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## The Implementation of Regional Regulation of Kupang City Number 7 of 2000 Concerning Green Open Space in The Environmental Development of Kupang City<sup>1</sup>

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### Abstract

One of the important aspects in environmental development is the use of green open space that serves its objectives and functions. Therefore, the Kupang City Regulation Number 7 of 2000 as a legal guarantee in the use of green open space was issued. The legal issue being studied is whether the implementation the Kupang City regional regulation Number 7 of 2000 is in line with the purpose and function. The research is an empirical research. The results of the study found that implementation of Kupang City Regulation Number 7 of 2000 has not served its purpose and function. It was caused by various factors, as law enforcement officials factor and inadequate supporting facilities and infrastructure. Therefore, it was recommended that there should be seriousness in preparing both supporting facilities and infrastructure for the implementation of these local regulations.

**Keywords:** The Implementation Of There Is A Regional Regulation; The Construction Of The Environment; Green Open Space

### Abstrak

*Salah satu aspek yang sangat penting dalam pembangunan lingkungan yaitu adanya pemanfaatan ruang terbuka hijau sesuai dengan tujuan dan fungsinya. Oleh sebab itu lahirlah peraturan daerah Kota Kupang Nomor 7 tahun 2000 sebagai suatu jaminan yuridis dalam pemanfaatan ruang terbuka hijau. Oleh sebab itu persoalan hukum yang dikaji yaitu apakah pelaksanaan peraturan daerah kota kupang nomor 7 tahun 2000 sudah sesuai dengan tujuan dan fungsinya? Penelitian ini merupakan penelitian empiris. Hasil penelitian menemukan bahwa implementasi peraturan daerah kota kupang nomor 7 tahun 2000 belum sesuai dengan tujuan dan fungsinya yang disebabkan oleh berbagai faktor seperti faktor aparat penegak hukum dan minimnya sarana dan prasarana penunjang, sehingga disarankan untuk perlu adanya keseriusan dalam bentuk penyiapan baik aparat maupun sarana dan prasarana penunjang terlaksananya peraturan daerah tersebut.*

**Kata Kunci :** Pelaksanaan peraturan daerah; Pembangunan Lingkungan; Ruang Terbuka Hijau

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## Introduction

Indonesian citizens grow rapidly over time. Due to the rising population in Indonesia, the government should be prepared to meet all the facilities and life necessities of its people, both in rural and urban areas. The reason is that the rapidly growing population gives the influence to pressure escalation in the use of space.

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<sup>1</sup> This journal is a part of the author's thesis in Post Graduate Program, Universitas Nusa Cendana, 2009.

The increasing activities in urban areas have made population density level continues to grow, and the situation has also increased the rate of development as an effort to fulfill facilities. Hopefully, the development can improve the welfare and prosperity of people in urban areas.

One of the most important things in city development is the existence of a green open space area. In Kupang, there is land available to build the green open space, especially the green lane. However, nowadays, Kupang started to lack the land, due to the construction of residential settlements in the area.

This condition leads to function changes/changes in spatial use patterns, either planned or unplanned. Because of the problem, the green open space in Kupang City has almost vanished. This is due to the continuous building of housing and hotel areas. Neo-Aston Hotel building and the residential settlement construction near the green open space are the examples. Both have made function changes to the land, from the green open space into hotels and residential settlements. Besides, the more increasing the need for housing and settlement, the higher the tendency of function changes in agricultural land, yet the more decreasing the levels of service in urban infrastructure and facilities. Still, there are some problems with traffic jams, social-demography, and spatial use. As a result, the amount of housing and settlement growth by land use does not pay attention to the regulation, even they violate the regulation.

Based on the provision in Kupang City Regional Regulation Number 11 of 2011 concerning Spatial and Regional Planning, article 32 paragraph (1) states that the Green Open Space Area as referred to in article 29 paragraph (2) c is determined to be 30 %, which are 20 % public green open spaces and 10 % private green open spaces, consist of:

- a. Environmental Park
- b. City Park
- c. City Forest
- d. Green Lane
- e. Landscape Area
- f. Burial Park

Furthermore, paragraph (5) states that the green lane plan as referred to in paragraph (1) d consists of:

- a. enlargement of the existing green lane along El Tari I, El Tari II, El Tari III, Basuki Rahmat Street, and the outer ring road of the region; and
- b. enlargement of the new green lane in the Alak Industrial area.

Based on the description above, the development policy in service improvement, especially in spatial planning, has provided information about green open space location which suits to the spatial planning. Development is a conscious effort made by people to achieve a better life (**Bruce Mitchell, 2000**). As the implementation of a regional autonomy policy, a region has the authority to manage its available resources. A region is also responsible for preserving its environmental sustainability. It serves the law and regulation stated that maintaining a balance in environmental quality also requires serious attention from the local government.

According to Law Number 26 of 2007 concerning Spatial Planning, Article 1 Number 31, Green Open Space (hereinafter abbreviated as GOS) is an area that extends in the form of a lane and or clustered area, the use of which is more open, a place to grow plants, either it grows naturally or is intentionally planted. The law also states that 30 % of the city area must consist of GOS of 20 % public and 10 % private. Public GOS is a green open space owned and managed by the regional/city government that is used for the benefit of general public.

The regulation of GOS, which is Article 37 paragraph (1) e, stated that green open space is a protected area. According to Article 1 Number 21 of Law Number 26 of 2007 concerning Spatial Planning, protected area is an area designed with the main function of protecting environmental sustainability, including natural and man-made resources. As referred in Article 37 Paragraph (1) e and reconfirmed in Article 42 Paragraph (1), GOS is developed into an area or extended into a lane, dominated by plants to function as a certain habitat protection, and/or city facilities, and/or safety network for infrastructure, and/or agriculture. In the current global development, GOS is needed to maintain the balance of environmental quality of a region, especially in an urban area with its problem relating to such complex spatial issues.

To respond to the legal issue, the government of Kupang City made Kupang City Regulation Number 7 of 2000 concerning the Green Open Space of Kupang City. However, the implementation is not yet satisfying for there are still violations in the Green Open Space construction. The fact is, in the field, GOS has been converted into a private residence, even for running a business. The rapid functions transfer or changes in the use of Green Open Space in the sub-district area have placed great pressure on efforts to realize integrated spatial planning dan urban development. Within the framework of national development, regional development is an integrated part. Regional development will determine the success of national development. As we can see, regional development has been progressing rapidly and is expected to continue.

## **Research Methods**

Based on the above explanation, the type of research is “descriptive research”. Kountur Ronny (2003:5) stated that descriptive research is a research aims to give description or explanation of a situation as clearly as possible without any treatment to the object being analyzed. The nature of this research is descriptive and aims to describe, inventory, and analyze theories and regulations relating to the problem of study.

This research is empirical research or known as sociolegal research as stated by Fenty U. Puluhulawa (2011:3) in her journal article. According to her, sociolegal research is a research focuses on the aspect of socio juridical. In that level, the reality will be analyzed through empirical symptoms with which the implementation can be observed through law enforcement in society.

To get the research material, the approach methods used were:

1. Empirical approach: an approach that seeks to bring the provisions of law and regulation into action with a genuine attitude towards the construction of Kupang’s green open space area.
2. Conceptual approach: a method that brings the problem of study closer to relevant philosophy, principles, legal norms, concepts and legal norms.

Data or non-legal materials obtained in this study will be analyzed using qualitative data analysis techniques as stated by Natangsa Surbakti (2010:3). According to him, qualitative data analysis means all data collected is sorted and analysed for the consistency to provide conclusive answers to the research problems.

## **Discussion**

### **The Use of Law in Controlling the Spatial Use for Kupang City’s Development**

The use of law is important in social life. It realizes regional legal objectives related to control, legal protection, legal order, law enforcement, and others. The management of city space by controlling its spatial use shows maximum legal performance. This means that people have not been aware of the importance of wise city space management. It occurs because conceptionally, law enforcement as an activity to harmonize the values relationships reflected in established norms and the attitude of action as a series of interpretation towards stages of values to create, maintain, and preserving the peace of life relationships, are still experiencing obstacles and resistance (Soekanto, 2012). Concerning the use of law in controlling the spatial use for Kupang City’s development, actions that reflect

the use of law, in this case, are control, protection, order, and law enforcement. In other words, how to harmonize the values in the Law of the Republic of Indonesia Number 27 of 2007 concerning Spatial Planning, followed by its derivatives in Kupang City Regulation Number 11 of 2011 concerning Kupang City's Spatial Planning, and Regional Regulation Number 12 of 2011 concerning the Spatial Planning Details of Kupang City, all of which aim to protect, maintain, and preserve the function and conservation of space. Related to space conservation, there is a lot of natural improvement and growth in development. In other words, the development was happening without programmed direction and planning. As a result, at a more complex stage of development, various problems arose (Imran, 2013).

The use of law in controlling the spatial use for Kupang City's development is further explored through legal control measures and law enforcement, which reflects the urgent legal function as a means of regulating public order, a means of justice, and a means of development driving. For example, the settlements construction in areas that are not suitable with the designation, illegal housing construction in areas designated as Green Open Space, Riparian Areas, Coastal Setback Areas, etc.

The settlement construction in areas designated as riparian and green open spaces, not only violates established regional regulation, but can damage the area's function. This is in line with the opinion of an apparatus of Kupang City Environmental Agency, which is the informant in this study, the Head of Environmental Impact Management, Jefry Adoe. According to Jefry Adoe in an interview on September 28, 2015 there are regional regulations regarding the Spatial Detail Planning needs the existence of various activities that are required to have environmental permit. This includes the construction violated the regulation of environmental conservation, such as in the Liliba watershed which should have been reforested. Meanwhile, building construction in a coastal setback in the tourism area is permitted to support tourism activities. However, the entire construction in the area should maintain the coastal condition, water and air quality in the site. This was also stated by the Head of the Environmental Supervisory Division, Ricky Tamaela in an interview on September 28, 2015. Related to the area conservation, in terms of the environment, it is the hotel management or building owner as tourism supporters to keep the surrounding environment from the waste from the place and its surroundings.

Similarly, one of the informants at Kupang City Housing and Spatial Agency, Miky O.S. Natun in an interview on September 17, 2015, stated that the steep area such as Liliba watershed has its own regulation. In a steep terrain which is at least

15 to 5 meters from the cliff boundary to the construction area, building construction is not permitted. Besides violating the rules, it is not safe for the people living at the area since it is very steep and vulnerable to erosion and soil movement. Meanwhile, the construction in coastal setback as tourism area at Pasir Panjang is permitted to provide access to the public at least per hundred (100) meters as public access. However, it is still a problem because in reality, the researcher found that public access to the coastal area is very limited with appalling condition. There is no awareness to cleanliness of the surrounding environment of the area of construction. According to the Head of Spatial Planning, Robert Tade in an interview on November 3, 2015, the permit issuance to hotel construction in tourism supporting area gave one of the responsibilities of the hotel management, which is maintaining the cleanliness in surrounding area which borders directly and within the range of hotel. Meanwhile, controlling activities for construction settlement in riparian area was done through socialization program that is not based on a certain period of time.

On the other hand, besides some aforementioned consequences, the construction in the locations designated as green open spaces and riparian areas would certainly hinder the process of conserving plants and others to support the function of the land or space as green open space. Whereas, a green open space has important benefits for the people's life sustainability, and the continuous construction in the area will cause damage to the conservation function of the protected area. Related to this, according to Miki O.S. Natun in an interview on September 17, 2015, the problems regarding to the spatial use mandated in Kupang City Regional Regulation on the Detailed Planning for Kupang City have been conveyed to the public through seminars. The empirical realities showed that, despite the seminars related to this matter, it is not a convincing reference that most people had been aware of the regulation mandate. The result of study of a researcher in Liliba Village RT 15/RW 15 showed that one of the people, named Likius Maima in an interview on October 25, 2015, built a house in Liliba riparian area. He believed that the building construction in the protected area fit regional regulation of spatial planning (PERDA RTRW) and his ownership of a Certificate of Property Rights (SHM), even though he does not have a Building Construction Permit (IMB). According to Likius Maima, the government, through neighbourhood association (RT) has suggested not to construct buildings in the riparian area. However, as the land owner, he questioned what the government would give as a compensation, if he did not construct building in the riparian area of Liliba river. Yet, there has been no response from the government on this matter.

Based on the results of study, it can be said that law enforcement process which is legal in nature can not be applied. Therefore, based on the information given by Miki O.S. Natun, the action could be taken to people who continued to do the building construction in riparian area was giving them administrative sanctions. They could not get the building permit as well, for it was not in line with the Regional Regulation Number 11 of 2011, Article 31 Paragraph (1) stated:

“Local protection area as referred in Article 29 Paragraph (2) b consist of:

- a. coastal setbacks;
- b. riparian areas;
- c. protected areas around dams and reservoirs; and
- d. protected area around the spring.”

The article has set the designation of each region that has a certain development direction to minimize the potential natural disasters, environmental damages, etc. It has also been regulated in Minister of Public Works Regulation Number 24/PRT/M/2007 regarding Technical Guidelines for Building Construction Permit (IMB), based in the classification buildings. In this case, residential buildings related to the development in each region back to the Spatial Planning of each city. It is stated more clearly in Kupang City Regional Spatial Planning Article 32 Paragraph (3):

“The riparian areas planning as referred in Paragraph (1) is located on Liliba River, Dendeng River, and Merdeka River.”

The area planning is certainly a guideline for issuing a building construction permit, which of course also takes the function and classification of the building into account.

Based on the researchers' interview to some respondents, they basically said that the implementation of Kupang City Regulation Number 7 of 2000 was not optimal and suited to the objectives, functions, and benefits of the issuance of the regional regulation. Based on the results of study, there are several important factors that become obstacles in the implementation of these regional regulations, which are:

1. The incomplete facilities and infrastructure prepared by the local government of Kupang City as one of the supports for the successful implementation of Kupang City regional regulation Number 7 of 2000. The facilities and infrastructure here, based on the research, are in the form of supporting facilities and infrastructure for the park. One concrete example is that not all park

lighting in a nostalgic park worked, and the lack of trash cans made the visitors often littered.

2. The most detrimental thing is that Kupang City government was orientated more to physical development for beauty, while reforestation was often ignored. One real example was the tree fellings around the green belt on behalf of physical development. This means that at this stage, the development orientation was more in the form of building construction and had less attention to the development and the conservation of green parks.
3. The absence of a regulation from Kupang City government that required hotels around the green area to plant trees in the hotel yard area. Most of the available land was used by the hotel for parking lot and lack of trees. On the researchers' opinion, it is important to have one or two trees around the hotel land to reduce the effects of heat due to radiation, and improve the scenery. The role model in green open areas is Surabaya City. Despite its small land, each hotel in Surabaya is obliged to plant trees, at least in the parking area.

From the description above, researchers conclude that the implementation of Kupang Regional Regulation Number 7 of 2000 was still far from the function, purpose, and benefits of the issuance of the regional regulation. According to the researchers, this happened because of the weakness of law enforcement agencies, in this case was local government institution. The local government supervised the Parks Department dan Kupang City Spatial Planning Department in carrying out their functions as law enforcers in terms of reforestation and beautiful parks planning, so that the aims and objectives of Kupang Regional Regulation Number 7 of 2000 could be achieved. As stated by Soerjono Soekanto in Natangsa Surbakti's journal article (2006:4) that the process of law enforcement, in Soerjono Sukanto's view is influenced by five factors: First, the legal or regulatory factors. Second, the factor of law enforcement officers, namely the parties involved in the process of making and applying the law, which is related to mentality problems. Third, the factor of facilities that support the law enforcement process. Fourth, social factors, namely the social environment in which the law enacted or implemented; related to legal awareness and obedience that reflects people's behavior. Fifth, cultural factors, namely the work, creativity, and taste, based on human initiative in life interaction.

In general, researchers can conclude that the product of Kupang City Regional Regulation Number 7 of 2000 was only a symbol of product that fails in realizing the function, purpose, and benefits of the regional regulation. This, according to researchers, was closely related to the factors of law enforcement officials, facilities, and infrastructure factors as stated by Soejono Soekanto. He



stated that things that hinder law enforcement could be in the form of law itself, law enforcement officials, facilities, and infrastructure, as well as legal culture. However, referring to the legal issues studied by the researchers, what really stood out as a means of obstructing law enforcement, especially in Kupang City Regulations number 7 of 2000, was the factor of law enforcement officers, supporting facilities, and infrastructures.

1. Law enforcement factor as an obstacle to the implementation of Kupang City Regulation Number 7 of 2000 in achieving its goal and function.

Speaking of law enforcement officers, in this article, it is closely related to those law enforcement officers in the institution that controls the Kupang Parks Department and Kupang City Spatial Planning Department. In running and realizing a comfortable city in line with the green open space planning, it is necessary to be more creative in implementing all legal products, especially Kupang City Regional Regulation Number 7 of 2000 regarding green open space layout, and it needs a serious commitment in the law enforcement. It means the commitment will not be affected by all things that can affect the law enforcement itself. Therefore, in this level, the success of law enforcement depends on the law enforcement officers and their loyalty. Barzah Latupono (2011:5) stated that "Law enforcement officers cover a very broad scope at the top, middle, and lower strata. However, in carrying out their duties, the officers should have a guideline, including written regulations that cover the scope of their duties." Kasman Tasaripa's (2013:2) stated that "Law and law enforcement are some of the law enforcement factors that can not be ignored. If it is so, the expected law enforcement can not be achieved."

Based on the description above, in the context of law enforcement officers carry out their duties and functions greatly, legal awareness is also important so that they can do it in accordance with their responsibilities. This is very important because if law enforcement officers lack of legal awareness, they tend to complain in carrying out their duties and responsibilities. As Ellya Rosana (2014:3) stated in her journal article that legal awareness is a self-awareness without pressure, coercion, or orders from others to comply with law. Therefore, Atang Hermawan Usman (2014:4) offers a solution that increasing legal awareness should be done through regular legal information and counseling on the basis of a steady planning.

2. Facilities and infrastructure factors as obstacles of the implementation of Kupang City Regional Regulation Number 7 of 2000 in achieving its goals and function.

Facilities and infrastructure are the keys to success in the implementation of Kupang City Regional Regulation Number 7 of 2000. A concrete example is the incomplete supporting facilities and infrastructure in city parks, such as street lights and green open space areas. The unavailability of landfills cause people who reside the area used the green open space to throw garbage. Therefore, facilities and infrastructure are also the benchmark of law enforcement. Without adequate facilities and infrastructure, law enforcement can not run optimally (**Zulkarnaen and Tanti, 2016**)

3. Minimum budget provided by the local government of Kupang City as an obstacle of the implementation of Kupang City Regional Regulation Number 7 of 2000 in achieving its goals and function.

The third factor influenced profoundly in activating and realizing the goals, function, and benefits of the formation of Kupang Regional Regulation Number 7 of 2000 is the budget allocation or sufficient funds. It is important since the budget is a benchmark for law enforcement officers. When the budget is reduced, the law enforcement wheel can not run effectively. It is significantly effecting on the mentality of NTT people who are very strict with their cliché: if there is money, we work. If there is none, we don't work.”

### **The Policy of Kupang City Government in Controlling Spatial Use**

When a policy as a series of interrelated decisions regarding the selection of objectives and ways to achieve goals, in this case, controlling the use of space in Kupang City, has no supported legal instrument, it will be difficult to be implemented and used as a guideline. Policy is an instrument of government, not only in the meaning of *government* regarding state apparatus, but also *governance* that touches various forms of institutions such as a private, business, and civil society (**Mustafa and Kurniawan, 2012**). Policy as government instruments are directly in contact with government agencies that regulate and supervise the course of development related to land use, both in the construction of Green Open

Space, the Liliba Watershed/riparian area, and Tourism Supporting Areas in the coastal areas which can be described as follows:

### **1. Department of Public Housing and Spatial Planning**

This institution has an important role in controlling spatial use which has the function of layout and development planning in accordance with the Regional Spatial Planning and evaluating the use of spatial planning. Furthermore, the Department of Housing and Spatial Planning has an important role in giving consideration and recommendation for constructing buildings, using buildings, preserving buildings, and tearing down buildings. City spatial planning basically covers spatial planning activities, spatial use, and spatial use control, where the spatial use control must be able to function as a means of boosting city development to increase social, economic, and physical benefits. The use of law in controlling spatial use is an effort to continuously, persistently, and consistently direct the use of space in accordance with a predetermined city spatial planning.

Meanwhile, the spatial use control is carried out through licensing mechanism, compensation mechanism, supervision and control guidelines for spatial use including several action, namely:

#### **a. Licensing Mechanism**

Licensing provisions based on Kupang City Regional Regulation Number 11 of 2011 Chapter VII concerning the provisions on controlling the use of space Article (50) Paragraph (1) and (2) stated:

Paragraph (1) "Provisions for controlling local spatial use shall be used as a reference in the implementation of controlling spatial use for Regional Regions."

Paragraph (2) "Provisions for controlling spatial use consist of:

- 1) general provisions on zonal regulations;
- 2) licensing provisions;
- 3) provisions for incentives and disincentives; and
- 4) directions for sanctions."

as forms of guarantee of the suitability between the development implementation with the development direction in the spatial planning.

Licensing can also be used as a form of prevention of activities that can change the designated use of space.

In more detail, it is regulated in the third part of the licensing provisions for spatial use, Article (62):

Paragraph (1) "Licensing as referred in Article 50 paragraph (2) b is based on the principle of licensing application, namely:

- a) Issuance of permits related to spatial use is given based on the Regional Spatial Planning;
- b) License that has been issued with legal procedures, but not in line with the Regional Spatial Planning (RSP) :
  - 1) If the construction has not yet been carried out, the related license are adjusted to the function of the area in the RSP;
  - 2) If the construction has been carried out, the license is valid until the validity period expires and adjustments are made by applying technical engineering in line with the function of the RSP area.
  - 3) If the construction has been carried out and it is not possible to apply technical engineering in line with the function of the area in the RSP, the license can be canceled and the losses resulted from the cancellation can be given appropriate changes;
- c) Licenses that have been issued are not in accordance with legal procedures and are not in line with the Regional Spatial Planning and are revoked and revitalized in accordance with their designation.

Paragraph (2) "Licenses that are imposed on activities and development in the regions, include:

- a) Sectoral permits/activities, namely principle license, permanent license, location determination license, and business license;
- b) Licensing for the use of space and buildings, namely location permit, land utilization permit, building use permit;
- c) Construction permit, i.e. building permit;
- d) Environmental licensing, i.e. disturbance permits, Environmental Management Plan, and Environmental Utilization Plan;
- e) Special permits, i.e. ground water extraction permit, non-metal material extraction permit.

Paragraph (3) "The licensing mechanisms as referred in Article 50 paragraph (2) b shall be carried out by the Mayor through the Regional Apparatus Work Unit."

This is done to anticipate the construction that is not in line with the designation of the area. Kupang City development is similar to what happened to the construction in Green Open Space and Liliba River Watershed. When a landowner submitted a request for information to Kupang City Public Housing and Spatial Planning Agency, it was explained that the request could not be followed up. It was because the designation in the area was not in accordance with the construction plan proposed by the landowner. However, in reality, the construction continued by the landowner until a direct or indirect warning was given by the relevant parties.

Related to this, according to Miki O.S. Natun in an interview on September 17, 2015, the spatial use that have been mandated in Kupang City Regional Regulation on the Detailed Spatial Plan for Kupang City have been conveyed to the public through seminar activities. In addition, the construction of permanent and semi-permanent settlements in the Green Open Space (GOS) and Liliba River Watershed, based on a complaint letter submitted by the Civil Service Police Unit, stated that the landowner who built the permanent house is the member of law enforcer. In other words, the owner of the building understood that all regulation and pemission would not allow the construction in the area.

Therefore, it can be concluded that in controlling spatial use, the Housing and Kupang City Spatial Department has taen action in fulfilling the licensing mechanism through a letter of approval for building utilization as an effort ti prevent inappropriate use of space. However, according to researchers, the action met obstacles that greatly affect the effectiveness of the licensing action. It was because the construction activities such as the mentioned examples were still happening, eventhough it had been notified that the area was not suitable for the construction. The lack of action to handle the violation of spatial use, only the rejection given to potential builders, the actions only revolved about building permits, and so far, no cases had been brought to the realm of law. The role of law enforcement in this case was actually needed, so all regulations could be truly enforced. Therefore, the construction of permanent and non-permanent settlements in these locations would not become a habit that harms the public.

#### **b. Provisions of Insentives and Dissinsentives**

The mechanism for providing incentives and disincentives are in form of a reference mechanism of the government in providing incentives and the imposition of disincentives. These are regulated in Kupang City Regional Regulation Number 11 of 2011, Article 63, concerning the provisions of incentives and disincentives. The incentives in Article 63 paragraph (1) are stated as follows: “The incentive provisions as referred in Article 50 paragraph (2) c are instruments or efforts to provide reward for the implementation of activities that are in line with the Regional Spatial Planning.

The provision of incentives as referred in paragraph (1) shall be enforced by:

- a) amenities in obtaining permits and other administrative for the use of space in accordance with the directions in the Regional Spatial Plan;
- b) assistance with land utilization as to conserve land in protected areas;
- c) tax relief, compensation, cross subsidies, rewards, space rent, and share returns;
- d) infrastructure development and procurement;
- e) amenities in licensing procedures; and
- f) awards to the public, private sector, and/or regional government.

Compensation, for example. When there is a policy to change a condition from A to B which is believed to be better for the general level of welfare, of course the change will not give benefit equally to all parties. It means there will be certain party that has the potential to be harmed by the policy. From the description, the principle of compensation states that condition B is preferred over A if (in moving from condition A to B) the beneficiary can compensate the injured party so that all parties get better result. The principle is based on profit potential, not actual. As a result, some may actually be in worse condition, due to a policy change. However, the change is supported if the lucky ones can compensate the losers so that all parties get better condition. Therefore, in any policy context, payment of compensation is an issue that must be decided by an authorized policy maker, in order to address the issue of income distribution as a consequence of policy changes.

Meanwhile, the disincentive provision in Article 63 paragraph (3) regulates: “The disincentive provision as referred in Article 50 paragraph (2) c is a tool to prevent, limit growth, or reduce activities that are not in line

with the Regional Spatial Planning.

The granting of disincentives as referred in paragraph (3), shall be enforced by:

- a) imposing sanctions and fines for violators of the rules and directives in the Regional Spatial Planning;
- b) tightening administrative arrangements and rejecting the proposed spatial uses that do not follow the directions in the Regional Spatial Planning;
- c) giving strict supervision and control to the developed areas that do not follow the directions in the Regional Spatial Planning;
- d) giving the imposition of high taxes that are adjusted to the amount of costs needed to overcome the impacts caused by the use of space; and
- e) limiting infrastructure provision, imposition of compensation and penalties.

**c. Supervision (Direction of Spatial Use)**

Supervision is done before and after permission is granted. The supervision carried out before permission is granted is done by requiring the applicant to include the requirements/equipment needed to obtain a permit. Whereas, the supervision carried out after the permit is granted, aims to see whether the activity is in conformity or not with the provisions contained in the permit that has been granted. Supervision itself is an embodiment of the directions of controlling the use of spatial areas. The directions include:

- a) indicative directions for zonal regulations;
- b) licensing directives;
- c) direction of incentives and disincentives; and
- d) direction of sanctions in the context of the realization of the provincial spatial planning.

The direction of spatial use has been regulated in Kupang City Regional Regulation Number 11 of 2011 concerning Kupang City Spatial Planning Article 49 Paragraph (1), states: “The direction of spatial use consists of the indication of the main program, the indication of source of funding, the indication of the implementation of activity, and the implementation time”.

The direction for controlling spatial use has the following functions:

- a) maintaining the agreement of spatial use with provincial spatial planning;

- b) avoiding land use that does not suit to the spatial planning;
- c) maintaining the balance and harmony of the space utilization;
- d) controlling regional development;
- e) preventing adverse development impacts; and
- f) protecting the public interest.

It is from these directions for controlling spatial use that the supervision is carried out in the form of report, monitoring, and evaluation. In tourism-supporting areas, the development activities are given initial supervision in the form of reporting plans of the construction initial plan, whether the buildings will be built suit to the area designation or not. In the construction of buildings such as hotels in tourism supporting area in Kelapa Lima, monitoring is conducted to see whether the construction is carried out based on permitted boundaries, as well as the construction does not exceed the border of the coastline which in turn can close public access to the coastal area. Despite monitoring of the suitability of the hotels, in the empirical reality, that researchers found there were things that escaped the view of the authority, where one of the hotels in Kelapa Lima area were built beyond the boundaries of the road bed. Consequently, the width of the road was not in accordance with the required standard. Furthermore, the hotel had also minimized access to the sidewalk for pedestrian interests and other road supporting facilities such as waterways.

#### **d. Control**

Control is carried out in the form of giving sanctions for violations of the provisions contained in the permits that have been given. Control in the use of space is an effort or activity to take action so that the space utilization suits to the plan can be realized. To control, it requires directives of sanctions in the form of directive provisions of the imposition of administrative sanctions to spatial use violators, which will become a reference for the government. The direction of sanctions for violations in spatial planning functions to realize the spatial order and the enforcement of laws and regulations in spatial planning. The sanctions directive has been regulated in Regional Regulation number 11 of 2011 concerning Kupang City Regional Spatial Planning Article 64 Paragraph (1), states: "The sanction directives are a reference for the Government in imposing administrative sanctions on spatial use violators."



Sanctions are imposed on:

- a) spatial use that does not follow the spatial structure plan and spatial pattern;
- b) violation of general provisions on zonal regulations;
- c) spatial utilization without the spatial use permit issued based on the Regional Spatial Planning;
- d) spatial utilization does not follow the spatial use permit issued based on Regional Spatial Planning;
- e) violation of the conditions stipulated in the space utilization permit issued based on the Regional Spatial Planning;
- f) space utilization that obstructs access to areas which by law are declared public property; and/or
- g) space utilization of with permits obtained by improper procedures.

Control activities can be carried out in the form of direct control and indirect control. Enforcement is done through law enforcement mechanisms that are carried out in accordance with applicable laws and regulations. Meanwhile, indirect control is carried out in the form of disincentive sanctions, including through the imposition of tax levies on a progressive basis or limiting the provision of environmental facilities and infrastructure. In empirical reality, it can be seen in the hotel construction process in the green open space in Kelapa Lima area. According to the Head of the Survey Planning and Mapping Section of Department of Public Housing and Spatial Planning, Ms. Yani Ndolu in an interview on September 17, 2015 the construction in Kelapa Lima and Pasir Panjang coastal setbacks were given permission because the area and the building were tourism supporting areas. This was also confirmed by Mr. Miki OS Natun that there was a consideration for the building permits to be granted. However, over time, the field evaluation of the construction showed some violations in the boundaries that had been set for the hotel. Then, to overcome the problem, there was a direct control in the form of a warning to stop the building construction if it was not adjusted based on the conditions of the initial permit that have been approved. Article 63 Paragraph (1) of Kupang City Regional Regulation concerning the Kupang City Spatial Plan regulates: "Violations as referred in Article 64 paragraph (2) are subject to administrative sanctions in the form of:

- a) written warning;
- b) temporary suspension of activities;

- c) temporary suspension of public services;
- d) closing location;
- e) revocation of permission;
- f) cancellation of permission;
- g) demolition of buildings;
- h) restoration of space functions; and/or
- i) administrative fines.”

This directive can be applied when there are indications, such as the impact caused by violations of spatial planning; the impact of giving the types of sanctions imposed for violators of spatial planning; and the level of public loss that can be caused by violations of spatial planning.

## **2. Kupang City Regional Development Planning Agency**

One important aspect in the effort to improve the performance of Local Government is through quality and sustainable regional development planning policies. This is supported by Law No. 25/2004 concerning the National Development Planning System, which states that national and regional development planning consists of long-term development planning, medium-term development planning, and annual development planning.

The function and role of Regional Development Planning Agency (BAPPEDA) as regional technical institution is to be responsible for the development planning mandated in Article 14, Paragraph (1), Law Number 32 Year 2004 concerning Regional Government, states that one of the mandatory functions as the authority of regional governments is planning and development control.

Regional Development, as an integral part of regional and national development, is essentially an integrative process both at the level of planning, implementation, and control carried out continuously in order to improve people's welfare. To build commitment and mutual desire, policies must be formulated related to public interests within the framework of regional autonomy by considering recent issues.

The demand and dynamics of rapid urban development have caused the lack of control over the development of built areas. These result to the decline of environmental carrying capacity and cause the damage of the ecosystem.

Kupang city's Regional Development Planning Agency (BAPPEDA) as the agency whose duty is arranging the documents of Kupang City's spatial

planning, is required to produce plans with environmental friendly concepts. Thus, the plans will be in harmony with the environment and spatial layout of the Kupang City.

Regarding spatial use control Kupang City development, Herold Loak in an interview on October 1, 2015 stated that the spatial layout such as planning, utilization, and control of spatial use has been arranged in the Regional Regulation which should be a guide for Kupang City development to avoid mistakes in utilizing area designation. Spatial designation has been set based on Kupang City Spatial Planning (RTRW). The RTRW has regulated all that is permitted and not in the process of development activities, with various considerations. Conditions arranged and stipulated as policy afterwards is a violation in the name of policy. Based on the interviews, researchers concluded that the formulation of public policy also led to local government being required to be transparent and accountable as an effort to create good governance. However, the duty of the local government is not only implementing the central government policy, but it has the authority to design its own regional development programs adjusted to the aspirations and needs of the people in the area. According to the Head of Subdivision of Environmental Infrastructure and Facilities at Kupang City Regional Development Planning Agency, Densi Dethan in an interview on October 15, 2015 the control of spatial use has been regulated by policies in the preparation of RTRW through control mechanism which includes monitoring and control activities. The activities are meant to guard the running of RTRW consistently. With such condition, the control of spatial use is very important to be carried out by the government, especially local government, as an effort to optimize the land function suitable to the carrying capacity of each environment. In other words, it can be said that the weak mechanism of development control is one of the obstacles in implementing regional spatial planning. Spatial planning has not become a guideline in the formulation of spatial policies. Development planning programs that were carried out every year rarely put into consideration the spatial planning to determine the exact location of the development. What happened was that the development planning was out of the spatial use plan existing. The different opinion came from the Technical Staff of Subid Spatial Planning, Edwin Sarimin in an interview on October 15, 2015, he explained that the preparation of formulation materials and the stipulation of spatial planning policies and natural resources were important to protect people's rights. Changes to land use must consider the rights and obligations of the people to protect the natural environment. Because of the

limited space, its utilization must be regulated to meet the needs of all parties in a fair, efficient, and sustainable manner. Weak development control mechanisms are one of the obstacles in implementing urban spatial plans to be examined. A good city spatial planning product does not always produce good spatial planning, if without the support of a clear development control and supervision mechanism.

### **3. Regional Environmental Agency**

To carry out its tasks, the Regional Environmental Agency has functions, including those directly deal with spatial use control in the form of environmental policy formulation which includes planning, controlling, monitoring environmental impacts by developing biodiversity conservation models, law enforcement strategies, implementing controls as well as supervision of pollution and environmental damage, the implementation of environmental, administrative, civil and criminal law enforcement against environmental pollution and damage perpetrators by developing incentive and disincentive schemes and the implementation of international agreements in the field of environmental impact control, spatial control through coordination and increased integration in planning, control and evaluation in environmental management of the carrying capacity of the environment.

Spatial use control through the wise spatial planning, will keep the quality of environment. However, if it is done unwisely, the quality will also disrupted. The arrangement of spatial planning aims to create a safe, comfortable, productive, and sustainable regional space. This is of course done by realizing harmony between natural environment and man-made environment, integration in the use of natural resources and man-made resources by taking into account human resources and realizing the protection of spatial functions, and preventing negative impacts on the environment due to spatial utilization.

In the term of environmental sustainability based on the function of Kupang City Environmental Management Agency, Jefri Adoe stated in an interview on September 28, 2015 that regional regulations regarding Spatial Planning Details required activities to have environmental permits, especially those that violates regulations by ignoring environmental matters. For example, the the construction carried out at Liliba Watershed, a place which should be kept green. Kupang City Regional Spatial Planning Article 10 Paragraph (1) and (2), stated: "Spatial development policies as referred in Article 4 b includes:

- a) policies for protected areas development;
- b) policies for agricultural area development; and
- c) policies for strategic area development".

The policies protected areas development as referred in Paragraph (1) a includes:

- a) maintenance and realization of environmental functions; and
- b) negative impact prevention of human activities that can cause environmental damage.

The above regulations for certain area development need permits from related agencies in the term of the negative impact that could happen to the environment due to the activities.

Meanwhile. According to Head the Sub-Division of Environmental Supervisor, Nofdi L. Pono in an interview on November 2, 2015 that the environment in spatial planning is a very important aspect besides the socio-cultural aspects, which must be considered in the preparation of regional spatial planning (RTRW). In the empirical reality, the environmental considerations in the regional spatial planning are absolutely necessary. If there is no integrated environmental aspects, it will greatly impacts the lives of people in the future. Basically, the environment has limited carrying and supporting capacity in sustaining the lives of humans and other creatures. If the capacities exceeded, then the environmental conservation functions will be seriously disrupted. Spatial development needs to focus on preserving the functions of a harmonious and balanced environmental components to support sustainable development. It should be carried out with integrated, comprehensive policies, and takes into account the needs of present and future generations. In the spatial planning process of Kupang City, the construction of settlements in the riparian area of Liliba river, as well as in the area of green open space do not have the carrying capacity to the protected areas. These pollute all ecosystems that support the existence of the functions of the area. Then, the researchers can conclude that in the spatial planning process, shifting land functions is almost impossible to avoid. Spatial use control is currently inefficient and ineffective, because licensing instruments which are the first step in controlling spatial use are often conflicting and even violate the existing spatial plans.

#### **4. Civil Service Police Unit**

The Civil Service Police Unit (Satpol PP) is a device of the Regional Government in maintaining peace and public order and enforcing Regional Regulations. The organization and work procedures of the Civil Service Police

Unit are determined by Regional Regulation. SATPOL PP carries out administrative disciplinary actions against members of the community, apparatus or legal entities that violate regional regulations and/or regional head regulations; takes action on community members, officials, or legal entities that disturb public order; facilitation, and capacity building for the implementation of community protection; carry out investigative actions against members of the public, apparatus or legal entity suspected of violating regional regulations and/or regional head regulations; carry out administrative actions against members of the community, apparatus, or legal entity that violates regional regulations and/or regional head regulations.

The Government Regulation of the Republic of Indonesia Number 6 of 2010 Article 28 stipulates that in carrying their duties, Satpol PP can request assistance and/or cooperation with the Indonesian National Police and/other institutions. In terms of requesting assistance from the Indonesian National Police and/or other institutions as referred in paragraph (1), Satpol PP acts as the coordinator of field operations. Cooperation as referred in paragraph (1) is based on functional relations, mutual assistance, and mutual respect by prioritizing the public interest and paying attention to the hierarchy and code of ethics of the bureaucracy.

In terms of spatial use control in Kupang City, as the concrete example mentioned earlier, housing developments were increasingly mushrooming in the Liliba riparian area and green open space areas, where permanent or non-permanent housing developments that stood impressively did not seem to “know” or “care about” the regulation. Therefore, related to this condition, Pol PP represented by Chris Nalle, stated that in an interview on September 16, 2015 that it was the executor, but still it had to wait for of delegation letters from the relevant agencies. As one of the parties acting as the enforcer of the Regional Regulation, it cannot act before receiving files or data related to buildings that do not have a building permit (IMB), which must be put in order.

Based on the results of study, the construction of settlements built parallel to the riparian area of the Liliba river is certainly illegal or does not have a building permit. Kupang City Regional Regulation explicitly prohibits the construction in the area since it was meant to be restricted as green area. Moreover, there must be an access road between the buildings and riparian area, so they do not occupy the riparian area excessively and inappropriately. This was also supported by a report from the law enforcement executor, Jean Djami in an interview on September 16, 2015 that, stated that the construction of settlements, especially in the riparian area of Liliba river as one of green open

areas, was secured by Kupang City Regulation number 11 of 2011 Article 32 Paragraph (1), as follows: Green Open Space Area as referred in Article 29 paragraph (2) c is determined to be 30 (thirty) percent consisting of 20 percent public Green Open Space and 10 percent private Green Open Space include:

- a) environmental park;
- b) city park;
- c) city forest;
- d) green lane;
- e) landscape area; and
- f) burial park.

For example, there had been a warning letter given related to the first building constructions, ordering not to continue the construction, since the areas of construction was directly adjacent to the riparian area. Beside for safety reasons, it was because of the inappropriate area designation.

On the other hand, what researchers found especially interesting in the research, was a concrete example of the settlement construction at riparian area of Liliba river, where the owner of the built area was a a member of people's law enforcement. This can be seen in the picture attachment (see picture appendix) which explains the notification by the Civil Service to officials and authorities who can give permission to follow up the law enforcement process for inappropriate development in the riparian area of the Liliba river.

The development in this area, by certain individuals who have a role as security process, was certainly one of the empirical facts showed that the use of law in controlling the spatial use for the development in Kupang City must be strictly enforced. Therefore, there will be no imbalance in the process (see the List of Picture Appendix).

The existence of housing and settlements in the riparian area of Liliba River was prone to potential disasters, including floods, landslides, river pollution due to garbage disposal, river pollution due to wastewater from former residents, and others.

In reality, "wild" settlements were left standing firmly on the banks of the Liliba river, and the government could not act decisively, even though there was a Regional Regulation Number 12 of 2011 regulating the Spatial Detail Planning for Kupang City. In Law Number 1 of 2011 concerning Housing and Settlement Areas, it also regulates the criteria for housing and settlement, as well as the criminal provisions, as follow: "Anyone who deliberately builds housing and/or settlements in a place that could potentially cause danger for

goods or persons as referred in article 140, shall be liable to a maximum imprisonment of 1 (one) year or a maximum fine of Rp. 50,000,000 (fifty million rupiah)”.

Related to the control of spatial use with the various regulations that explain sanctions as a form of law enforcement, on the other hand, there are limited functions of the executor, Satpol PP. Therefore, based on the spatial use control, a supervision to the development activities in Kupang City is needed. According to Miki O.S. Natun in an interview on September 17, 2015 that, there was always evaluation or socialization to the community related to regional regulations, as well as direct observation to those buildings that did not seem to be built in accordance with the designation plan. In the future, the government is going to take steps such as arranging building construction permit, gathering data of legal and illegal buildings. Moreover, building constructions prone to disasters, as those in the riparian area of Liliba river, should not be continued. To stop or overcome the problem of construction, there will be summons, administrative fines, to execution or demolition.

The efforts undertaken by the government are through socialization to the community. Then, a Mayor Regulation which regulates administrative sanctions will be issued. However, demolition will be carried out for development that clearly violates the spatial planning.

Another opinion was expressed by an informant from the Kupang City Regional Planning and Development Agency, Herold Loak in an interview on October 1, 2015 stated the spatial designation has been set based on Kupang City Regional Spatial Planning (RTRW). The RTRW has regulated everything that is permitted and not in the process of development activities, with various considerations. Things that are arranged and determined as policy are violation in the name of policy. There is no policy in determining space, all that regulated by RTRW has been through a long process, which certainly has considered all the consequences.

Related to the use of law in controlling spatial use for Kupang City development, the result of the study showed that the use of law against the actors behind the development who violate rules was needed. The existence of control activities is required in order to make the spatial use appropriate and does not deviate the Spatial Planning. It can be done through stages as follows:

Control Activities:

a) Stage of Supervision

It is an effort to maintain the suitability of spatial use with the spatial functions stipulated in the Spatial Planning. Supervision activities are



intended to follow and record the development of spatial use carried out by all parties. Therefore, deviations in the use of space from the predetermined plan can be detected and the efforts to the solution can be made immediately.

Efforts to resolve deviations in spatial use are carried out through administrative and legal channels in accordance with applicable regulations. The supervision activities include:

- 1) reporting: prepare and receive reports objectively concerning the implementation of spatial use; Recapitulating reports on the use of space utilization; directly review locations that indicate deviations;
- 2) monitoring: this activity monitors the physical development of spatial use with three main data components, namely population, spatial structure, and spatial use;
- 3) evaluation: activities that evaluate the progress of spatial use.

#### b) Stage of Control of Space Utilization Violation

It is an effort to take action so that the planned spatial use can be realized. This curbing action is carried out in the form of applying sanctions, both penalties and fines for deviations based on the Spatial Planning. The details of the activities are as follows:

- 1) prepare steps to curb space use violations;
- 2) discuss curbing actions;
- 3) report to the Regional Government about the action plan;
- 4) assignment of the special team to carry out the coordination of curbing actions;
- 5) the special team carries out control to violations of spatial use.

Spatial use control activities will both detect and avoid the possibility of irregularities and uncontrolled spatial function deviations in the spatial planning. It shows that spatial planning and spatial use are similar to two sides of a coin. Spatial use activities will function effectively and efficiently if based on a control system with accurate information about any irregularities that occur in the field. Furthermore, assertiveness is needed to provide the right reaction in the settlement of deviations with applicable regulations.

Related to the control in the use of space, the researchers found the form of violations that are referred as things that violate the rules of space utilization. Violations in the use of space are acts of spatial use

that are not in accordance with the spatial planning. The forms of violations in the spatial use consist of:

- 1) Violation of Function: Utilization is not in accordance with the spatial functions stipulated in the spatial planning.
- 2) Violation of the Designation Block: Utilization of space that is not in accordance with the direction of the space designation.
- 3) Violation of Technical Requirements: Utilization is in accordance with the function and designation, but the technical requirements for building space are not in accordance with the provisions in the spatial planning and local building regulations.

The implementation of physical development does not always run in accordance with the established spatial planning. Spatial violations often occur unnoticed. These violations are based on various technical operational, administrative/political factors, and market developments. This condition implies that to realize the creation of “orderly” spatial use, it is necessary to seriously control the spatial use.

Based on the result of study, the deviation occurred due to the spatial use that ignore the spatial planning. This is based on the results of direct interviews with informants at related agencies that researchers have mentioned above. According to Mr. Herold Loak in an interview on October 1, 2015 stated the policies issued based on spatial planning, is a violation of the spatial planning itself.

Here researchers see that the regulations have been arranged through a long process in the government are then made into a Regional Regulation, such as Kupang City Regulation Number 11 of 2011 concerning Spatial Planning for Kupang City. This regulation clearly contains things that are stipulated as a regulation that must be obeyed. However, the implementation of physical development does not always go according to the established spatial planning, and various violations occur. These various violations can be based on various technical, operational/ administrative/political factors, and market developments. For example, the construction of houses in the riparian area of Liliba river clearly violates the rules, one of them is the RTRW Regulation. However, if seen from the background of the homeowner, it can be identified as an administrative/political background, where this has a high possibility of occurring. Furthermore, it is as if people are deliberately let to know who the owner of the house is.

Spatial use control is an inseparable part of the spatial planning process. In its implementation, the spatial utilization is not always in line with the established spatial planning. The discrepancy or violation is caused by several factors, including the pressure of market developments on space, unclear control mechanisms, and weak law enforcement. This condition implies that to realize the creation of development, spatial order is needed to control space utilization.

Based on the conditions stated above, control is needed in spatial use. As a form of control, steps to achieve “orderly space” are as follows:

- 1) Revocation of the permit that has been granted, if the use of space is not appropriate.
- 2) The construction activities are temporarily suspended and the implementing party of the investor/community is asked to fulfill the rules in accordance with the spatial planning after three written warnings have been issued.
- 3) Imposition of the fines in accordance with the applicable laws and regulations, and/or confinement.
- 4) Through mechanisms of controlling, restoring functions, and coaching.

Control of spatial use according to Article 1 Number 15 of Law Number 26 of 2007 is an effort to realize spatial order. Article 35 of Law Number 26 of 2007 states that control of spatial use is carried out through zonal regulations, licensing, incentives and disincentives, and the use of sanctions. One of the government’s efforts to increase the capacity of spatial planning in the regions in order to accelerate the implementation of regional autonomy is the preparation of Norms, Standards, Guidelines and Manuals (NSPM) of Spatial Planning. The effort aims to provide certainty that the implementation of the spatial use control process will encourage the realization of a comfortable, productive, and sustainable space.

Related to the control of spatial use in development, obligation and authority in controlling spatial use are the responsibility of the Government. The government is responsible for improving the welfare of the community, realizing justice, reducing conflict and the negative impacts of spatial use, and ensuring that urban development is efficient, effective, in accordance with functions, and consistent with spatial planning. Therefore, the government is obliged to carry out

the function of controlling spatial use. The authority to control spatial use based on Law Number 26 of 2007 concerning Spatial Planning is in the government as the development executor. In the process and implementation, government plays the community's role to control the spatial use.

### **Conclusion**

Based on the findings in this study, as described above, it can be concluded that, In general, the use of local spatial law as a control of spatial use in Kupang City has not been effective. There is a violation of the provisions of the Regional Regulation in the implementation of the construction of settlements, especially in the riparian area of Liliba river and the Green Open Space area. The violation of the Kupang City regional spatial law is more administrative in nature, in terms of permit and land use. The construction violates the permits granted and violates the existing spatial planning and law enforcement against people who still do the construction in areas that are not in accordance with their designation, based on Regional Regulations on RTRW, has not been able to build legal awareness as a whole. This means that law enforcement has made the perpetrators aware and understand their wrongdoings, However, when they return to the community, the perpetrators continue to do what they think is right, such as building construction in areas that are not in accordance with their designation.

### **Suggestion**

Based on the conclusion above, researchers would like to give suggestions some of those are, first thing that important is law enforcement actions should be more on a causative effort by involving the government in controlling spatial use in accordance with the designation. Second, the City Government of Kupang, in this case the Department of Public Housing and Spatial Planning, the Regional Environmental Management Agency, the Regional Development Planning Agency and the Kupang Municipal Civil Service Police Unit, need to improve persuasive coordination with the public in terms of law enforcement to control spatial use in Kupang City.

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