

Spatial Development Plan For Papua Province As Instruments On Sustainable Development

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ABSTRACT: *The regional spatial plan is one of Indonesia's main future goal for development that upholds the prosperity of the people, spesifically in Province of Papua, hence the issuance of the Papua Provincial Regulation on it's spatial plans, are expected to realize a sustainable spatial planning in Papua and as well restoring the environment's balance considering the problem of decreasing number of forest areas in Papua that caused by coal mining activities. Therefore, an action of making strict and clear restrictions must be made, if there are no such strict restrictions and arrangements, it eventually will result in environmental damage that will be experienced by our future generations. The effects of enviromental damage which will be experienced by our future generations if this so, are already contradictory with the realization of the principle of intergenerational justice.*

Keywords: *Sustainable, Forest, Environment, Regional Spatial Plan.*

1. INTRODUCTION

A basic yet nuanced definition is the concept of sustainable growth, such that the notion of sustainability is rather multi-dimensional and multi-interpreted. The experts decided to temporarily follow the Brundtland Commission's interpretation that "sustainable development is development that meets the needs of the current generation without compromising the ability of future generations to meet their needs.(Sudarwanto & Handayani, 2019a) Sustainable development, pursuant to Article 1(3) of Law No 32 of 2009 on Environmental Protection and Management, is a conscious and planned effort which combines environmental, social and economic aspects into a development strategy aimed at ensuring the ecological integrity, safety, capacity, well-being and quality of life of present and future generations.(Sudarwanto & Handayani, 2019b)

The ramifications of the concept of sustainable development for the formulation of law were clarified by Daud Silalahi as follows. The definition of sustainable development has led to a shift in modern law-building perspectives from being initially based solely on human society (anthropo-centric) to a new ecosystem culture paradigm (eco-centric).(Karjoko, Winarno, Rosidah, & Handayani, 2020) Besides, it also laid the groundwork for a new definition of environmental law. Maurice Strong, Secretary-General of the UN Environment Conference calls the implementation of this new law "a first step in development international environmental law." The principles of the Stockholm Declaration have become a model in various countries including Indonesia, for the formulation of national environmental laws (UUHL).(Leonard, Pakpahan, Heriyati, Karjoko, & Handayani, 2020) The effect of the idea

of socio-cultural change can also be seen in the current paradigm that accompanies regional autonomy and facilitates the formation of provincial regulations for new goods. One of the recent outcomes of the establishment of legal standards for national development is the decentralization of decision-making in the licensing system in the sense of regional development.(Handayani, Sulistiyono, Leonard, Gunardi, & Najicha, 2018)

The features of the Province of Papua vary from those of other regions, namely Law Number 21 of the Year 2001 on Special Autonomy for the Province of Papua. The aim of granting special autonomy to the Province of Papua is to achieve justice, uphold the rule of law, respect for human rights (HAM), accelerate economic growth, increase the welfare and progress of the people of Papua in terms of equality and balance with other provinces' progress. Article 63 states that by paying attention to RTRW, growth in the Papua Province is driven by sustainable development, environmental protection, benefits, and justice. This situation emphasizes the significance of RTRW as a method for sustainable development in the province of Papua.(Soediro, Handayani, & Karjoko, 2020)

In Article 10, paragraph 2, of Law No 26 of 2007 on Spatial Planning, it is specified that the provincial government will carry out spatial planning for the province, including spatial planning, spatial use and spatial use control. The responsibility and power of the Provincial Government to compile it is the planning of the Provincial RTRW.(Jaelani, Handayani, & Karjoko, 2020b) It is specified in the Spatial Planning Law that the deadline for the preparation of the Provincial RTRW is two years after the implementation of the Spatial Planning Law, so that in 2009 the deadline for the drafting is set so that the Provincial RTRW must be compiled and have legal force in the form of a Regional Regulation (PERDA). Government Regulation No 38 of 2007 on the sharing of public relations between the Government, the Provincial Government and the Regency / City Government also specifically defined the roles and obligations of the Provincial Government for the planning and stipulation of the Provincial RTRW.(Jaelani, Handayani, & Karjoko, 2020a)

Law Number 25 of 2004 on the National Development Planning Framework is another law relevant to the authority to formulate RTRW (SPPN). Several articles suggest a stable relationship between RTRW and long-term development plans in the National Development Planning System Law and Spatial Planning Law (RPJP). The RTRW is a general spatial plan with a 20-year planning term, while the RPJP is a 20-year planning text. The importance of a harmonious and harmonious relationship between the RTRW and the RPJP is underlined by this situation.

2. RESULTS AND DISCUSSION

For instance, the establishment of Regional Regulations (PERDA) within the context of the Regional People's Representative Council (DPRD) is a fundamental shift in the creation of rules that are operational in the current region. Furthermore the latest Regional Government Legislation opens up new possibilities for regions to strongly enter into international and regional agreements. In the formulation of local legislation, the effect of globalization on the production of environmental laws and natural resources in the regions needs to be addressed. (Jaelani et al., 2020a) Legal experts who are members of the 'Global Commission on Environment and Sustainability' typically accept the rapid development of environmental law (including natural resources), but the rapid growth has also led to a disparity between the

pace of formation of new legislation and the environment of legal requirements in development and the inefficiency of the legal provisions in force.(Sukmoro, Sulistiyono, & Karjoko, 2019)

The next issue concerning strengthening regional roles in the management of natural resources is the growth of institutional capacity in the regions. It is important to establish organizations that have the capacity to organize across sectors; administrative units that have a valuable coordinating role;(Ahmadi, Handayani, & Karjoko, 2019) the power to control and make decisions in the licensing system of activities; the ability to internalize a culture of involvement and good performance; unbiased leadership and understanding of activity licensing; Creation of organizations that are capable of fostering improvements in the concept of a proactive public participation culture, efficient cross-sectoral cooperation, decentralization of excellent and effective decisions, cross-cutting legal approaches that pay attention to environmental capacity and are open to positive scientific and technical considerations.(Karjoko, Winarno, et al., 2020)

Forms of involvement based on the new definition of public consultation processes would be affected by the creation of local legislation for sustainable development in the management of natural resources geared towards the role of stakeholders in the regions. (Karjoko, Winarno, et al., 2020) The community-based natural resource management efficiency movement needs the participation of the community to establish a model of public consultation that harmoniously and efficiently incorporates social, economic and environmental development. Uncertainty and various viewpoints on the formulation of new laws for the management of natural resources in the regions, as a consequence of the community's expectations against the context of the history of its growth, the principles that live in communities of varying nature and the emergence of new problems related to the production of natural resources and environmental laws. (Karjoko, Winarno, et al., 2020)

Regional regulations are suitable as public policies that frame the implementation of regional autonomy if they are developed in line with or within the scope of the achievement of regional goals of independence, i.e. growing public health, increasing regional productivity, enhancing public services and increasing democracy.(Putri, Handayani, & Novianto, 2019) The legal system consists of a legal framework, a legal substance, and a legal community, according to Friedman. In order to become a genuinely recognized law and to be used by the society, a traditional institution must therefore be prepared on the basis of the legal culture of the organization concerned.(Karjoko, Gunawan, et al., 2020) Article 28 H(1) and Article 33(4) of the 1945 Constitution provide for the formulation of a legal culture linked to the environment. Paragraph (1) of Article 28 H notes that everyone has the right to live physically and mentally well, to have a place to live and to have an atmosphere. Live safe and well and have the right to health facilities. In addition, Article 33(4) states that the national economy is structured on the basis of economic democracy, based on the principles of solidarity, equal performance, sustainability, knowledge of the environment, freedom and maintaining a balance between development and national economic unity.(Baranyanan, Handayani, & Isharyanto, 2019) The principles of sustainable and environmentally friendly growth are therefore the standards, basis, orientation and efficient regulations used to construct the legal system (Satjipto Rahardjo, 2006: 139).

National protected areas and agriculture areas that have national strategic values comprise the national spatial pattern strategy. An description of the determination of each of the specified areas for the province of Papua is given below. National protected areas consist of places protecting their subordinate areas; local protected areas; nature reserves, nature protection and cultural heritage areas; natural disaster-prone areas; geological protected areas; and other protected areas. Safe area planning policies provide policies for maintaining and realizing environmental roles and avoiding the occurrence of environmental harm. Establishment on land and in the seas of protected areas.(Prasetyo, Handayani, Sulistiyono, & Karjoko, 2019)

The use of protected space includes the use of space in areas protected by subordinate areas consisting of protected forest areas, peatlands, lakes and reservoirs and mangrove areas, as well as areas surrounding springs, the spatial use of nature reserve areas, the protection of nature and cultural heritage, and the spatial use of natural disaster-prone areas. Wildlife Reserves: Dolok Island, Jayawijaya, Mamberano Foja, Bian Lake, Anggromeos, Kolomon o Nature Reserves: Cyclops, Enarotali, Bupul / Kumbe, Wayland Mountains o National Parks: Lorentz, Wasur, Taman Cendrawasih Bay Marine o Natural Park: Youtefa include the protected areas identified in the RTRWN for Papua Province.(Akhmaddhian, Hartiwiningsih, & Handayani, 2017)

Development areas include forest production areas, community forestry areas, farming areas, fishing areas, mining areas, industrial areas, tourism areas, residential areas, and other areas. Areas of cultivation of national strategic significance are designated as key areas. The national strategic importance includes the capacity of the region to stimulate economic growth in the region and its environs and to promote equitable regional development.(Kuncoro, Handayani, Muryanto, & Karjoko, 2019)

The Papuan government is prepared to follow an alternative path, namely low carbon, for growth. The purpose of the "100 year vision" of the Papua Provincial Government and the "Blueprint for Sustainable Land Use" document (sustainable development blueprint) is to establish an economic model that provides equitable growth, is ecologically sustainable and improves the well-being of indigenous Papuans. As a clause, the power and legality of penalty, namely the imposition of legal penalties for irregularities in RTRW, are both in this legal product. Natural resource management permits, for example, for investors who have business licenses, and the licensors, the government in this case. The principles of sustainable development have been adopted by the Papua Province RTRW, namely:(Kuncoro et al., 2019)

1. Development is long-term and equitable. Preventing trajectories of boom-bust, such as those of economic development focused on the exploitation of natural resources (very high reliance on natural resources, which makes the manufacturing sector backward, and low growth and welfare);
2. Fulfilling the development needs of the Papuan people's (OAP) interests while protecting the forest and climate while securing carbon assets; and
3. In order to counter the impact of climate change and natural disasters, create long-term resilience.

The RTRW Regulation pays attention to development actors in Papua, in particular public officials, not to carelessly plan development on an arbitrary basis at the cost of natural

resources (forests), as well as to protect the Papuan region (forests and environment) and the OAP in the future. For Papua, the RTRW is therefore very important because:(Soediro et al., 2020)

1. The RTRW Papua Province sets an ambitious target of over 90% forest cover. Then reduce the area earlier reserved for planned logging by 21 percent.
2. For investors, both from within and outside the country, the natural resources of Papua are beautiful. RTRW is one of the laws to protect the forests of Papua from the ignorant hands of large-scale developers who are only looking for gains, even though their actions destroy biodiversity and forests.
3. At the same time, the RTRW of the Province of Papua offers an incentive for Papuans to preserve their life around the forest so that human society does not swallow it as well as assets in the form of land that does not change hands to other parties that are constantly turning the land in Papua into a commodity;
4. After the Brazilian Amazon and Zaire-Congo, the forest of Papua is the third largest tropical forest but is experiencing the world's fastest damage, so preventive measures must be taken to protect the forest;
5. As "natural supermarkets" properties, Papuan forests have biodiversity that needs to be preserved, maintained as a place of learning for all people (the country), particularly the next generation, for long-term goals;
6. The Papuan forests are the ultimate objective of a green economy for sustainable development, which is now the benchmark for growth in developing countries worldwide. Papua is taking a quantum leap to sustainable green economic growth from the economies of developed countries;
7. The forests of Papua, which are still natural and sustainable, will shape Papua's future world growth. Papua will become a benchmark for the sustainable development of all the world's countries. Local information will be coupled with knowledge acquired by Papuan children who are studying in different countries at present;
8. Solutions for growth in Papua, which continue to attract people from other regions in Indonesia to create a quality of life. It is important for the regional government and the Papuan people to be prepared to fight against different policies that misuse natural resources and neglect the environment and the OAP.

The development path of Papua can be learned from the failures of Nauru, an atoll country in the Pacific region. Since 1968, Nauru has been independent, but when its natural resources is exhausted, its people are poor again. The island has been inhabited by birds for thousands of years, so guano (bird droppings) requires phosphate in order to form high mountains. In the 1970s, this commodity, which is more costly than gold, became the prima donna of Nauru's exports. Phosphate sales, especially to Europe make the Nauru people more prosperous and introduce the habits and lifestyles of people in developed countries. The nickname 'Kuwait of the Pacific' was also given to Nauru. But when the guano escaped, the Nauru people returned to their original lives.(Jaelani, Rachmi Handayani, & Karjoko, 2019)

Due to overexploitation, nature is also impaired. A barren field of jagged limestone that can reach 15 meters high is left by former phosphate mining. Mining in progress has destroyed approximately 80% of the territory of the country. Around 40 per cent of marine life is

destroyed by runoff from mud and phosphate. The "Boom-Bust Trajectory" economic theory is accompanied by what happened in Nauru (balloon burst theory). Sooner or later people will live a degraded life when an environment that has non-renewable natural resources is exploited to the fullest. The Papua RTRW Regional Regulation was five years old in 2018 and it is time to perform a reconsideration according to the provisions (PK). It needs to be acknowledged, and the presence of RTRW Papua is not recognized or even ignored by many parties. Therefore a consistent socialization of the advantages of an RTRW for all parties as stakeholders in Papua must be pursued by the PK that is carried out. (Karjoko, Gunawan, et al., 2020)

The PK process must also investigate the number of permits issued to large companies whose actions endanger the protection of the forests of Papua, the number of large forest areas exploited and contrary to licenses granted, and the degree to which forest areas have changed their purpose. It is no less relevant that the borders of the territory have to be clearly defined by the PK so that there are no overlapping boundaries between one agency and another. The map created for publication, for this purpose, has a scale of at least 1: 10,000. This is necessary in order to prevent district boundary disputes and claims to areas with ample natural resources. The PK method needs to devise penalty (punishment) actions for "deliberately" made in order to deviate from the RTRW. In fact, in granting site permits and business permits to major mining and plantation entrepreneurs, there are still government policies at all levels, which in turn are harmful to the local community. (Karjoko, Gunawan, et al., 2020)

3. CONCLUSION

In 2013, when the Minister of Forestry signed the RTRW Papua recommendation as to the RTRW Regional Regulation forerunner, 13 large-scale plantation permits were issued by the government. Let's say that the plantation permit issued in Boven Digoel resulted in the remaining 18% of the Ara Other Use (APL) land suitable for development. In the same year, around 44 mining and plantation exploration permits for investors were granted by the Papua Provincial Government, which did not comply with the Spatial Planning Regulation. For example, the Kusu-Kusu Bongrang area in Jayapura Regency, which, according to the RTRW, is designated for heavy industrial activities. However, it turns out that the investment permit has changed its function to a large-scale oil palm plantation. To support the region's heavy industry, the government has built an export pier in Depapre Bay and a connecting road to Depapre-Kusu-Kusu Bongrang. Papua's vision and mission in the future were that the direction of development in Indonesia would turn upside down. When this heavy industry operates, Papua will become a producing area that distributes infrastructure materials to other Indonesia locations. Papua is no longer a receiving area anymore. Papua will be read like the front page, not the back page, as has been the case so far. In that same year, around 66 mining and plantation exploration permits for investors were granted by several districts (such as Merauke, Mimika, Yahukimo, Jayapura, and Paniai), which after being matched with the RTRW, many of their permits overlapped in the same location.

4. REFERENCES

- [1] Ahmadi, M. H., Handayani, I. G. A. K. R., & Karjoko, L. (2019). Problems in law of mortgage right law number 4 Tahun 1997. *International Journal of Advanced Science and Technology*, 28(20), 321–324.
- [2] Ahmadi, M. H., Handayani, I. G. A. K. R., & Karjoko, L. (2019). Problems in law of mortgage right law number 4 Tahun 1997. *International Journal of Advanced Science and Technology*, 28(20), 321–324.
- [3] Akhmaddhian, S., Hartiwiningsih, & Handayani, I. G. A. K. R. (2017). The government policy of water resources conservation to embodying sustainable development goals: Study in Kuningan, Indonesia. *International Journal of Civil Engineering and Technology*, 8(12), 419–428.
- [4] Baranyanan, S. D., Handayani, I. G. A. K. R., & Isharyanto. (2019). Political law of local government to resolve disputes adat law in Kei Island. *International Journal of Advanced Science and Technology*, 28(20), 494–499.
- [5] Handayani, I. G. A. K. R., Sulistiyono, A., Leonard, T., Gunardi, A., & Najjicha, F. U. (2018). Environmental management strategy in mining activities in forest area accordance with the based justice in Indonesia. *Journal of Legal, Ethical and Regulatory Issues*, 21(2), 2018.
- [6] Jaelani, A. K., Handayani, I. G. A. K. R., & Karjoko, L. (2020a). Development of halal tourism destinations in the Era of regional autonomy in West Nusa Tenggara Province. *International Journal of Innovation, Creativity and Change*, 12(12), 765–774.
- [7] Jaelani, A. K., Handayani, I. G. A. K. R., & Karjoko, L. (2020b). Development of tourism based on geographic indication towards to welfare state. *International Journal of Advanced Science and Technology*, 29(3 Special Issue), 1227–1234.
- [8] Jaelani, A. K., Rachmi Handayani, I. G. A. K., & Karjoko, L. (2019). EXECUTABILITY OF THE CONSTITUTIONAL COURT DECISION REGARDING GRACE PERIOD IN THE FORMULATION OF LEGISLATION. *International Journal of Advanced Science and Technology*, 28(15), 816–823.
- [9] Karjoko, L., Gunawan, S., Sudarwanto, A. L. S., Heriyanti, Rosidah, Z. N., Handayani, I. G. A. K., ... Hanum, W. N. (2020). *PATENT POLICY ON THE PHARMACEUTICAL SECTOR IN INDONESIA*. 23(5), 1–13. Retrieved from <https://www.abacademies.org/articles/patent-policy-on-the-pharmaceutical-sector-in-indonesia-9670.html>
- [10] Karjoko, L., Gunawan, S., Sudarwanto, A. L. S., Heriyanti, Rosidah, Z. N., Handayani, I. G. A. K., ... Hanum, W. N. (2020). *PATENT POLICY ON THE PHARMACEUTICAL SECTOR IN INDONESIA*. 23(5), 1–13. Retrieved from <https://www.abacademies.org/articles/patent-policy-on-the-pharmaceutical-sector-in-indonesia-9670.html>
- [11] Karjoko, L., Winarno, D. W., Rosidah, Z. N., & Handayani, I. G. A. K. R. (2020). Spatial planning dysfunction in East Kalimantan to support green economy. *International Journal of Innovation, Creativity and Change*, 11(8), 259–269.
- [12] Karjoko, L., Winarno, D. W., Rosidah, Z. N., & Handayani, I. G. A. K. R. (2020). Spatial planning dysfunction in East Kalimantan to support green economy. *International Journal of Innovation, Creativity and Change*, 11(8), 259–269.

- [13] Karjoko, L., Winarno, D. W., Rosidah, Z. N., & Handayani, I. G. A. K. R. (2020). Spatial planning dysfunction in East Kalimantan to support green economy. *International Journal of Innovation, Creativity and Change*, 11(8), 259–269.
- [14] Karjoko, L., Winarno, D. W., Rosidah, Z. N., & Handayani, I. G. A. K. R. (2020). Spatial planning dysfunction in East Kalimantan to support green economy. *International Journal of Innovation, Creativity and Change*, 11(8), 259–269.
- [15] Kuncoro, A. B., Handayani, I. G. A. K. R., Muryanto, Y. T., & Karjoko, L. (2019). *Consumer Protection Based on Justice in Order to Advance State Administration Systems in Indonesia*. 358(Icglow), 88–91. <https://doi.org/10.2991/icglow-19.2019.22>
- [16] Leonard, T., Pakpahan, E. F., Heriyati, Karjoko, L., & Handayani, I. G. A. K. R. (2020). Legal review of share ownership in a joint venture company. *International Journal of Innovation, Creativity and Change*, 11(8), 332–345.
- [17] Leonard, T., Pakpahan, E. F., Heriyati, Karjoko, L., & Handayani, I. G. A. K. R. (2020). Legal review of share ownership in a joint venture company. *International Journal of Innovation, Creativity and Change*, 11(8), 332–345.
- [18] Leonard, T., Pakpahan, E. F., Heriyati, Karjoko, L., & Handayani, I. G. A. K. R. (2020). Legal review of share ownership in a joint venture company. *International Journal of Innovation, Creativity and Change*, 11(8), 332–345.
- [19] Leonard, T., Pakpahan, E. F., Heriyati, Karjoko, L., & Handayani, I. G. A. K. R. (2020). Legal review of share ownership in a joint venture company. *International Journal of Innovation, Creativity and Change*, 11(8), 332–345.
- [20] Prasetyo, B., Handayani, I. G. A. K. R., Sulistiyono, A., & Karjoko, L. (2019). *The Social Security Models for State Civil Aparatus in the Concept of the State of Welfare*. 358(Icglow), 145–147. <https://doi.org/10.2991/icglow-19.2019.38>
- [21] Putri, P. M., Handayani, I. G. A. K. R., & Novianto, W. T. (2019). Legal protection for HIV/AIDS patients in Indonesian medical services. *International Journal of Advanced Science and Technology*, 28(20), 534–539.
- [22] Soediro, Handayani, I. G. A. K. R., & Karjoko, L. (2020). The spatial planning to implement sustainable agricultural land. *International Journal of Advanced Science and Technology*, 29(3 Special Issue), 1307–1311.
- [23] Soediro, Handayani, I. G. A. K. R., & Karjoko, L. (2020). The spatial planning to implement sustainable agricultural land. *International Journal of Advanced Science and Technology*, 29(3 Special Issue), 1307–1311.
- [24] Sudarwanto, A. S., & Handayani, G. A. K. R. (2019a). The implementation of land provision for development for the public interest in Merauke land Papua Province. *International Journal of Advanced Science and Technology*, 28(20), 269–275.
- [25] Sudarwanto, A. S., & Handayani, I. G. A. K. R. (2019b). Reconstruction of society endeavoring through establishing the live environment cadre as an embryo of service supplying institution of the resolution of the live environment dispute out of the court. *International Journal of Advanced Science and Technology*, 28(20), 560–567.
- [26] Sukmoro, E., Sulistiyono, A., & Karjoko, L. (2019). *Restructuration of Public Service Obligation (PSO), Infrastructure Maintenance and Operation (IMO), Track Access Charge (TAC) on PT. Kereta Api Indonesia (Persero) Based on Justice*. 358(Icglow), 213–217. <https://doi.org/10.2991/icglow-19.2019.55>

- [27] Sukmoro, E., Sulistiyono, A., & Karjoko, L. (2019). *Restructuration of Public Service Obligation (PSO), Infrastructure Maintenance and Operation (IMO), Track Access Charge (TAC) on PT. Kereta Api Indonesia (Persero) Based on Justice*. 358(Icglow), 213–217. <https://doi.org/10.2991/icglow-19.2019.55>