
4. Promote development of national strategic zones, metropolitan and urbanized areas as the engine of economic growth.
5. Promote development of border area and rural area including agropolitan as the new strategic socio-political cornerstones.
6. Strengthening environmental sector policies on forest conservation, eco-region, and green open space.
7. Promote community participation in spatial planning through public consultation and implementation control.
8. Introduce new spatial development control system including zoning regulation, development permission, incentive-disincentive and sanctions.

9. Endorse public participation within the plan formulation procedure, actually the implementation has not been optimal.

Theory Overview of Spatial Planning and Planning Process

According to Friedman (1964, in Glasson 1978), planning is primarily a way of thinking about social and economic problems which is oriented predominantly toward the future, is deeply concerned with the relation of goals to collective decisions and strives for comprehensiveness in policy and program. Whenever these modes of thought are applied, there is a presumption that planning is being done. According to levels of planning, Glasson (1978) describes that planning in regional level is the process of formulating and clarifying social objectives in the ordering of activities in supra-urban space. Meanwhile, planning at the national level which tends to be strongly economic in content, subdivided into the short-run allocative form concerned with the stabilization of the ‘ups and downs’ of the economy, and the long-run innovative form concerned primarily with the achievement of certain rates of economic growth. Otherwise, at local authority level is a more land use oriented approach, such as setting out the local authority’s policy and general proposals in respect of the development and other use of land in structure plan and formulating in detail the ways in which the policy and general proposals are to be worked through in local plan.

However, there is the need to plan for an intermediate level known as regional level of planning which straddles the national-local gap and concerned with the planning for an area with distinctive economic and social characteristics setting it apart from other regions. The Regional planning should be seen following issues, such as:

a. A response to the problems of urban regions arising from rapid population growth, increasing urbanizations and standards of living and personal mobility, or the problems of depressed industrial and rural regions suffering from ‘economic malaise’.

b. A supportive device for national and local planning, with the actual stimulus to action coming not from within the regional level but from the adjacent national and local levels. Overall national planning should take into account the problem of the inter-regional allocation of resources.

Regional information is a major element in the formulation of national plans and policies, and regional policies are of some importance in their implementation. At the end, the city or a large urban center cannot be planned in isolation from its hinterland. For physical, economic and social reasons, it must be seen and planned in its regional context.

Regional planning, regarding to response the specific problems issued, divided into intra-regional planning and inter-regional planning. Intra-regional planning directed towards resource allocation within regions and its concern is with the allocation of resources between the sub-regions, and between various policy fields – economic development, social, transportation, etc. – within the region and its sub-regions. Its aim is to achieve a satisfactory relationship between people, jobs and the environment within the region. The content of intra-regional planning varies from region to region. For a congested metropolitan region, the emphasis may be on controlling the location of population and employment, that is, accommodating growth. For a depressed industrial region, measures may be more related to the stimulation of industrial development, that is, generating growth. Otherwise, inter-regional planning which is directed towards the inter-regional relationship. Its concern is with the allocation resources between regions. It has developed largely as a response to the problems of economic imbalance between regions resulting from the changing locational preferences of industry. The prime aim is obviously more economic in nature, relating to the achievement of a satisfactory relationship between people and jobs. Inter-regional planning is drawing in particular on the national economic objectives of economic growth, full employment and social equity, and giving them a spatial dimension. Regional planning is an integral part of the steps being taken to implement the National Plan and to raise industrial efficiency.

The regional context of balancing does not imply equality, uniformity, or conformity. It does however imply equality of opportunity for each region to redress demographic, economic, social and environmental weaknesses and to achieve its full potential, thus ensuring that the ‘quality of life’ is not a function of the area of the country in which people happen to live and work. Regional planning can be seen as an attempt to guide the development of a region. Development involves implicit and explicit value judgements about the direction and speed of change. It can be seen as a multi-dimensional process, including in addition to the economic development process, social development processes concerned with the distributional aspect of development; and political/administrative development processes concerned with the shifts in the influence and power of groups and individuals. All these processes complexly interrelated
and interdependent, namely the distributional impact of economic growth, the productivity effect of social factors, etcetera.

Plan Formulation Process: West Java Experience

In year 2003, the West Java Province Spatial Plan 2010 (RTRW) was issued using Law Number 24/1992 as reference. After the issuing of Law 26/2007, the process of spatial plan revision was conducted, beginning with the evaluation of previous spatial plan implementation. Afterwards, strategic formulation of the substance to be included in the new spatial plan. It was decided then, that in the spatial structure plan, RTRW will define urban system up to second order, which are national activity centers and regional activity centers (PKN and PKW). Other subordinate order will be managed by local spatial plan. In spatial pattern plan, West Java RTRW will regulate only the restricted area, while developed area is delivered to regency/municipality, except irrigated rice fields.

In the formulation process of spatial plan, many participative planning process were conducted, in the form of dialog and dissemination to regency/municipality governments, bordering provinces, private sectors, NGO, and assembly members. To obtain response from all stakeholders concerning the future and expected condition of spatial planning in West Java, a seminar was conducted, resulted in the accepted importance of 45% restricted area as ultimate spatial pattern, preserve space for food agriculture, provision of investment space and strategic infrastructure, enhancing urban and rural delineation, and implementation of mitigation principles in hazard prone areas.

The substantive process of plan formulation was carried out in the form of several focus group discussion with related parties concerning the provision of space for investment activities and strategic infrastructures. Resulted from the discussion is the concept of West Java main corridor development, namely Bandung-Cirebon in the eastward, and the development of West Java-Central Java bordering areas to optimize and integrate local potency into regional infrastructure. This concepts was then perfected and modified by several discussion with planning experts, decision makers, as well as broader stakeholders to obtain a more comprehensive development concept.

Embedded in the formulation process is the coordinating activities of the spatial plan draft, horizontally with adjacent provinces (Central Java, DKI, Banten), as well as vertically with Central Government and regency/municipality. It is worth noted, however, that because this spatial plan is the revision of already existing one, there are some aspects which is taken for granted. In West Java case, such example is the proportion of restricted area which is 45%. Nevertheless, some new technical analysis and criterion of justification is presented, along with other things which are structural in nature, such as urban system and development of main infrastructures. The strategic infrastructure plan in West Java is shown in Figure 1 below.
It worth mentioning that there is a sceptical opinion regarding the implementation of spatial plan, due to previous experience of spatial plan implementation, not only in West java but throughout Indonesia. Considering that the new Law of Spatial Planning has criminal sanction as consequences, many adjustment is still has to be conducted in the draft formulation of West Java spatial plan before presented for the assembly. It is hoped that the spatial plan can be implemented successfully to create harmonious spatial usage and sustainability without creating more difficulties to those related with the implementation.

Difficulties : Limitations of Information and Data
Other main difficulties in the formulation process of spatial plan in West Java was due to the limitation of information and data, contrasted with limited time to formulate the plan, which is two years since the Law is issued. Other than time limitation, the reason is also because there many kinds of data to be obtained, which has to be managed in a systemized way by a competent personnells. Taking into account that West Java is near to Jakarta, has many experts because there are many universities, and relatively of better financial condition than other provinces, it should be noted that this difficulty will also be encountered elsewhere.

According to Law 26/2007, spatial planning of an area must include continental space, oceanic space, as well as aerial space. In other words, there should be three-dimensional coverage in spatial planning. In practice, the implementation of three dimensional spatial plan requires a vast amount of geological subsurface data, which is very expensive to obtain. Take for example, a case in cisolok, sukabumi regency, West Java. On the surface, the land use is conservation forest, but in the subsurface there are natural resources of great economic value, namely gold deposit and geothermal energy. According to Law 26/2007, the exploitation of gold deposit in the depth of 500-700 meter below surface level as well as geothermal energy for electricity in 1500-2000 meter below surface can be conducted as long as the activities do not harm the conservation forest. Using the available technology of directional drilling which is now very common, such practice is not impossible. But the case cannot be applied to other areas due to limitation of data as previously mentioned.

Future Challenges
Regional and local spatial plan is supposed to be more allocative and physical than spatial plan of national level, in order that there is a distinction of role and function of each government level (Glasson, 1978). In reality, Law number 26/2007 declares more or less similar substance and content among all levels of spatial plan, resulting in a very physical national spatial plan (RTRWN) and minimal reference of economic development plan for subordinate level of spatial plans. It is understandable then, that all level of spatial plan conduct their own intra and inter-regional spatial planning, so that the complementary principle is highly unlikely.

There are also obstacles to qualified product of spatial plan, due to the consensus aspect which has to be conducted in all levels of government, vertically as well as horizontally, while there are normative aspects of spatial planning to be considered. This condition may lead to superficial agreement between levels of government to comply with the consensus obligation, and the planning product will neglect quality so as to accommodate all stakeholders.

Strong demand for the perfect spatial plan (regional as well as local) and expectation that the spatial plan should accommodate all human endeavors related with space, must be accompanied by appropriate supporting facilities. Those are: availability of systemized information and data, human resource in planning activities, controlling system, and adequate financial resource to execute the plan. The inexistence of those supporting facilities may hindrance the implementation of the plan, on the contrary, it may trap planning actors into problems which substantially outside the range of spatial planning.

REFERENCES:
2000.

2008.