SUSTAINABILITY ISSUES ON RESIDENTIAL AREA POLICIES IN INDONESIA: HOW ADAPTIVE THEY ARE?

**Pitri Yandri** STIE Ahmad Dahlan Jakarta

Dominicus Savio Priyarsono, Akhmad Fauzi, Arya Hadi Dharmawan Institute Pertanian Bogor

#### ABSTRACT

Regulation is one of the important instruments in generating good governance, including the governance of residential area in order to achieve sustainable development. In Indonesia, however, the sustainability issue of residential area does not get any serious attention, especially from the perspective of policy. This article elaborates the regulation related to the issue of sustainable residential area. The results of the review show that all residential area regulations, both in the central and local governments, have not been adaptive against issues of sustainability. Detailed elaboration of the findings is discussed further in this article.

Keyword: residential, policy evaluation, maladaptive regulation, Tangerang Selatan City

### ABSTRAK

Regulasi merupakan instrumen penting dalam menghasilkan tata kelola yang baik, termasuk tata kelola kawasan perumahan dalam upaya mencapai pembangunan berkelanjutan. Namun demikian, di Indonesia isu keberlanjutan kawasan perumahan belum mendapat perhatian yang serius, terutama dari aspek kebijakannya. Artikel ini mengupas regulasi yang terkait dengan isu keberlanjutan kawasan perumahan di Indonesia, dan Kota Tangerang Selatan diambil sebagai studi kasus. Hasil telaah menunjukkan bahwa seluruh regulasi, baik di level pemerintah pusat dan daerah belum mengadaptasi isu keberlanjutan. Elaborasi rinci atas temuan tersebut dibahas lebih lanjut dalam artikel ini.

Kata kunci: perumahan, evaluasi kebijakan, kesalahan regulasi, Tangerang Selatan

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### **INTRODUCTION**

Search on the studies related to the residential area has been made, both at national and international level. The results reveal some important facts. First, residential area changes livelihood strategy of people who work in agricultural sector (Elhadary et al., 2013, Liu & Liu, 2016) because the process of its construction is conducted by transforming the farmland. stimulate social Second. residential area can tension (Widhyharto, 2009, Yandri, 2015) because it pressures social capital (Clark, 2007); marginalizes the minority groups (Ragusett, 2014); creates economic and income imbalances (Huang & Jiang, 2009; Neckerman, 2009; Yandri, 2014; Zhao, 2016); constructs social (Yandri, 2015) and residential segregation (Hwang, 2015); as well as makes class exclusivity (Gunawan, 2011). Third, the emergence of residential area generates less political participation because of a situation gentrification (Schram, 1991). known as A study on gentrification is also verified by Newman, et al. (2013) in the United States, Ningrum et al. (2014) in Jabodetabek, and Yandri (2017) in Tangerang Selatan City.

Regardless of those various negative impacts, residential area also has its positive side. It can be seen from the existence of economic agglomeration that generate additional resources in form of human capital which plays role as an engine of economic growth, and in the long run produce a convergent economic growth (World Bank, 2009; Andrada, 2017).

An effort to mitigate the negative and positive impact give rise to what is called a sustainable residential area. In literatures and empirical study reports from many parts of the world, the discourse regarding sustainable residential area has been much discussed. British Columbia, for example, is now developing the criteria for assessing small-size neighborhood sustainability (<u>Haider, et al. 2017</u>). Even Germany has implemented the certification system for sustainable residential area (<u>Rid, et al., 2017</u>). In Iran, a study has been conducted by measuring the sustainability of residential area in the housing block of Kermanshah City. The measurement and the criteria come from the principles of sustainable development (Pakzad & Salari, 2018). In Vietnam, Le et al. (2016) identify 12 indicators which are considered capable to cover the quality of social housing. Meanwhile in Australia, the principles for assessing the sustainability of a residential area have been constructed. These principles include: (1) protecting heritage; (2) reinforcing cultural features; (3) enhancing public places; (4) expanding open space; (5) integrating sustainable development); (6) providing sustainable infrastructure); and (7) ensuring planning and development is fair to everyone (Rauscher & Momtaz, 2015).

At the level of public planning, the concept about the importance of residential area's sustainability is in agreement with the 2016 New Urban Agenda in United Nation Habitat III Conference. It is important because it acknowledged the fact that a sustainable housing can maximize economic efficiency, encourage social diversity and variation of land use (mixed land use), which in turn will encourage environmental balance (Tsenkova, 2016). In 2015. The Indonesia National Development Planning Board (Bappenas) also adopted the agenda of the new urban development. As for the new vision of urban development, it concludes that urban should be livable, competitive, environmentally green, resilience and promoting local urban identity (loksal). Those four visions are based on the principles of (1) equal access to physical and social infrastructure as well as affordable housing; and (2) environmental sustainability by promoting clean energy (Bappenas, 2015).

In Indonesia, however, the issue of sustainable residential area has not received serious attention, both at the level of academic research as well as in the policy level. At the level of empirical research, small efforts have been exercised by a number of researchers who examined the sustainability of a residential area. It has been detected, for example, from research done by <u>Santosa *et al*</u>, (2012) in the area of settlement in DAS Cisadane.

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However, the rest of the studies is more on the issue of housing as part of basic needs (Aminah, 2015), housing subsidies (Kusumatuti, 2015), and policy reform and the strategy of organization of housing and settlements (Suprijanto, 2004). At the level of policy, Ministry of Public Work and Housing (Kementerian PUPR) has designed the conception of sustainable urban settlement in 2014. The criteria that they built consist of social, economic and environment aspect, in which governance is made as its foundations. However, it seems that the conception is still yet to be materialized into a more formal regulation. In addition, the existing regulations associated with sustainable residential area are still very minimal. Even for regulations that control sustainable residential area, they have yet to cover a number of the criteria agreed upon by scientists. The lack of regulation coming from the Government is also happened at the level of local government. Whereas in the context of decentralization, local governments should be more rapid and adaptive in responding to changes in the social, economic, cultural, and even political society. The study of Göcmen and LaGro Jr. (2015) found that better planning (including a policy) might be significant in an effort to overcome the obstacles of realizing a sustainable housing development.

On the basis of the description, this article attempts to explain the findings the issue of sustainability in the regulation related to the residential area, and at the same time elaborating their adaptability compared to empirical discourse of development, both at national and international level.

### LITERATURE REVIEW

World Bank (2009) realized that there is interdependence between the settlements and residential area. Therefore, the policy advice that can be taken include: (1) bridging the interrelation among settlement areas, while ensuring that policies are enclosed within the framework of provincial governments, even regency/city levels (*municipal*); (2) prioritizing policies that can help the Government in facilitating inclusive urbanization, for example policies that regulate building density by reducing the economic gap which spatially has infrastructure connectivity. Regardless of the academic dynamics, residential areas need to implement sustainable principles. <u>Huby (1998)</u>, <u>Tocis (2004)</u>, and <u>Edwards & Torrent (2000)</u> in <u>Winston & Eastaway (2008)</u> give arguments on why the residential area should be sustained. *First*, housing is one of the important public policies that may affect the development of the urban area and potentially contributive to sustainable development. *Second*, housing development, including the design, has a significant impact on the environment. *Third*, housing developments and amenities have an impact on how waste is managed. *Fourth*, housing developments have an impact on the use of electric energy, wood, etc., and these have direct linkages with sustainability.

Sustainable development is considered as the ideology of the new development that widely implicates both private the public spheres. More specifically, it affects individual lives, and this is a new challenge for the development of science. It also becomes a challenge for policies that can support sustainable development (Loukola & Kyllonen, 2005). Therefore, the nature of sustainable development, says Loukola and Kyllonen (2005), includes three problems which the answers are related to: (1) the increasingly critical natural capital; (2) the fact that there are parts of natural resources which are not sustainable (irreversible nature); and (3) the values of the resource of nature itself. The dynamics of the current sustainability issues has evolved to the observation area with a smaller scope. It seems scientists assess that to achieve sustainable development in the macro level, regional (rural and *urban*) and even local concept is needed. Talent (2014) argues that the issue of sustainability at regional level usually takes on problems such as housing, transportation, and the environment, as well as the interconnection of the governance of the Government. In this case, Stimson et al. (2016) in Privarsono achieving sustainable regional states that (2017)even development requires strong leadership, effective public policy, and the presence of institutional elements (the regional milieu) which includes social capital, loyalty and learning regions, power relations and control in the organization, and organizational culture, norm and rules.

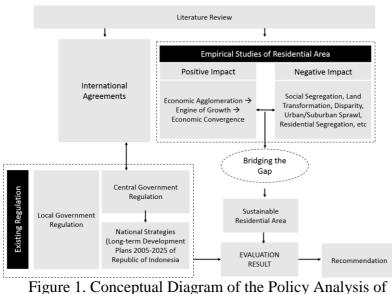
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Therefore, theoretically public policy is the things that the Government decided to do and the things that the Government decided not to do or is left (Dwijowijoto, 2003). In Indonesia, range of public policies that are addressed by the (Government) are multileveled, executive namely: (1)Government Regulations (Peraturan Pemerintah/PP); (2) the *Presiden*/Keppres): Presidential Decree (Keputusan (3)Ministerial Decree or the head of a non-Department (Keputusan Menteri/Kepmen atau Keputusan Kepala Lembaga/Badan), and so on. At the local level, public policy includes: (1) Governors Decree (Keputusan Gubernur), and decisions from agencies or service under it; (2 Regents Decree (Keputusan Bupati), and decisions from agencies or service under it; (3) the Mayor Decree (Keputusan Walikota), and decisions from agencies or service under it.

### **RESEARCH METHOD**

The origin of policy analysis is due to the large number of policies are not satisfactory (<u>Dwijowijoto, 2003</u>). In the literature, the main focus of the study was the making of policy agenda, policy implementation and evaluation. The article was presented by conducting review against the relevant literature, both international and national studies. Policy evaluation was done to policies ranging from legislation and regulation of the Minister at the Central Government level, to applicable local regulations up to the Mayor at the level of local government. Technical analysis was done by comparing the development of the latest literature on existing residential area with existing regulations that govern sustainable residential area.



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Following <u>Dunn's</u> way of thought (1999), this article was written with description method using seven criteria. The article was presented by conducting review against the relevant literature. Policy evaluation was done to policies ranging from legislation and regulation of the Minister at the Central Government level, to applicable local regulations up to the Mayor at the level of local government. Technical analysis was done by comparing the development of the latest literature on existing residential area with existing regulations that govern sustainable residential area.

## **RESULT AND DISCUSSION** Central Government Level

In the era of regional autonomy, policies in the forms of settlements and housing regulations underwent various changes and revisions. The latest regulation in the Reformation Era was the passage of the Law No. 1/2011 regarding Housing and Settlement Area, which was followed by the launch of the Government Regulation No. 14/2016 regarding the Organization of Housing and Settlement Area.

# The table below informs various housing areas policies that were related to issues of sustainability.

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# Table 1. Policies/Regulations Related to Housing and Settlement at the Central Government Level

Policies/Regulations Law No. 26/2007	Subject Spatial Planning.	Aspect Settings related to housing and Sustainability Issues Article 34 stated that the use of space is implemented in accordance with: (1) the
244 110. 20/2007	opana i annig.	minimum service standard field spatial; (2) environmental quality standards; and (3) support and resource capacity of the environment. In the explanation of Article 34, it is stated that the enactment of environmental
		quality is tailored to the type of use of space so that the environmental quality standards in the area of housing will be different from the standard quality in the industrial environment.
Law No. 1/2011	Housing and Settlements.	There are three "sustainability" words in this regulation. Sustainability issues are reviewed in Chapter 2 (basis). The terminology of "sustainability" is followed by the word "continuity"; Article 28 is about financing, and attachments explanation of article 2. "Sustainability and continuity" in section 2 is further explained as "provides a foundation in order to make the provision of housing and the area of the settlement is done by observing the condition of the environment and adapt to the ever-increasing needs in line with the rate of increase in population and area in matching and balanced for the present generation and generations to come."
Law No. 14/2016	The Organization of Housing and Settlements.	The term "sustainability" is used only in Article 52, with the theme "the harmony of the lawfulness of human life with the environment". The article explains that the theme "aims to maintain a variety of human activities in order to achieve sustainability of human life ".
Law No. 88/2014	Construction Organization of Housing and Settlement Area.	This regulation administrates the housing and settlement area governance in accordance with the structure of the Country (central, provincial, and regency/city). Aspects of the <i>governance</i> includes: planning, regulation, control, and surveillance.
Regulation of the Minister of Public works and Housing No. 07/2013	Changes to the Regulation of the Minister of Housing No. 10/2012 about the Organization of Housing and the Residential Neighborhood with a Balanced Housing.	Although there is no "sustainability" mentioned specifically, the underlying idea of this regulation is the existence of a balance between housing area is important. In this regulation, "balanced" is defined as "housing and settlements that are built in balance with certain composition in the form of a single home and home series between the simple houses, medium houses, and luxury houses, or in the form of flats between public flats and commercial flats, or in the form of footprin houses and public flats ".
Ministerial Decree of Public Works and Housing No. 425/KPTS/M/2015	Limitations on the Sale Price of House that Can Be Obtained via Prosperous Home Ownership Credit Program.	Subject is quite clear.
Regulation of the Minister of public Works and Housing No. 02/PRT/M/2015	Green Building.	Focusing on the physical infrastructure. The definition of "green building" is "building that meets the requirements of the standard building and have measurable performance significantly in saving energy, water, and other resources through the implementation of green building principles in accordance with the functions and classifications in each the first stage ".
Regulation of the Minister of Public Works and Housing No. 05/PRT/M/2015	General Guidelines for Sustainable Construction Implementation on Conducting Public Works Areas Infrastructure and Settlements.	The focus of the regulation is that the physical infrastructure of the settlements must apply the principles of sustainability. This regulation mentions 12 principles of the sustainability of the physical infrastructure of the settlement.
Regulation of the Minister of Public Works and Housing No.	Help Infrastructure, Public Utilities, and a Means for Public	The basic idea of this regulation is addressed in an attempt to increase the access of low-income communities against a decent dwelling.
38/PRT/M/2015	Housing.	In this regulation, public housing is organized to meet the needs of shelter for people on low incomes, which consists of a collection of houses equipped with infrastructures, means, and public utilities
Regulation of the Minister of Public Works and Housing No. 02/PRT/M/2016	Increased Quality towards the Slum Housing and Slums	Subject is quite clear.
Regulation of the Minister of Public Works and Housing No. 20/PRT/M/2017	The Provision of a Special Home	This regulation governs the provision of special house by the Government. The nomenclature "special house" translated as " housed held to meet special needs "

Source: The Ministry of Public Works and Housing (2018)

The information from the above table confirms that some of the general regulations have adapted the issue of sustainability. In Law No. 26/2007, although there is no specific mention of the word "sustainability", the legislation is designed in an attempt to reach sustainability. While in Law No. 1/2011, there are three "sustainability" words. As the general regulation that governs housing, this regulation must indeed have a vision of sustainable development. Sustainable vision also occurs in the derivatives, namely Government Regulations No. 14/2016.

However, the findings above are not found in a specific regulation, especially in technical regulations issued by the Ministry of Public Works and Housing. The issue of sustainability in the regulation still focuses on the infrastructure. However, we all understand that sustainability has dimensions of economic, social, and environment; in which the third dimension is sustained by good governance. Therefore, a number of specific regulations have not been able to adapt to the changing social, economic and environmental situations. More than that, the lack of regulation that can set the sustainability of residential area had an impact on the design of regulation in the region, especially in regency and city level.

### Local Government Level: Case in Tangerang Selatan City

Taking a case in regional areas becomes essential especially if it is linked to the fact that in the era of autonomy and decentralization, public policy will be more effective inframe at the provincial level, and even at regency or city (World Bank, 2017). This is in accordance with the Government Regulation No. 25/2000 regarding the Authority of the Government and the Authorities of the Provinces as an Autonomous Region, and Government Regulation No. 38/2007 about Government Affairs Divisions between the Government, Provincial Government and Regency/City Government. In Government Regulation No. 38/2007, it is explicitly stated that the authority of the Central Government includes: (1) foreign policy; (2) national defense; (3) security; (4) yustisi; (5) national monetary and fiscal; and (6) religion. Meanwhile, the authority of local governments includes twenty-six of Mandatory Affairs and Optional Affairs. From the descriptions, then of course it is clear that housing affairs becomes one of the subjects of local government.

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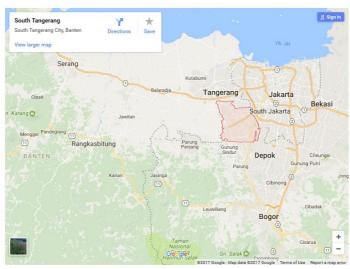


Figure 2. The Location of the City Of South Tangerang

On the basis of that explanation, the study observes a locality in the suburb, South Tangerang City. The city is the autonomous region, formed under Law No. 51/2008 regarding the Formation of the City of South Tangerang in Banten Province, November 26, 2008 (Figure 2). The data showed that the total land of this city is 147.19 km<sup>2</sup>. As much as 61.79% of land use is for land housing/settlement (Bappeda City Tangsel, 2016). Data form Settlements Land Planning Agency of South Tangerang in 2017 confirmed that there were 839 housing area with diverse unit types, spacious and the facilities provided. Real estate shares 17.5% of the GDP (2016), second biggest contributions after the trade sector. Also, there was positive growth trend throughout the 2010–2016. In addition, there was a land/home in transaction. The surge average improvement/growth of Acquisition Duty of Right on Land and Building (Bea Perolehan Hak atas Tanah dan *Bangunan*/BPHTB) 2011-2014 reached 38.7%. along Responding to that development, the local government has issued a number of regulations related to residential area. The following is a matrix of a number of regulations about residential and/or settlements in South Tangerang.

 Table 2. Policies/Regulations Related to Housing and

 Settlements in South Tangerang City

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Settlements in S	STUDI PEMERINTAHAN		
Policies/Regulations	Subject	Regulating Aspects Related to Housing and Sustainability Issues	_
Regional Regulations of South Tangerang City No. 3/2014	The Organization of Housing and Settlements	There are three "sustainability" words in this regulation. Sustainability issues are reviewed in Section 25. This article concerns the handover of infrastructure, facilities and utilities.	388
		In the explanation, "sustainability" in Article 25 means that the local government guarantees the existence of infrastructures, means, and utility in accordance with the functions and allocation.	
		Paragraph 3 of Article6 states that "integration" means that every new planning of infrastructure and housing utilities is targeted to follow the existing planning of housing and utilities infrastructure/settlement, with the principle of sustainability of the existing infrastructure and utilities, especially for small and medium-sized housing.	
Mayor Regulations of South Tangerang City No. 41/2015	Guidelines for the Calculation of the Minimum Needs of Infrastructure, Facilities and Utilities on the Flats	No terminology of "sustainability". However, in Article 1 Points 16 declared that "the means" is facilities in residential environment work to support organizing and development of social life, culture, and economy.	-
Mayor Regulations of South Tangerang City No. 16/2015	The Procedures for Submission of Infrastructures, Facilities and Housing Utilities	The term "sustainability" is contained in Article 4 Points e. It is mentioned that the delivery of infrastructure, facilities and housing utilities is done with the sustainability principle that is also found in Regional Regulations No. 3/2014, Article 25.	-
Mayor Decree of Tangerang Selatan City No. 663/Kep. 131-Huk/2017	The Location of the Slums	This decree arises as a form of prevention for slums, as mentioned in adendum "notice" which reads "Accompaniment Document of Planning and Quality Improvement of Urban Slums (RP2KPKP) 2016".	-

Source: https://www.tangerangselatankota.go.id/, 2018

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Exactly the same as Law No. 1/2011, there are three words of "sustainability" in Regional Regulation No. No. 3/2014. The similarity is certainly inspired from Law No. 1/2011. As a consequence, the derivative regulations also fail to changes anticipate the in the social. economic. and environmental. Specifically, the regulation indeed contains the word "sustainability", but the focus on question is more on facilities and infrastructure. Whereas, sustainability is not just the about physical infrastructure, but also includes social, economic and environmental issues.

The absence of regulation implies the effort of making governance better. The failure of governance implies institutional failure as a whole. Depends on existing regulation, Indonesia will have hard time adapting to new agenda of urban areas from the agreement in The United Nation's Habitat Conference III 2016. Therefore, unsustainability threat for residential area in the suburbs has been in plain sight.

### CONCLUSION

New Urban Agenda demands adaptation of each country to design policies that are capable of responding to changes in the social, economic, cultural, environmental, and even political community, especially community residing in the area of urban/suburban. One of these policies is to realize the sustainable housing.

However, the design of the current policy seems to face the inability of the existing regulation in responding to these changes. It is indicated by lack of specific regulation that set up sustainable residential area, both at the level of the central and local governments, particularly governments in the regency/city level. Of the ten regulations at the central government, the issue of sustainability focuses solely on the issue of housing infrastructure, while at the local government level, specifically in the city of South Tangerang, it just focus on sustainability issues and infrastructure housing. It is recommended to revise the entire regulation related to the residential area in order to be adaptive towards sustainability issues.

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