

LEGAL RECONSTRUCTION TO SPACE PLANNING TOWARD SLUM SETTLEMENT AS EFFORTS TO IMPROVE THE QUALITY OF COMMUNITY LIFE IN GORONTALO CITY

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ABSTRACT

The purpose of this study is to reconstruct the Law of Spatial Planning against Slums Settlement as an Effort to Improve the Quality of Community Life in the City of Gorontalo ". Substantially this research is expected to be useful for Gorontalo City and State of Indonesia in the implementation of law development of Spatial Planning in the future. The method used Constructivism with approach method used in this research was sociological juridical or socio-legal research. The results of this study found a new theoretical concept of Theory of Justice Development Law by reconstructing the spatial law to improve the quality of slum settlements between the addition of paragraphs in Article 26 and Article 29 of Law No.26 of 2007, the addition of Article 32 paragraph 7 and the Reconstruction of Law no. 1 of 2011 on Housing and Settlement Area Article 22 paragraph 3 Article 22 paragraph 3 is abolished.

Keywords: Spatial Planning, Slum Settlements, Improving Quality of Life

Background

The nature of national development is the whole human development as well as the development of the whole society. National development is a process of structural change that is done continuously and sustainably. Development is a natural process to realize the dream of the country, namely prosperous society, fair, and equitable.¹ Natural processes can be achieved if development assumptions can be met, ie full employment, everyone has the same productivity (equal to productivity, equal access, level of playing field), and every actor acts rationally (efficiently).²

Spatial planning involves all aspects of life so that people need to get access in the process of spatial planning. The basic concept of spatial law is contained in the Preamble to the 1945 Constitution of the fourth paragraph³. The Preamble of the 1945 Constitution of the Republic of Indonesia⁴ mandates that the national aim is to protect the entire nation and the entire homeland of Indonesia to promote the general welfare, the intellectual life of the nation, and the participation of the order the world based on freedom, eternal peace, and social justice.⁵

The statistical facts have led some observers to raise concerns that this is an indication of the state's failure to provide protection and guarantee for human dignity, one of its most basic human rights; people's right to land⁶. In line with the function, it is deemed necessary to establish a law on spatial planning, to further optimize the concept of spatial planning. Law Number 26 Year 2007 on Spatial Planning, which is the main law governing the implementation of spatial planning is not sufficiently recognized that there are still many shortcomings in the law.

1 Amin Purnawan, Kami Hartono Development of UMKM through Strengthening Aspect of Business Legality (Case Study of Weaving Industry in Central Java) , Directorate General of Higher Education Ministry of Technology Research and Higher Education, in accordance with the Superior Research Contract of Higher Education Number: 257 / B.1 / LPPM -SA / VI / 2017, Dated June 16, 2017, page 3.

2GunawanSumodiningrat, 2001, "Leadership and Economic Empowerment of the People", Speech SpeechSpeech of Professorship at Faculty of Economics GadjahMada University March 17, 2001, Yogyakarta: UGM, p. 3.

³Furthermore, in Article 33 Paragraph (3) of the 1945 Constitution states "The earth and the water and the natural resources contained therein shall be controlled by the State and used for the greatest prosperity of the people".

4 I GustiAyuKetutRachmiHandayani, Lintje Anna Marpaung, Guntur Hamzah, Yuliandri&AnisMashdurohatur, Empowerment Community Leaders as to Strengthen the Implementation of Regional Autonomy, Journal of Politics and Law; Vol. 10, No. 5; 2017 ISSN 1913-9047 E-ISSN 1913-9055, P.29.

5Said Gunawan, Anis Mashdurohatur, Teguh Prasetyo and I Gusti Ayu Ketut Rachmi Handayani, DEVELOPMENT CONCEPT OF NON-ALUTSISTA ABUSE BY INDONESIANNATIONAL ARMY, I nternational Journal of Business, Economics and Law, Vol. 13, Issue 4 (August)ISSN 2289-1552, page 180

6 Shallman1, Teguh Prasetyo, and Amin Purnawan, PUBLIC SERVICE ON LAND REGISTRATIONBASED ON THE DIGNIFIED JUSTICE, *Int. J. Adv. Res.* 5(5), ISSN: 2320-5407, page 154

According to Herman Hermit⁷ "as the principal legal principle of justice, the direction and frame of thought and approaches in any regulation (substance of laws and regulations), including the Spatial Planning Act, shall be imbued with the principle of justice." Spatial planning regulations that are not implemented optimally will affect the creation of a slum area, as well as the rules in the regulation of spatial arrangement that is not running effectively will have much impact in the arrangement of spaces or areas such as the creation of slum areas. The problem arises, especially in Gorontalo area, is the spatial planning that does not allocate the area/land for relocation for the residents who live in the slums. Thus, this needs to be a concern for the reconstruction in the spatial law.

From BPS (Central Bureau of Statistics) data of Gorontalo city, 2016 shows that from year to year there was a significant increase of population. It is clearly seen in the year 2009 there were only 170,455 people in Gorontalo City and increased dramatically in the next year that were 180,127 people until 2015 with the population the city of Gorontalo was 193,898 inhabitants, of course this also affects the various lines of life and the arrangement of space/land whose width is not increased. Based on data from the Directorate of Settlement Development, the slum type located in Gorontalo City is included in medium class type, and consists of 5 (five) areas. The regional profile of the region can be seen in the following table:

Table 1.2 Profile of Slum Area in Gorontalo City⁸

No	Kawasan	Luas (Ha)	Jumlah & Kepadatan Penduduk (jiwa/ha)	Tipologi Kawasan	Kedudukan Kawasan Dalam RTRW
1	Biawu & Biawao	40.10	6624 & 191	Sepadan Sungai	Sepadan Sungai
2	Limba B	62.40	7545 & 142	Kepadatan Tinggi	Permukiman
3	Bugis	15.00	2899 & 362	Sepadan Sungai	Sepadan Sungai
4	Ipilo	21.80	2377 & 261	Tepi Air & Perbukitan	Permukiman
5	Siendeng	20.00	2524 & 138	Sepadan Sungai	Sepadan Sungai

Environmental arrangement/Slums area is an attempt to repair, change, reorganize certain environments/regions in accordance with the principle of optimal utilization of space. The handling must be adjusted to the characteristics of the region. Decreasing the function of a slum area that cannot operate optimally needs to be done to be able to restore the function of the area. Areas that are not handled early and seriously, can lead to new problems resulting in decreased quality of life in the slums. A decrease in the quality of life can affect the development of the city itself.

Research Methods

Paradigm in research is Constructivism. By knowing some concepts and theories first will help researchers see carefully and critically of the symptoms or events associated with Spatial Planning, especially in addressing slums for reconstruction.

The method of approach used in this research was sociological juridical or socio-legal research, namely the approach of legal research based on the rules of law prevailing in society by looking at the symptoms and behavior that develops in the society especially to slums in the law of space planning by means of observation, interviews and questionnaires. This study used qualitative methods. The qualitative method itself is subdivided over: normative descriptive. The research specification is descriptive analysis with primary data source support, and secondary data. With the specifications of this study was expected to group the types of problems that are specific to the analysis.

Data Collection Technique was done with Primary data obtained from result of direct observation in field. Secondary data were obtained from related institutions such as Gorontalo City National Land Agency, Central Bureau of Statistics of Gorontalo City, Bappeda City of Gorontalo, Public Works Office and Kimpraswil of Gorontalo City, City Planning Office and Garden City of Gorontalo, Department of Labor and Social of Gorontalo City, and other institutions which were related to this study.

Data is a description of a situation or problem associated with place and time, which is the basis of a plan and is a tool in decision-making. The problems, objectives, and research hypotheses, to arrive at a conclusion must be supported by relevant data. The relevance of data with research variables is based on the relevant problem approach method.⁹

Analytical techniques used as an effort in achieving the objectives of the study were Qualitative Descriptive Analysis and Descriptive Normative Analysis Methods for Characteristic Analysis of Slum Areas of Gorontalo City. The analysis at this stage was based on the Residential Environmental Infrastructure Standards by the Directorate General of Public Works. The condition of the availability of facilities and infrastructure in slum areas is identified and analyzed on the basic facilities and basic infrastructure supporting the settlement activities.

The identification of Gorontalo city government policy towards slum areas was intended to know how far the local government's action towards the implementation of legislation governing an urban settlement area and its implementation to the effect of physical quality change of the slum environment of Gorontalo City.

⁷Hermit, Herman, *Pembahasan Undang-Undang Penataan Ruang (U.U No.26 Tahun 2007)*, MandarMaju, Bandung, Tahun 2008.

⁸Sumber: diolah dari Profil Permukiman Kumuh Kota Gorontalo, 2013

⁹Sumaatmadja, Nursid, *Metodologi Pengajaran Geografi*, Bumi Aksara, Jakarta, tahun 1998, page 104

Research Results and Discussion

1) GBHN and Propenas for Housing and Settlement Sector

In the direction of GBHN and Propenas, it is stated that housing and settlements function as dwellings or shelters and early places of life. The realization of the welfare of the people is marked by the increase of the quality of decent and matured life, and paying great attention to the fulfillment of the needs of the board as one of human need. In Propenas, housing and settlement issues, and infrastructure and facilities development programs are mentioned.

These programs are primarily intended to strengthen residential systems for the community, as well as to improve the quality of community infrastructure through improving the quality of infrastructure and settlement facilities, both in urban and rural areas.

Housing and settlement problems cannot be separated from various social, economic and environmental dimensions, locally, nationally, regionally or globally. In the context of urban slum settlements, particularly as urbanization impacts from rural to urban, has also declared Declaration on Cities without Slums. Under the Plan of Implementation of the World Summit Sustainable Development in Johannesburg in early September 2002, it had been targeted that by 2015 about 50% of the world's poor will be depleted from their poverty, including the need for adequate housing.¹⁰

National policies and strategies for the implementation of housing in 2002 were formulated on the basis of various considerations of the current strategic environment conditions and future development trends (2020). The formulation of such policies and strategies is highly structural so that it is nationally expected to be applicable within sufficient timeframes and accommodate various contextual matters of the area and can facilitate more systemic description by development actors in housing and settlement.

The national policy formulated consists of 3 main structures:

- 1) Institutionalize the system of housing and settlement system with the involvement of the community as the main actors, through the strategy of developing legislation and institutional stabilization in the field of housing and settlement, and facilitate the implementation of spatial and participatory settlement of spatial settlements.
- 2) Realizing housing needs for all layers of society, as one of the basic human needs, through the fulfillment of decent and affordable housing needs, by focusing on the poor and low-ability people.
- 3) Achieve healthy, safe, harmonious and sustainable settlements to support the development of self-identity, independence, and community productivity through the realization of sustainable and responsive environmental conditions.

National Housing and Settlement Policies and Strategies are basic directives that must be operationalized by various stakeholders in the field of housing and settlement so that the expected vision can be achieved. The products of national policy implementation and strategy implementation are also reflected through the preparation of Propeda, RP4D (Residential and Housing Development and Development Plans), and Repetada at the regional level.¹¹

In relation to the steps of environmental management in the implementation process of development, there are several programs related to it, including:¹²

- a. Population and human settlements and environmental management
- b. Agriculture and environmental management
- c. Industrial mining and environmental management
- d. Utilization of marine wealth
- e. Supporting activities in environmental management

2) Comparative Law About Spatial Implementation In Various Country

a. Implementation of Spatial Planning In The Netherlands

Spatial Planning in the Netherlands is conducted by the National Spatial Planning Agency, The Ministry of Housing, Spatial Planning and the Environment (*Ministerie van Volkshuisvesting, Ruimtelijke Ordening en Milieu or VROM*). This agency makes spatial planning that can accommodate the use of space in a limited number but interesting, livable and create a prosperous society. To create a spatial arrangement like this, the Agency creates the spatial criteria as follows:

- a. spatial diversity, with the distinction between town and village, peace and quiet
- b. economic and spatial functions: housing, employment and mobility must be related to each other
- c. cultural diversity: space for different cultural and recreational activities
- d. social justice: eliminating inequality between social groups or regions

10Sugandhy, Aca dan Rustam Hakim, *Prinsip Dasar Kebijakan Pembangunan Berkelanjutan Berwawasan Lingkungan*, Cet. I, Bumi Aksara, Jakarta, year 2007, page 17

11[https://id.scribd.com/doc/300132271/ Kebijakan-Pemerintah-Tentang-Lingkungan-Pemukiman](https://id.scribd.com/doc/300132271/Kebijakan-Pemerintah-Tentang-Lingkungan-Pemukiman) diakses tanggal 21 juni 2017 pukul 09.10 Wita

12Sugandhy, A dan R. Hakim. *Prinsip Dasar Kebijakan: Pembangunan Berkelanjutan Berwawasan Lingkungan*, Bumi Aksara, Jakarta, 2007, page.28

- e. sustainability: conservation or restoration of valuable ecological areas
- f. aspect of attraction
- g. aspects of human dimension

The Fifth National Policy Document on Spatial Planning is the most recent document on spatial arrangement that started in 2002. What is interesting about this document is the involvement of the public in the preparation of this document. National Spatial Strategy (*Nota Ruimte*). This National Spatial Strategy is derived from the Fifth National Policy Document on Spatial Planning.

Through this National Spatial Strategy, the government wants to create greater space for development as well as to give greater responsibility to various development actors such as city councils, community institutions and citizens themselves. In addition, the National Spatial Strategy also regulates space for nature, space for water, space for rivers, national landscape, green zone, Randstad region, and coordination with other development policies.

Space Spatial Planning (*Wet op de ruimtelijke ordening/Wro*). The Space Planning Act has been in place since 1965 and has been amended several times. Currently a new Wro has been created since 1 July 2008. This Wro set about the Netherlands landscape today and the future. In the latest Wro contains changes such that the Municipal authorities should make zoning plans and should be available in the digital format planning documents along with the hardcopy.

Spatial Plan in Randstad area. Randstad is a term for urban areas in the Netherlands consisting of 4 major cities namely Amsterdam, Rotterdam, The Hague, and Utrecht. Randstad's current plan is Randstad for the year 2040 with a vision to create the Randstad region evolving into one of the region's sustainable and international competitiveness in Europe. Randstad 2040 sets the details of Randstad space planning from the port plan (in Rotterdam and Amsterdam), making The Hague a city of law, peace and security, to an attractive urban park plan. In addition to the above planning documents, many other planning documents are of lower rank.

Spatial planning in the Netherlands involves a national strategy on land and water resource allocation for sustainable economic and social development. Coordinate national policies and strategies in spatial planning including ensuring the implementation of EU regulations in national legislation. The main land uses in the Netherlands are: housing, industrial and commercial activities, agricultural production, transportation and infrastructure, and activities related to nature and biodiversity. Provinces and municipalities are given greater authority. They can decide which locations are best for new business parks, for example. In reaching the decision, they will examine all aspects of spatial planning, including accessibility, feasibility and security.¹³

The National Spatial Strategy contains the government's view of the Dutch spatial development and the most important goals associated with that development. In accordance with the government coalition agreement, the strategy is contributing to the national spatial planning into a strong economy, a safe and livable society and an attractive country. Agenda Implementation of the strategy provides insight into spatial investment and the implementation of the most important activities in relation to the policy. The National Spatial Strategy establishes a national spatial policy until 2020; The long-term aspect covers the period 2020-2030.¹⁴

The mainland is about the size of Kyushu in Japan. Most of the country consists of lowland along the sea or reclaimed land, with a quarter of the country at or below sea level. Population density 400 / km² higher than Japan (Japan: 342 / km² in 2012).

The Netherlands is referred to as a decentralized unitary state, the provinces and municipalities of the Netherlands base have an obligation to undertake joint administrative work, delegated by the national government, in addition to performing their respective administrative tasks as autonomous bodies. Furthermore, the heads of provinces and municipalities were appointed by the king's royal command. These provinces have smaller responsibilities compared to prefectures in Japan.¹⁵

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<https://www.government.nl/topics/spatial-planning-and-infrastructure/documents/publications/2013/07/24/summary-national-policy-strategy-for-infrastructure-and-spatial-planning> di Akses Pada Tanggal 27 Juli 2017 Pukul 13. 12 Wita

14(The National Spatial Strategy contains the government's views on the spatial development of the Netherlands and the most important objectives associated with that development. In accordance with the government's coalition agreement, the strategy represents the contribution of national spatial planning into a strong economy, a safe and liveable society and an attractive country. The Implementation Agenda for the strategy provides insights into the most important spatial investments and implementation activities with respect to the policy. The National Spatial Strategy sets out national spatial policy up until 2020; the long-term aspects cover the period from 2020-2030).

15(Local Governments, Referred to as a decentralized unitary state, the provinces and basic municipalities of the Netherlands have the obligation to engage in joint administrative work, which is delegated by the national government, in addition to performing their individual administrative work as autonomous bodies. Further, the heads of the provinces and municipalities are appointed by the royal command of the king. The provinces have less responsibility as compared with the prefectures in Japan)

The country consists of 12 provinces and 418 basic municipalities (per 2010). As a result of the merger, the number of municipalities dropped from 431 in 2009¹⁶. In addition to these structures, different types of regional administrative organizations consisting of several cities have grown (such as urban areas), but the coalition government formed in October 2010, which advocates "government small", has provided a policy to remove the city area (not yet implemented). In addition to this structure, various types of regional administrative organizations consisting of several cities have developed (such as urban areas), but the coalition government formed in October 2010, which advocated a "small government", has provided policies to remove urban areas (not yet implemented).

b. Spatial Planning Implementation In Japan

Japan is one of the developed countries whose technology has grown enormously. The country's progress is due to the fact that there is a good spatial planning. Good spatial planning is necessary to ensure the balance of urban and regional development. Cities like Japan have a strong tradition of spatial planning, and have managed to keep the urban space structure good. Developing countries have begun to understand the importance of directing urban development to avoid the formation of unsustainable urban space structures, but institutional capacity and law enforcement for spatial planning is weak.

Sustainable systems, both from economic and environmental criteria, can only be achieved if interactions between spatial planning, urban growth and development are addressed. Increased infrastructure capacity, especially within the city, resulted in increased demand that ultimately re-created imbalances. City Planning (RTRW) in the cities of the Japanese country is very good, orderly, and tidy, adding to the charm of the capital city of Japan. The Japanese state also does a very clear division of its territory between shopping centers, housing, offices, business centers, government centers.¹⁷

Spatial planning policy in Japan is to use spatial classification approach to only two large groups of areas, ie areas for the planned of the present and the area designated for the future. This spatial planning policy is followed by the activity of controlling the use of space through spatial use permit mechanism. So do not expect the government to grant a location permit or building permit for a designated location for the future. Spatial in Japan is preparing land for future generations.¹⁸

Cities in Japan do not adopt a strict land use pattern. But precisely this is what encourages the creation of a complete community space, life and full of vitality. In accordance with the principle of *rizome*, cities form self-sufficient communities. The concept of mixed-density mixed functions over a long period of time has also proven to make cities in Japan able to survive as a safe and comfortable city. According to Narumi (1989) in the analogy of nature, cities with small morphology and diverse functions as coral reefs in the sea are more able to survive compared to a segregated city which is like a dinosaur creature that is fragile and finally extinct.¹⁹

Although the order of cities in the visible Japan is such as the smallest community unit (*machi*), a loose master plan, village-urban patterns (*senbiki*) and ecological order. The metaphysical order can be explained by using the *rizome* model of a system that is not organized in a vertical or horizontal organization, but displays a fluid and interrelated form. However, this *rizome* model can be observed in the pattern of residential space and the form of public space in the urban area.²⁰

Along with the rapid development of technology in Japan, the concept presented at this time is the concept of the Japanese state as a garden city. Garden City is one of the concepts of urban planning that seeks to be a solution to the problems of the city due to the development of industrialization and capitalism. Japan is one of the countries that implement the concept at the beginning of its development, conceptually as well as the principles of planning, certainly not apart from the condition of Japanese history, both general history and related to the history of town planning.

- c. With the basic knowledge of urban planning, the concept of Garden City as a new city planning is then translated into several principles:
 1. The degree of principle that forms a new city as an independent city does not depend on the main city both physically (infrastructure) and socio-economic (self-containment (self-contained-self-sufficient));
 2. Differences in land use patterns;
 3. Community balance level;
 4. The degree of urban management (self-government);
 5. City size

16. (The country is comprised of 12 provinces and 418 basic municipalities (as of 2010).As the result of merger, the number of municipalities decreased from 431 of 2009).

17 www.kompasiana.com/%2Fjmaluddin_mohammad_%2Fmelihat-jepang-dari-dekat_5510a8f0a333110037ba896b&usg=AOvVaw1sWXrWtAbA248o6YbqnymB accessed on 20 Oktober 2017

18 <http://mediatataruang.com/beberapa-faktor-kebijakan-penataan-ruang-negara-lain/> accessed on 20 October 2017

19 Evawani Ellisa, *Realitas Dan Tatanan Urban Kota-Kota Di Jepang*, Jurnal Makara, Sosial Humaniora, Vol. 13, No. 2, Desember 2009, page. 140

20 *Ibid*, page 141

The Garden City concept in Japan is done with attention to the implications of the existence of the main city as the first generator of Garden City's growth. What is more prominent than the concept of Garden City in the beginning is the den'en concept of growing the village sense and agricultural activities (agriculture) both in the context of the scope of rural areas (rural areas) and urban areas (urban areas).

The existence of the definition of Garden City as an agricultural city has made the Garden City concept in Japan more directed to transitional conditions to activities that are rural (ruralization). Anti-city values are described on the working conditions of the City Garden City residents will work in the industrial and agricultural sectors as well.

Ruralization into a context is carried out in the internalization of the Garden City concept in Japan because it sees the village as a base in the formation of civilization in Japan. Agriculture is no longer a mere economic activity but, more broadly, agriculture has become a tradition for Japanese society that is related to belief in the form of spiritual power or us, as part of the Shinto ritual. Japanese civilization that started from the village community survived until the Tokugawa period. Although the city has grown as a center of Daimyo (local government) government, agriculture as a form of rural activity still survives and remains an important commodity in the economy and state taxes and is a major support in city defense.

Watanabe in Ward explained that the concept of ruralization that occurred in Garden City in Japan is getting stronger in the event of an earthquake disaster in Japan. The destruction of major cities is considered as a start for the development of a new city that leads to the concept of den'en. The concept that the radicals consider will be able to maintain the sustainability of local agricultural and cultural activities. Things that have not happened in the development of major cities in Japan are more directed to materialism.²¹

In the development of Garden City concept that occurred in Japan at that time then there is a city that became the implementation of the concept of Garden City in Japan. Among them is *Den'enchofu* which is outside Tokyo City. *Den'enchofu* is an implementation of the concept of Garden City that was built in stages starting in 1918. The city has been proven as part of the application of Garden City in Japan in terms of background development and built concepts.

The first step in the construction of Garden City Japan started with the construction of a rail network that directly connects *Den'enchofu* with the City of Tokyo. In cooperation with Kintaro Yabe as the architect in *Den'enchofu* development, the urban designs that were still influenced by the original Garden City concept adopted the radial pattern. The radial pattern formed and the atmosphere adopted further lead to the atmosphere of the suburban area at St. Francis Wood in San Francisco, USA and the concentric pattern located around the Arch of Triumph in Paris, France. Architecturally too, there are several kinds of buildings built in the area of settlement *Den'enchofu*. Some of the concept of the building is a mixture of Japanese and western characters.

In *Den'enchofu*'s implementation, the concept of 'ruralization' was echoed completely invisible. Instead, what happens is the development of an area entirely conceptual city. A land use pattern that ideally supports both urban and agricultural activities is not available in *Den'enchofu*. Urban or urban features are more pronounced although the allocation of preservation areas is indicated by the green areas around the Tama River.

It can illustrate the influence of the development of the suburban area as a residential area becomes more dominant than the establishment of a well-planned city. It is also later that also influence the vast urban development apart from the influence of government policy at that time which is doing strict control over the forms of development. Especially since *Den'enchofu* was built on new land before it was an undeveloped agriculture²². So the existing planning should be in accordance with the planning of Tokyo's suburban area that started in January 1920.

The creation of a dynamic regional area is one of the objectives of the spatial establishment in the Garden City concept. Indeed the concept is not just an independent plan that is not related to the surrounding area at all. But the most important is the creation of a harmony regional area with sufficient employment and service facilities and the carrying capacity of a good region. The important lesson when it comes to the whole concept of Garden City in Japan can be seen through the macro context associated with the formation of regional territories with spatial and functional interconnections. The importance of building synergistic transport links, the use of compact land, the availability of viable settlements, and the sustainability and independence of the region's economy, are of particular importance. on the provision of an integrated mass transportation network, the development of sub-urban areas as a solution for settlement needs, and land and property ownership policies.

3) Reconstruction of Law to Overcome Settlement Problems so that the Quality of Community Life is Achieved

21 Watanabe, Sun-ichi. "The Japanese Garden City", dalam Ward, Stephen V. (1992). *The Garden City: Past, Present, and Future*, UK, Routledge, page. 69 Sumber: <http://www.books.google.com> diakses: 10 Oktober 2017, pukul 12.00 Wita

22Oshima, Ken Tadashi. (1996). "Den'enchofu: Building the *Garden City* in Japan", *The Journal of the Society of Architectural Historians*, Vol. 55, No.2, (Jun., 1996), page. 143

To overcome the negative impact on the environment of a human activity offered a concept as proposed FentyPuluhawa need to do Command and Control approach or conduct Arrangement and Supervision²³. Indeed spatial planning is a plan that regulates the use of the area in human life on it. In practice in community life, spatial management cannot be separated into two broad categories, which in most societies do not understand and cannot separate between protected areas and cultivation areas.

The government in addition to provide flats should also provide jobs for those who have not had a job. And the public must always keep the environment to stay beautiful, clean, and regular. In addition, the government should also think that a lot of architects in Indonesia that may be very helpful to the problem. In addition to the above three reasons for legal reform, as a nation that cannot be separated from the association of the nations of the world, adaptive reasons cannot be excluded, meaning that reform efforts in the future will have to adapt to new developments especially international developments already agreed by civilized society. Interaction of the value system between countries inevitably must be accepted and must always be adapted to the values derived from the Ideology of Pancasila.

Pancasila as the basic philosophy of the state as well as the philosophy of life of the Indonesian nation is basically also systematic value. Pancasila is taken from the noble values of the Indonesian nation on the essence of religion, humanity, unity, democracy and justice. In addition, Pancasila is characterized by the principle of kinship and cooperation and the recognition of individual rights.²⁴ Principles of cooperation between local government and community leaders in strengthening regional autonomy in general good governance principles that can be used as a guide in cooperating between community leaders with local.²⁵

The legal reconstruction required to further improve the achievement of the objectives rather than the spatial arrangement especially for slums. The formulation of this rule is reconstructed on the rules of spatial arrangement and on the rules concerning housing and settlement areas. The additions of Chapter, article or paragraph to the rules are as follows:

Reconstruction of Laws to Overcome Settlement Problems so that the Quality of Community Life is Achieved

NO	Subject	Explanation
1	Basic of Reconstruction	Based on the wisdom of the Republic of Indonesia in the form of the 2 nd Precepts and the 5 th Precepts of Pancasila with Local Wisdom in Gorontalo and International Wisdom on Spatial Planning
2	Paradigm of Reconstruction	Reconstruct the law of Spatial In Positive Law of Indonesia with Justice-based for all levels of society
3	Objective of Reconstruction	The fulfillment of the legal objectives of legal certainty, benefit and justice in national development that concerns the rights of all parties including the poor living in slums
4	Value of Reconstruction	This is done by granting equal rights to all levels of society in participating in development, and national development should not only pursue development targets but exclude the interests of poor people living in slums, but must meet the sense of justice.
5	Subject of Reconstruction	<ul style="list-style-type: none"> - Central Government and DPR - State Representative Body - Bapenas (National Planning Agency) - Local Government and DPRD - Office of Spatial Planning - Social services - Public Works Service - Gardening Agency - Private party (developer) - Community in Kumuh area
6	Norms in Law Number 26 Year 2007 on Spatial Planning Article 25 Until Article 31 and Article 32	These articles only deal with the use of space both vertically and in the earth. Spatial management is not included, as the classification of spatial arrangement based on the main function of the area consists of protected areas and cultivation areas, while there are community groups that have inhabited an area that is then designated as a protected area so that the regulation

²³Fenty Puluhulawa, *Negative Impact Prevention to the Environment on Illegal Community Mining toward Command and Control Approach* Jurnal Dinamika Hukum, Volume 15, No.3, Fakultas Hukum Universitas Jenderal Soedirman Purwokerto Jawa Tengah. 2015.

²⁴AndhikaYuliRimbawan, Gunarto, JawadeHafidz And AnisMashdurohatun., RECONSTRUCTION OF PATIENT'S LAW PROTECTION ON X-RAY USE FOR HEALTH BASED ONVALUE OF JUSTICE, *Int. J. Adv. Res.* 5(9), XX-XX, ISSN: 2320-5407 *Int. J.* Page 2

²⁵I Gusti Ayu Ketut Rachmi Handayani1, Lintje Anna Marpaung, Guntur Hamzah, Yuliandri& Anis Mashdurohatun, *Loc.Cit*

		of the management of protected areas and cultivation areas is necessary so that not harm each other
7	Norms Under Act No. 1 of 2011 on Housing and Settlement Area Article 22 paragraph 3	In this paragraph the arrangement of floor area for a modest house is 36 (thirty six) square meters. Because there is no prohibition to build smaller
8	Regulation of Regional Regulation No. 40 Year 2011 on RTRW of Gorontalo City Year 2010 - 2030 Article 14 paragraph (3) letter b	In this article does not mention the slums and its handling

Reconstruction of Law Number 26 Year 2007 on Spatial Planning Article 25 Until Article 31 and Article 32

No	Article Before Reconstruction	Article After Reconstruction
1	These articles discuss the spatial planning of the district (Articles 25 through 27) and the spatial planning of urban areas (Articles 28 to 31). The whole article only discusses the development of districts/municipalities, namely the provision and utilization of space, the allocation of green open space and RPJP and RPJM. Absolutely not discuss about the development impact of slum and its handling.	Additions to paragraphs in Article 26 and Article 29 are: a. Control of the impact of urban development in the form of slums and handling measures. b. Provision of land for relocation for areas that are already heavy and cannot be rehabilitated again.
2	Article 32: This Article deals only with the use of space both vertically and in the earth. Spatial management is not included, as the classification of spatial arrangement based on the main function of the area consists of protected areas and cultivation areas, while there are community groups that have inhabited an area that is then designated as a protected area so that the regulation of the management of protected areas and cultivation areas is necessary so that not harm each other	The addition of Article 32 paragraph 7 management of protected areas and cultivation areas to pay attention to local wisdom of local communities with fixed priority regional functions. This addition is because almost in all regions in Indonesia have local wisdom. Especially in the city of Gorontalo there are some local wisdom of society, including: a. Children will build a house on their parents' land so that the land will become more crowded if there is additional housing on a fixed land area. b. The customs of the people of Gorontalo City bury their family members who died in the yard. This further adds to the slum if not well laid out.
3	Addition CHAPTER About Spatial Planning Criteria	The addition of Chapter namely Chapter IV on Space Spatial Criteria. In this Criteria spatial arrangement will be divided or composed of 1. Spatial Diversity: there is a fundamental difference between city and countryside. 2. Economic and spatial functions: There is a very close and related relationship between housing, employment and mobility. 3. Cultural diversity: the difference between space for recreational and cultural activities 4. Social welfare and justice: eliminating inequality between social groups and regions 5. Aspects of attractiveness and sustainability: conservation or restoration of valuable ecological areas.

Reconstruction Act No. 1 of 2011 on Housing and Settlement Area Article 22 paragraph 3

No	Article Before Reconstruction	Article After Reconstruction
1	In this paragraph the arrangement of floor area for a modest house is 36 (thirty six) square meters. Because there is no prohibition to build smaller.	Article 22, paragraph 3 is abolished, because there is no prohibition to build smaller, as well as public purchasing power for housing specifically for the fulfillment of the need for cheap and healthy housing.

Local Regulation no. 40 Year 2011 on RTRW of Gorontalo City Year 2010 - 2030 Article 14 paragraph (3) letter b

No	Article Before Reconstruction	Article After Reconstruction
1	In this article does not mention the slums and its handling	Addition of number on Article 14 paragraph (3) letter b number 3 that is:

	Controlling the development of cultivation activities that have the potential to generate a slum area.
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The reconstruction offered above should be properly supervised so that slum areas can be upgraded. There is one important thing that is although the Act 26 of 2007 About Spatial Planning. And Law No. 1 of 2011 on Housing and Settlement Area has been reconstructed, the elaboration of the regulations under it is necessary. Currently, the existing RTRW Kota Gorontalo and RDTR do not specify the slum areas that need to be prioritized in handling them. Thus, efforts to improve the quality of slum areas in the city of Gorontalo can be said there is no rule that really binding and clear location.

With clearer and binding rules, spatial arrangement in Indonesia can create an attractive, livable space and create a prosperous society. To meet the expectations of the central government in 2019 Indonesia is slum free, offered a concept in improving the quality of housing and slums:

- 1) Plans is spatial planning space for the future,
- 2) Regulate is set the spatial arrangement on the needs of now but still visionary, and
- 3) Supervise is to keep monitoring the provisions in the spatial layout because the supervision is not maximal will lead to irregularities in spatial arrangement and potentially slum.

Provision of special land by the government can build an integrated residential area in the form of vertical (flat) that is environmentally friendly for rent to them. However, the construction of the towers should also be equipped with other supporting facilities, such as schools, places of worship, and markets that can be accessed only by foot, without having to use a vehicle. The building must be vertical (tower) so as not to spend a lot of land. The rest must be provided also land for green open spaces, so that people still enjoy a healthy environment.

New Theory found is "Theory of Justice Development Law" Is a development concept that focuses on the development objectives in favor of the interests of the whole society. The concept of development is emphasizing the purpose of development not only want to achieve the target of development but ignore the justice. This can be achieved if the concept of spatial development is carefully considered, starting from the process of planning, implementation, supervision, and evaluation so that the development goals to achieve the welfare of the community are met.

Conclusions

The reconstruction of spatial law to improve the quality of slum settlement is the addition of paragraph in Article 26 and Article 29 of Law No.26 of 2007 on Spatial Planning, namely: controlling the impact of urban development in the form of slum and handling action. Provision of land for relocation for areas have been heavily and cannot be rehabilitated again. The addition of Article 32 paragraph 7 management of protected and cultivation areas pay attention to local wisdom of local communities by still prioritizing the function of the region. Reconstruction Act No. 1 of 2011 on Housing and Settlement Area Article 22 paragraph 3 Article 22 paragraph 3 is eliminated, because there is no prohibition to build smaller, as well as public purchasing power for housing specifically MBR for the fulfillment of the need for cheap and healthy housing. Local Regulation no. 40 Year 2011 About RTRW Gorontalo City Year 2010 - 2030 Article 14 paragraph (3) letter b. Addition of numbers in Article 14 paragraph (3) letter b number 3 namely: Controlling the development of cultivation activities built that potentially lead to slum areas. The new theory found is "Theory of Justice Development Law".

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