

Harmonization of Village Development Planning Law in Lampung Coastal in the Spatial Planning Regime

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Abstract

The development of villages on the coast of Lampung is a realization of maritime axis and village development programs as a development approach undertaken by the government. Lampung is very strategic in coastal village development because it has long coastline. The existing village development in Lampung Coastal area is not optimal yet from various aspects, one of them is related to spatial planning aspect. This paper aims to describe the harmonization of the law of village development in the coast of Lampung in the spatial regime. Using doctrinal approach resulted that finding: Harmonization of law of village development in Lampung coast in spatial regime regulation shows that in regulation of spatial arrangement, content material of rural development in coastal Lampung that formulated have enough consistency between hierarchy of legislation because regulation that regulate RTRW at the district level has detailed well the allocation of regional planning in the context of coastal development planning, but there is apparent incoherence from the content of coastal village development that is unrelated / linked between the above rules and the existing regulations below.

Keywords: harmonization, development, village, coastal, spatial planning.

1. Introduction

The development of coastal villages is the realization of maritime axis and village development as the approach of President Joko Widodo's government development. Therefore the development of coastal villages is a necessity and very important. The problem that occurred during this is the occurrence of sectoralization of economic development activities. The MP3EI research by researcher members from 2012-2014 shows the result that the problem of synchronization and harmonization of legal arrangements is real and counterproductive.

Strengthening harmonization and synchronization in every aspect of economic development is needed, in order to avoid conflict management of economic potential. The availability of an integrative development model will create consistent management of sectoral and regional development. One form of strengthening the harmonization is related to the harmonization of village development in the spatial regime.

Villages as autonomous government entities are now the focus of development with many programs such as: BUMDes, Desa Mandiri, Village Funds, village market revitalization, inter-village shaft infrastructure, family-driven economic development initiated by the central government and MP3EL and Saburai gateways in the context Lampung province.

Lampung became strategic in coastal village development because Lampung has long coastline. The length of the coastline of Lampung is approximately 1,105 km (including some islands), has about 69 islands. is divided into four areas, namely West Coast (210 km), Semangka Bay (200 km), Lampung Bay and Sunda Strait (160 km), and East Coast (270 km). Each of these areas has different physical/spatial, socioeconomic, and ecosystem potentials. Coastal and marine potentials that can be found are capture fisheries, ponds, pearl shells, seagrass, transportation, tourism, coral reefs, mangroves, industry, coastal settlements, and defense of security (ATLAS Team, 1999).

Village development strategy, obtained from synchronization and harmonization of village development, for the role of village can be optimized. This is the urgency of research activities on the synchronization and harmonization of village development programs in the coastal area of Lampung in the spatial regulatory law regime as the basis of national economic development. The next step of this research is the formulation of model of village development program in coastal area of Lampung ideal to support acceleration and expansion of regional and national economy.

The issues of development planning in the context of spatial planning that are not integrated with each other will be the focus described further in this paper. Based on the description, it becomes a current legal requirement to harmonize the law of village development in Coastal Lampung as an effort to build villages in Lampung Coastal which are self-reliant and competitive.

2. Research Method

This research did with the corridor of normative legal research (*doctrinal research*) which only used secondary data. The model of it's legal research is comprehensive and analytical study towards legal primary and legal secondary materials. The approach of the issue used statute approach and conceptual approach (Peter Mahmud, 2005). Data being analysis in qualitative manner with describing the data resulted from the research into an

explanation form systematically so can acquired a clear view about the issued which being researched, and the result of analysis data concluded deductively.

3. Discussion

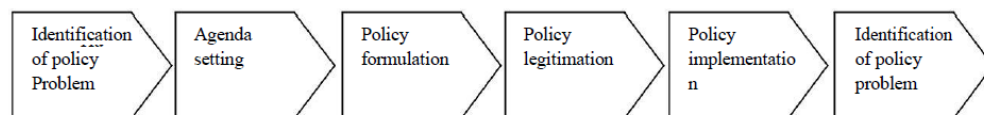
3.1 Conceptual Framework of Legal Harmonization

The term harmonization in this study comes from the word harmony (Greek harmony), which is harmoniously harmonious and appropriate. Judging from the aspect of philosophy, harmony implies the cooperation between various factors such that these factors produce a noble unity, for example between the body of a human should be no harmony, otherwise it can not be called personal (Hassan Shadily, 1987).

In the Oxford Advanced Learner's Dictionary, the term harmonization is mentioned in various terms: harmonious, ie friendly, peaceful and without any disagreement, arranged together in a pleasing way so that each part goes well with the other. Sementara itu, istilah harmonized berarti if two or more things harmonize with each other or more thing harmonizes with the other, the thing go well together and produce an attractive result, sedangkan istilah harmony, yaitu a state of peaceful existence and agreement (A.S Hornby, 2000).

In relation to this context, such harmonization is the harmonization of legislation which is an effort or process to realize the harmony and harmony of the principle and legal system so as to produce harmonious rules in the field of coastal village development planning. This is important because the cycle of linkages between the law and the regional development plan can be understood through the charts proposed by Dye explaining the policy process as follows (Thomas R Dye, 1992):

Chart 1. Policy Process According to Dye



Source: Thomas R Dye, 1992.

In other words, harmonization is an attempt to harmonize, adjust, define and conclude the conception of a legislation either superior (superior), equal, or lower (inferior) and others besides legislation, systematically, not conflicting or overlapping related to coastal village development planning. This is a consequence of the hierarchy of legislation. By harmonizing it is illustrated clearly in the thinking or understanding that a legislation is an integral part of the whole system of legislation.

In the book of *Tussen en verscheidenheid: Opstellen over harmonisatie in staats-en bertuursrecht* as quoted by Lapien Gandhi argued, harmonization in the law is to include adjustment, legislation, government decisions, decision to increase the unity of law, legal certainty of justice (*justice, gerechtigheid*) and fairness (*equity, billijkheid*), utility and legal clarity, without obscuring and sacrificing legal pluralism if necessary (L.M Gandhi, 1995).

The definition of harmonization of the law, often also identified with the understanding of legal synchronization. Sync is derived from sync words which means to occur or apply at the same time simultaneously, whereas syncing is defined as "syncing," "sync" or "adjustment." Literally known as "coherence", "consistency" and "comptabiliti". Pranois Rigaux defines *coherence is a state of peace of the mind, of logical mind which is disturbed when two competing concept or rules or two different meaning of the same concepts are conflicting* (Franqois Riaux, 1992). Meanwhile, Josef M. Monteiro defines coherence as the peace of mind of a logical mind disrupted by two concepts or two rules or two meanings of the same concepts collide (contradictions); however, there are differences of opinion regarding coherence and consistency in the legal system. If coherence is like a set of provisions then consistency is an essential condition for coherent coherence and a coherent legal system is also a consistent system. This is due to the demands of the systematic nature of the rule of law being consistent as a necessary condition of coherence (Josef M. Monteiro, 2008).

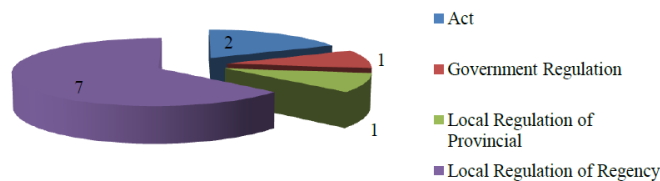
Coherence in the context of the theory of truth, according to H. Noeng Muhadjir means something coherent with something else and means that there is conformity or harmony with something that has a higher hierarchy. Anything that has a higher coherence than something of that element can be a scheme, a system, or a value. The coherence may remain on a sensual rational plane, but may also reach the transcendental plain (H. Noeng Muhadjir, 2001). Meanwhile, related to other truth theory is also known as the truth of correspondence. Correct correspondence thinking is thinking about the existence of something relevant to something else. Relevant correspondence is evidenced by the existence of incidents in line or contrary to the facts with the expected facts (positivism) between facts with beliefs that are believed to be specific (H. Noeng Muhadjir, 2001).

3.2 Harmonization of Rural Development Law in Coastal Lampung in Spatial Planning Regime

Based on the legal material related to the spatial law regime that has been identified, there are 11 (eleven) main legislation in the spatial law regime, it can be seen that there are eleven legal products that regulate the Spatial

Plan of the Region both at the central and regional levels. The legal products consist of one law, two government regulations, one provincial regulation and six district regulations.

Chart 2. Distribution of Laws and Regulations
 In the Spatial Law Regime



Source: Data processed, 2017.

The legal product governing the Spatial Plan is a plan in the form of an official document and systematically arranged on the activities to be performed to solve the problems and arranged in a planned manner regarding the spatial area in order to achieve the intended purpose. The plan arranged in the plan is of course based on the provisions of the applicable rules and the provisions of the applicable rules have a hierarchical relationship of a legislation from the central to the regional level and will also be directly related to the planning of village development including coastal villages. The related content of coastal village development is presented in table one below.

Table 1. Vertical Harmonization of Load Material
 Development of Coastal Villages in Spatial Planning Regime

No.	Rule of Regulation	Regional Development Content
1.	Law Number 26 Year 2007 on Spatial Planning	Article 50 (1) Spatial arrangement of rural area in 1 (one) district area can be done at sub-district level or some village area or other name which equated with village which is detail form of spatial arrangement of district area. (2) Spatial plan of rural areas covering 2 (two) or more districts is a tool of coordination in the implementation of development that is cross-regional. (3) Spatial plan as referred to in paragraph (2) contains spatial structure and spatial pattern which is cross administrative region.
2.	Law Number 27 Year 2007 on the Management of Coastal Areas and Small Islands	Article 60 paragraph (1) In the Management of Coastal Zone and Small Islands, the Society has the right to: c. conduct Coastal Resources and Small Island Management activities based on customary law applicable and not contrary to laws and regulations;
3.	Government Regulation Number 26 Year 2008 regarding National Spatial Plan	Strategies for improving access to urban services and regional economic growth centers include: a. maintaining inter-city linkages between urban and rural areas, and between urban and surrounding areas; b. developing new growth centers in areas not yet served by growth centers; c. controlling the development of coastal cities; and d. encouraging urban areas and growth centers to be more competitive and more effective in the development of the surrounding region.

No.	Rule of Regulation	Regional Development Content
4.	Regional Regulation of Lampung Province No. 1 of 2010 on Spatial Planning (RTRW) of Lampung Province Year 2009 up to Year 2029	Article 37 <ol style="list-style-type: none"> 1. Improvement of harbor port functions as referred to in Article 23 paragraph (3) includes international ports, national ports, regional ports, and local ports. 2. Plan to improve the functions of seaports, through: <ol style="list-style-type: none"> a. the determination of the main port in Panjang port which has been functioning as a port of goods for import export activities; b. the establishment of the collector port at the port of Kota Agung; c. determination of the feeder port at Mesuji port, Batu Balai, Telukbetung, Ketapang, Legundi, Sebesi, Kuala Penet, Labuhan Maringgai, Way Sekampung, Tabuan, Teladas, Menggala, Bengkunt and Kelumbayan, Krui, Kalianda, Way Seputih and Sungai Burung; d. the development of several special ports at several points of development on the west coast, the east coast and the south coast.
5.	Regional Regulation of East Lampung Regency Number 04 Year 2012 on Spatial Plan of East Lampung Regency Year 2011 - 2031	Article 40 <ol style="list-style-type: none"> (1) The development of other designated areas as referred to in Article 32 letter h shall include: <ol style="list-style-type: none"> a. areas of defense and security; and b. coastal aquaculture areas in coastal areas and small islands. (2) The development of coastal aquaculture areas in coastal areas and small islands as meant in paragraph (1) letter b in the form of development of tourism activities, fisheries, and fishing village includes: <ol style="list-style-type: none"> a. coastal areas in Labuhan Maringgai and Pasir Sakti sub-districts; and b. small islands include: <ol style="list-style-type: none"> 1. Segama Besar Island; 2. Segama Kecil Island; 3. Gosong Sekopong Island; 4. Batang Besar Island; and 5. Small Trunk Island.

No.	Rule of Regulation	Regional Development Content
6.	Regional Regulation of Pesawaran Regency Number 4 Year 2012 on Spatial Planning of Pesawaran Regency Year 2011-2031	<p>Article 36</p> <p>(4) The aquaculture aquaculture referred to in paragraph (1) letter b shall be the plan for the development of tambak both shrimp ponds and fish ponds that are directed along the coast in Padang Cermin and Punduh Pedada sub-districts using strict AMDAL requirements.</p> <p>Article 70</p> <p>(2) The realization of disaster prone area management as referred to in paragraph (1) letter a covers:</p> <ol style="list-style-type: none"> a. installation of alarms and alarm communications in all coastal areas in Punduh Pedada and Padang Cermin sub-districts; b. development and strengthening of communication systems to regions in coastal areas of the Regency; c. determining the path and space for evacuation and rescue from the hazards of natural disasters; d. disaster evacuation routes follow the pattern of road networks that are marked for evacuation directions; e. controlling the utilization of natural disaster prone area by considering the consistency of suitability between spatial use and existing spatial plan; and f. construction of breakwaters.
7.	Regional Regulation of Tulang Bawang Regency Number 05 Year 2013 on Spatial Planning of Tulang Bawang Regency 2012 - 2032	<p>Article 41</p> <p>Development of coastal allocation area as referred to in Article 33 letter h covers Subdistrict Rawajitu Timur and District Dente Teladas.</p> <p>Article 78</p> <p>The embodiment of the coastal allocation area as referred to in Article 70 letter h includes:</p> <ol style="list-style-type: none"> a. the establishment of coastal areas; b. the development of facilities and prasana supporters of coastal areas; c. setting the function of the coastal area; d. development of coastal area processing; e. coastal network expansion; and f. coastal development.

No.	Rule of Regulation	Regional Development Content
8.	Regional Regulation of Tanggamus Regency Number 16 on Spatial Planning of Tanggamus Regency Year 2011-2031	<p>Article 32 (2) Natural tourism designation area as referred to in paragraph (1) letter a shall cover: a. coastal nature tourism in Kecamatan Kota Agung, Kota Agung Timur, Kota Agung Barat, Cukuh Balak, Kelumbayan, Limau and Pematang Sawa;</p> <p>Article 34 (4) The coastal areas as referred to in paragraph (1) letter c shall cover shipping lanes, mangrove forest areas in Pematang Sawa, Wonosobo and Semaka subdistricts with land use plans arranged on the basis of principles, including:</p> <ol style="list-style-type: none"> a. areas along the primary arterial roads are directed to industrial development and warehousing and urban public services activities; b. areas along primary primary and primary collector roads are directed to public services and low-density settlements; c. the area along the environmental road will be utilized with dominance for medium and high density settlement activities; d. areas along the coast will be utilized with dominance for fishery activities; and e. areas with tourism potential.
9.	Regional Regulation of Regency of West Lampung No. 1 of 2012 on West Lampung Regency Spatial Plan Year 2010 - 2030	<p>Article 27</p> <ol style="list-style-type: none"> (3) Development of information technology to support social service activities and regional economy such as government, tourism, industry, agropolitan, minapolitan, coastal, shipping and tourism areas. <p>Article 51</p> <p>Tourism development plan as referred to in Article 43 letter i, taking into account the developed areas and types of tourism consist of:</p> <ol style="list-style-type: none"> a. Cultural Tourism Area in Sub District Bukit, Belalau, Batu Brak, Cane Garden, North Coast and Lemong and other cultural tourism development throughout the Regency. b. Natural Tourism Area in the form of surfing sports tourism in South Pesisir Subdistrict, ecotourism in TNBBS, KWT Seminung Lumbok Resort in Lumbok Seminung Subdistrict and diving in Bimbun Belimbing, Lemong and Pulau Pisang (North Coast) and other natural tourism development in all regency area. c. Artificial Tourism Area includes Liwa Botanic Garden, Buru Park in Bimbunat Belimbing and other artificial tourism development throughout the Regency.

No.	Rule of Regulation	Regional Development Content
10.	Regional Regulation of South Lampung Regency Number 15 Year 2012 on Spatial Planning of Lampung Selatan Regency Year 2011 - 2031	<p>Article 40</p> <p>(5) The aquaculture area in the coastal areas and small islands as meant in paragraph (1) letter d in the form of development of tourism, fishery and fishermen's activities shall include:</p> <ol style="list-style-type: none"> a. coastal areas are located in Katibung District, Kalianda Sub-District, Rajabasa Sub-District and Ketapang Sub-District; and b. small islands include Sebesi Island, Sebuku Island, West Condong Island, East Condong Island, Krakatau Island, Sertung Island, Anak Krakatau Island and Krakatau Island. <p>Article 82</p> <p>(6) The realization of coastal aquaculture area in the coastal area and small islands as meant in paragraph (1) letter d in the form of development of tourism activities, fisheries, and fishing village includes:</p> <ol style="list-style-type: none"> a. coastal area development in Katibung sub district, Kalianda district, Rajabasa district and Ketapang sub district; and b. development of small islands covering Sebesi Island, Sebuku Island, West Condong Island, East Condong Island, Krakatau Island, Sertung Island, Anak Krakatau Island, and Krakatau Island.
11.	Regional Regulation of South Lampung Regency Number 15 Year 2012 on Spatial Planning of Lampung Selatan Regency Year 2011 - 2031	<p>Article 10</p> <p>Development strategy of system of service centers and growth as follows:</p> <ol style="list-style-type: none"> a. functional optimization at coastal service centers; b. development of functions at growth centers in coastal areas; c. providing incentives for the development of the function of growth centers; and d. development of infrastructure system of pueat area-service center and plantation. <p>Article 9</p> <p>(I) The directions for the development of hudo fishery hue shall be conducted in the following manner:</p> <ol style="list-style-type: none"> a. developing brackish water aquaculture fisheries in Kecamatan Sragi, Ketapang, Bakauheni, Kalianda, and Sidomulyo; b. developing freshwater aquaculture fisheries in Katibung Subdistrict, Sidomulyo, Kalianda, Rajabasa, Bakauheni, Ketapang and Sragi; c. developing marine aquaculture in Kecamatan Ketapang, Sragi, Bakauheni, Rajabasa, and Kalianda; and d. developing hatchery in Sidomulyo, Kalianda, Rajabasa, and Ketapang sub-districts.

Source: data processed, 2017.

Based on the above table, in general, the spatial regulatory regime's law regulation has been described in substance, the body has loads on village development, but in the context of the village in general, not within the scope of coastal villages. In relation to the vertical harmonization analysis, it can be seen that in the spatial regulatory regime, the content of village development in Lampung coastal area that has been formulated is quite consistent among the hierarchy of legislation because the regulation governing the RTRW at the district level has detailed well the allocation of regional planning in the context of coastal development planning, but there is

apparent incoherence of coastal village development content material that is not related to the above rules and regulations below them. The condition of incoherence can be counter-productive which can ultimately hinder the development of coastal villages.

4. Conclusion

Harmonization of the law of village development in Lampung coast in spatial regime regulation shows that in the spatial regulation regime, the content material of village development in coastal Lampung that has been formulated is quite consistent between hierarchy of legislation because the regulation governing spatial planning at district level has been detailing well allocation of regional planning in the context of coastal development planning, but there is a visible incoherence of coastal village development content material that is unrelated/linked between the above rules and existing regulations.

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