



Regional Regulation Implementation of Madiun City Number 45 of 2018 Concerning with Prevention and Enhancement of Slum Housing and Settlement Quality

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ABSTRACT

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The purpose of this study was to determine and analyze the implementation of the Regional Regulation of Madiun City Number 45 of 2018 concerning with Prevention and Improvement of Quality of Housing and Slums and the constraints in the implementation of the City without Slums Program in Madiun City. This research method uses empirical data that is obtained directly through field research with primary, secondary and tertiary data sources as well as data collection by observation, interview, document study analyzed descriptive qualitative. The results of this study indicate that the Government of Madiun City has implemented Regional Regulation Number 45 of 2018 regarding Prevention and Improvement of Quality of Housing and Slums, quite well, there are 6 (six) villages which are categorized in mild slum areas. There are internal and external constraints in the implementation of the Cityless Slums Program in Madiun City.

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1. INTRODUCTION

The state is a container for a nation to achieve the ideals of its people. The goal of the state is the main element of the structure of a country.(Karjoko, Santosa, and Rachmi Handayani 2019) Creating a prosperous community life is one of the goals and reasons for the state to continue to exist in running the government. In the conception of the welfare state the government is required to realize *bestuurszorg* (general welfare), the government intervenes in people's lives.(Utomo and Karjoko 2018) Conditions that are characterized by the existence of people who still have a low standard of living are the main targets of improvement efforts in the context of the

realization of a prosperous condition in the sense of peaceful and prosperity, not less than safe.(Soediro, Handayani, and Karjoko 2020)

The problem of poverty with various dimensions and its implications is one form of social problems that describes the conditions of low welfare. Slums are part of the problem of poverty which is one of the pillars supporting the community's economy. The 1945 Constitution Article 28 H Paragraph 1 states that: "Everyone has the right to live physically and mentally prosperous, to live, and to have a good and healthy environment, and to have the right to health services".(Wibowo, Sulistiyono, and Karjoko 2019) The verse shows that living in a dwelling with a proper environment is a

basic right that must be guaranteed by the Government as the organizer of the state. (Ahmadi, Handayani, and Karjoko 2019)

Based on the 1945 Constitution Article 18 Paragraph (7) concerning Regional Government that: "The composition and procedures for the administration of regional government are regulated in the law". In the reform era, several times the law on regional government has been issued and the current law is Law Number 23 of 2014 concerning Regional Government which has been amended several times, most recently Act Number 9 of 2015 concerning Amendment of Law Number 23 of 2014 concerning Regional Government which is currently in force (Sarjiyati, 2019). At present Law Number 23 of 2014 concerning Regional Government Article 12 paragraph (1) is enacted which states that the Obligatory government affairs relating to Basic services as referred to in Article 11 paragraph (2) include: education, health, public works and spatial planning, public housing and residential areas, peace, public order, community and social protection. (Jamaludin and Karjoko 2019)

Article 4 letter f of Law Number 1 Year 2011 concerning with Housing and Settlement Areas that the prevention and improvement of quality of slum housings and settlements is one of the scope of the implementation of housing and settlements. It was explained that the slums are settlements that are not suitable for habitation because of irregularity in buildings, the high level of building density, and the quality of buildings and facilities and infrastructure that do not meet the requirements, while slum housing is housing that has decreased the quality of its function as a place of residence. (Hutomo and Karjoko 2018)

In 2018, the Central Government through the Ministry of Public Works issued Minister of Public Works and Public Housing Regulation No. 14/PRT/M/2018 concerning with Prevention and Quality Improvement of Slum housings and slum settlements. Prevention and improvement of quality of slum housings and settlements to improve the quality of life and livelihoods of the community to prevent the

development of slum housings and settlements and to maintain and improve the quality and function of housing and settlements. Prevention and improvement of the quality must be done by the Government, local government or everyone. (Karjoko et al. 2020)

Every person has primary needs, one of which is a place to live and currently there is a rise in housing or settlements to be used as a residence. Increasing population density causing housing or settlements is reduced which will cause the area of slums. Slums are often defined as an area that is identical to areas that are apathetic, overpopulated, insufficient, inadequate, poor, dilapidated, dangerous, insecure, dirty, below standard, unhealthy and many other negative stigma. (Nurhayati and Karjoko 2019) From this definition, slums can be interpreted in two parts, first the area of which the formation process is due to the limitations of the city in accommodating the development of the city, secondly the area where the geographical distribution is under pressure from the development of the city. Slums are always identical with poverty in an area. (Nurhayati and Karjoko 2019)

The existence of housing and slum settlements the government set the handling as a national target as outlined in the National Medium-Term Development Plan 2015-2019 as a target for the development of residential areas in achieving the reduction of urban slums to 0 (zero) hectares through handling slum areas covering an area of 35,291 Ha in 2016. Therefore, a step to realize the 2015-2019 RPJMN is a city without slums in 2019. The Directorate General of Cipta Karya initiated the development of a collaboration platform through the Cityless Slums Program. Institutionally the City Without Slums Program has a Community Self-Reliance Agency in all Kelurahan. In the implementation of handling housing and slums as written in the existing policies must be implemented through full participation of the community and collaboration with all stakeholders at all levels. (Baranyanan, Handayani, and Isharyanto 2019)

In Madiun City, the Regional Government has taken action to deal with housing and slums by creating a City without Slums Program that meets the conditions set by Madiun City Regulation Number 45 of 2018 concerning with Prevention and Improvement of Quality of Housing and Slums. (Sudarwanto and Handayani 2019) The implementation of the City without Slums Program with the mandate of this regulation is a form of program accountability and compliance with laws and regulations that must be studied further to obtain maximum results. Based on the description above, what is discussed in this research is the implementation of the Regional Regulation of Madiun City Number 45 of 2018 concerning with Prevention and Improvement of Quality of Housing and Slums and Factors that become obstacles in the implementation of the City without Slums Program in Madiun City.

2. RESEARCH METHODS

This type of research used empirical research is sociological legal research which is a research starting from primary / basic data, ie data obtained directly from the community as the first source through field research, conducted through observation, interviews or questionnaires. (Eviningrum, Hartiwiningsih, and Jamin 2019) The informant technique of this research uses purposive sampling, which is a non random sampling technique wherein the researcher determines the informant in accordance with the research objectives (Sugiyono, 2017). The informants interviewed were: Head of Section of Urban Settlement Area Settlement Services Section of Madiun City Settlement, City Coordinator without Slums, Assistant City Coordinator without Slums, City Assistant without Slums, Chairperson of the Community Self-Supporting Agency and Chairperson of the Community Self-Help Group. (Jatmiko, Hartiwiningsih, and Handayani 2019)

Data sources of this study include primary, secondary and tertiary data. Primary data are obtained through observation and interviews. Observation is used to determine data

qualitatively by extracting social facts. Secondary data is the result of research that supports primary data in the process of discussion and analysis that can be done through document studies or literature studies (Mukti Fajar, Yulianto Achmad, 2015). Secondary data in this study is a collection of theories about the arrangement of slums, environmental law, public policies and programs obtained from libraries, and scientific journals. Tertiary data is supporting data in accordance with legal issues discussed in the study. Data collection techniques in this study are: observation techniques by observing the phenomenon of a particular society in a certain time as well. Observations were made in the Department of Housing and the Settlement area and the Secretariat of the City of the Slums of Madiun City. Interview technique to conduct question and answer with informants), which has been determined by researchers (Mukti Fajar, Yulianto Achmad, 2015). Data analysis is carried out an inventory of primary, secondary and tertiary data and is sorted according to the subject matter of the discussion then analyzed descriptively qualitatively.

3. RESULTS AND DISCUSSION

Implementation of Madiun City Regulation Number 45 Year 2018 Concerning with Prevention and Improvement of Quality of Housing and Slums

Implementation is an action taken by a policy implementer with mean of supporting according to established rules to achieve the goal (Solichin Abdul Wahab, 2012). The achievements of each local government in overcoming the problems they face are certainly not the same; therefore, a concept is needed for the success of the implementation of autonomy (Dadang Solikin, Radjab Semendawai, 2013). In carrying out regional autonomy given the freedom and independence to regulate, in the sense of preparing, and forming and setting their own regulations as a basis for the exercise of authority that is attributively given by law (H.M Busrizaldi, 2013).

The authority to regulate and manage the household contains three things, namely the first assignment of duties and the authority that is surrendered, secondly the giving of trust and to take initiative to complete, thirdly in efforts to think and make decisions by involving the community directly or through the Regional House of Representatives (Inu Kencana Syafie , 2010). Regional regulation as one of the regional legal products which is an effort of the regional government in realizing one of the objectives to be achieved, the Madiun city government in an effort to improve the quality of housing and settlements is outlined in Regional Regulation No. 45 of 2018 concerning with Prevention and Improvement of Quality of Housing and Slums. Related to the implementation of the regional regulation described.(Akhmaddhian, Hartiwiningsih, and Handayani 2017)

Regional Regulation of Madiun City Number 45 of 2018 concerning with Prevention and Improvement of Quality of Housing and Slums is the first time concerning with the prevention of new slums. Prevention of the growth and development of housing and slums is only implemented through supervision and control and community empowerment. Based on the results of the interview, there are differences of views between the Department of Housing and Settlement Areas and the perpetrators of the City Without Slums Program (KOTAKU) in relation to the determination of slums based on the existing typology. (Akhmaddhian, Hartiwiningsih, and Handayani 2017)

In that case the researchers found that there were slum areas which were not designated as slum reduction locations. In Madiun City, data on the assessment of slum typology through the City without Slums Program is included in the percentage of initial conditions at the time of slums and at the end. In 2018 the determination of criteria and typology of slums has not yet run maximally. The obstacle at that time was that the collaboration was still not going well, the determination of slum locations tended to be one-sided without involving other parties.

(Akhmaddhian, Hartiwiningsih, and Handayani 2017)

In the Department of Housing and Settlement in the determination of slums there are no documents, there is only a Decree of the Mayor of Madiun. But in the City without Slums Program there are calculation documents from the beginning to the end of the slums. The City without Slums Program provides a proposal for the determination of slums through the program path so that in 2019 everything will work according to the specified indicators. (Akhmaddhian, Hartiwiningsih, and Handayani 2017)

Based on the results of the interview, the Regional Regulation of Madiun City related to preventing the growth and development of slums can only be done through supervision, control and community empowerment related to licensing, technical standards and proper functioning. Supervision and control activities in the City without Slums are carried out for all stages of development from planning to sustainability. Community facilitation is prioritized in the activities of reducing slums because it is the responsibility of the Regional Regulation of Madiun City. This assistance can change the people's paradigm. Everything in the City Regulation, especially in the assistance has been carried out well by the relevant agencies through the City Without Slums.(Handayani et al. 2018)

Slum housing and settlements have been carried out according to the Regional Regulation of Madiun City, for the determination of its location, it is decided through the Mayor's Decree Number 050-401.204 / 254/2017 concerning with the Determination of the Location of Slum housings and settlements in Madiun City. The City without Slums Program takes part in the process or provides assistance, but the decision is the responsibility of the City Government and is determined through the Mayor's Decree. Determination of the location of these activities is done well by collaborating with all parties and in accordance with existing Regional Regulations.(Handayani 2015)

The pattern of handling and management includes: restoration; rejuvenation; and resettlement. The implementation of restoration, rejuvenation, and / or resettlement is carried out by taking into account, namely: the civil rights of affected communities; ecological conditions of the location; and the social, economic and cultural conditions of the affected communities. (Handayani 2015) The pattern of handling is carried out by the Regional Government by involving community participation. There are 3 classification slums namely: firstly, heavy slums with the status of illegal land handling with resettlement, secondly, slums with legal land status handling with rejuvenation, thirdly, light slums with illegal land status handling with resettlement. Based on the results of interviews, in Madiun City included in light areas with clear land status handling in prevention. In handling this, there is a need for the formation of a Community Self-help Group, Community Self-Reliance Body and also for people who are actively involved in the environment. Community Self-Help Groups at each point Community Based Resettlement Environment Arrangement, which each community Self-Help Group consists of 10-15 people. (Handayani 2015)

In the Location of the Determination of Investment Funds Assistance, the Community-Based Settlement Environment Arrangement in East Java Province has 34 districts / cities. In Madiun City there are 6 (six) village offices that are categorized as light slum areas out of 27 existing village offices, while the 6 (six) village offices are; Pandean, Kelun, Nambangan Kidul, Nambangan Lor, Kejuron and Tawangrejo villages. The partnership pattern among stakeholders can be developed through efforts to improve the quality of housing and slums, namely the partnership between the Government and/or Local Government with everyone. (Leonard et al. 2020)

This partnership pattern through collaboration of all parties established through the Directorate general of copyright Works Circular Letter No. 40 of 2016 concerning with

the General Guidelines of the Program on the Principles of collaboration that underlie the handling of housing and slums are community participation and acceptance, communication and trust and sharing which are packaged in one collaboration concept. All activities require community participation. One of the socialization objectives was to encourage community participation in deliberation activities, implementation of activities and maintenance of program work. The community also participates in other forms of providing assistance including consumption and the like which are agreed and funded by the local community. (Leonard et al. 2020)

This is because the City Without Slums Program funds can only be used to finance infrastructure development planned by the community, while for other expenses are self-help from the local community where the project will be implemented. Improving the quality of housing and slums is carried out in accordance with the provisions of the legislation and is based on the spirit of mutual cooperation in arranging housing for the good of the City "*sagotrah gumregah ndandani omah, saiyeg saeko proyo hambangun projo*" (The family aggressively repairs the house, working together to build the country). The principle has been automatically implemented through the activities as described. (Sudarwanto and Handayani 2019)

The Regional Government is responsible for providing land in order to improve the quality of Housing and Slums. Allotment of land availability as referred to is based on the Regional Spatial Plan. Procurement of land for quality improvement for Madiun City at the stage of prevention has never carried out activities of land acquisition. For slum locations that are determined to collaborate among the Investment Funds Assistance Funds (BDI) from the APBN, the provincial assistance as well as assistance from the APBD and non-governmental organizations. Sources of funding, including from the central, provincial, city / district, private, community, and other stakeholders. City Without Slums itself aims to

build an integrated system for slum management, where local governments lead and collaborate with stakeholders in planning and implementation. (Sudarwanto and Handayani 2019)

Factors that Constrain the Implementation of the City Without Slums Program in Madiun City

The city without Slums Program is as a supporter to increase the of access to infrastructure and basic services, controlled by urban slums to support the realization of livable districts and a healthy environment.(Sri Yuliani, Gusti Putri Dhini Rosida, 2017). Factors that cause the growth of slums in urban areas include: urbanization, urban land, facilities and infrastructure, social and economic and spatial factors (Muhammad Gamal Rindarjono, 2013).

The causal factor occurs in the city of Madison so that there are slums categorized in mild slums. In an effort to create a healthy, livable and healthy environment, the Madiun city government poured in Madiun City Regulation Number 45 of 2018 concerning with Prevention and Improvement of Quality of Housing and Slums.

Regional Regulation states "prevention of the growth and development of new housing and settlements is carried out through supervision and control and community empowerment". Supervision and control is carried out by means of monitoring, evaluation and reporting. Monitoring is done directly and indirectly. Direct monitoring is carried out by involving the community, and observing the location while indirect monitoring is through data and informants as well as public complaints and the mass media. Evaluation and reporting are carried out by the local government by involving the community. While community empowerment through mentoring and information services. Assistance in the form of counseling, guidance and technical assistance. (Sudarwanto and Handayani 2019)

In taking action to deal with housing and slums, the city government of Madiun has launched the City Without Slums Program. In

realizing this goal, of course there are obstacles faced by the implementing party. The constraints factor of the City without Slums Program for reducing the level of environmental slums through Community-Based Settlement Environment Arrangement is very small, only in terms of time and community readiness are obstacles. The obstacle factor in the implementation of the City Without Slums Program in Madiun City is the lack of community participation. The obstacles that affect community participation can be seen from two sides, namely internal and external factors. (Sudarwanto and Handayani 2019)

Factors in the community itself (internal), namely individuals and group unity therein. Individual behavior is closely related or determined by individual characteristics such as age, level of education, type of work, duration of community membership, income, involvement in development activities will greatly affect participation. Factors from outside the community (external), namely the role of existing official agencies and institutions. The related agencies are lacking in providing outreach to the public regarding the importance and benefits of the City Without Slums Program.(Karjoko et al. 2020)

The benefits of the program can benefit physically and and physically. Physically it can be in the form of improvement of environmental and sanitation facilities and infrastructure, while non-physical benefits can be in the form of human resource development (Muhammad arif Tanzil, La Ode Monto Bunto, Sarmadan, 2020). This was not explained in detail and the intensity of the infrequent delivery to the community besides the lack of cooperation with the head of the neighbor association/citizens association or community leaders as an extension of the program to convey to their respective citizens, because to support the city program without slums, it must involve everyone seriously in the community, so that this program will have a wide impact on the community not only on the environment without slums but also can educate people to love the environment. (Karjoko et al. 2020)

4. CONCLUSION

Based on these results it can be concluded as follows implementation of Regional Regulation Number 45 Year 2018 concerning with Prevention and Improvement of Quality of Slum Housing and Settlements has been implemented well, through the City without Slums Program. Madiun City Government has paid attention to the typology of slums through the Decree of the Mayor of Madiun Number 050-401.204 / 254/2017 concerning with the determination of the locations of slum housings and slums. There are 6 (six) kelurahans that are categorized as light slums. In order to alleviate slum housing and settlements, the Housing and Settlement Area Office collaborates with the City without Slums Program which is implemented in accordance with Regional Regulation No. 45 of 2018. The City without Slums Program also involves local communities. The community involved in the Core Team for Participatory Planning and in On the Job Training, the community voluntarily digs data from other community members related to settlement issues. The obstacle factor in the implementation of the City without Slums Program in Madiun City is the lack of community participation, this can be seen from two sides, namely internal and external factors. Internal factors, namely individuals and community groups in it. Individual behavior that is closely related to the characteristics of the individual, while external factors namely from outside the community that is lacking the role of relevant agencies and existing formal institutions.

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