



## IMPLEMENTATION OF GOVERNMENT OVERSIGHT FUNCTIONS RELATED TO CHILD FRIENDLY GREEN OPEN SPACE IN GRESIK REGENCY

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**Abstract-** Gresik Regency is known as a maritime and broad industrial area, regarding how the implementation of actions in the aspect of supervision carried out by Gresik District Government agencies related to the existence of a Child Friendly Green Open Space. The purpose of this research is that the researcher tries to discuss the spatial planning of the Gresik area which has the potential to be a child-friendly area by creating child-friendly green open space. The research method used is empirical juridical. The results showed that in the implementation of supervision of the Child Friendly Green Open Space by the Gresik Regency Government was carried out by the Licensing Service as a gateway, by verifying consisting of two verification teams of industrial companies and housing development based on recommendations from the Department of the Environment through environmental documents that were has been made if there is a third party that does not carry out its obligations the Office of the Environment can provide a warning letter by requesting a copy to the Regent and the Licensing Office. Then related to controlling the existence of Child Friendly Green Open Space will be carried out by the Office of the Environment.

**Keywords:** Gresik Regency, Child Friendly Green Open Space, Spatial Planning.

### I. INTRODUCTION

As the Unitary State of the Republic of Indonesia as mandated by The Founding Father in the preamble The Constitution of the Republic of Indonesia of 1945 which is hereinafter referred to as (UUD NRI 1945) in paragraph 4, it is stated that "To protect the entire Indonesian nation and all Indonesian blood and to promote prosperity, general, educate the nation's life, and participate in implementing world order ". And further emphasized in Article 33 paragraph (3) of The Constitution of the Republic of Indonesia of 1945 states that "The land, water and natural resources contained therein are controlled by the State and used as much as possible for the prosperity of the people" this gives an understanding that the Government of Indonesia in implementing national development must be fair and prosperous for Indonesian citizens equally in order to prosper the community. This condition is an opportunity as well as a challenge for the Indonesian people in the context of utilizing and managing regional space to create prosperity for the Indonesian nation. (Apridar, 2010: 8)

Community welfare can not only be seen from their daily needs such as clothing and food owned by the community but also the availability of a clean, beautiful and ordered environment. With the existence of a concept of regional autonomy as mandated in Law Number 23 of 2014 concerning Regional Government, hereinafter abbreviated as (Law 23/2014). The implementation of regional autonomy itself through the principles of decentralization, deconcentration and assistance tasks, this implies that there is a form of division of government affairs between the central government and regional governments. One of the areas of governmental affairs that fall under the authority of the Regions based

on Article 12 paragraph (1) letter c of Law 23/2014 is government affairs concerning spatial planning.

By granting authority to the regions, it becomes an obligation for the regions to carry out spatial planning in the provinces and regencies / municipalities by still referring to the national interest. Government affairs in the spatial planning sector are further described in Law Number 26 of 2007 concerning Spatial Planning which is hereinafter abbreviated (Law 26/2007). Article 1 point 5 of Law 26/2007 defines spatial planning as a system of spatial planning processes, spatial utilization and control of spatial use. Whereas space is defined as a container which includes land space, sea space and air space, including space within the earth as a unitary area, where humans and other creatures live, carry out activities and maintain their survival.

The juridical definition of green open space (GOS) as stipulated in article 1 number 31 of Law 26/2007 states that green open space is an area that extends / lanes and / or groups, whose use is more open, a place for plants to grow, both naturally and which was intentionally planted. This means that GOS is an area or area that is open and wide enough that it has multiple functions, namely as the lungs of the city, water absorption areas, sports areas, recreation areas, as well as play areas for children. Green open space (or GOS) refers to elongated and/or clustered areas/pathways which are open for plantations, both those naturally grown plants or intentionally planted vegetation. Vegetation is highly useful to solve environmental problems in urban areas (Cahyani et al, 2019). During its development, green open space was originally just an ordinary greening area, now it has developed into an entertainment area for the surrounding community. Where the community will carry out educational activities and play with their families, and most importantly, become a place of intimacy for the family. Seeing the potential of Green Open Space, it is not surprising that in recent times we have listened to the launch of a Child Friendly Green Open Space area. Green Open Space performs a function as the protection area for the ongoing functions of ecosystems and life supports. The existence of green open space in urban areas is very considerable to support the sustainability of an urban ecosystem (Manikasari et al 2018).

If we look closely at the problems of air and river pollution, damage to the urban environment, prone to flooding, such as the city of Jakarta, Bandung city, Surabaya city and other big cities in Indonesia and within the scope of regencies especially those engaged in industrial areas must be treated it means moreover that in the process of exploiting natural resources it must go through a good and wise planning process. Because currently regional development tends to change or eliminate the natural configuration of the land. The use of land in urban areas is influenced by the market which results in land conversion. This of course will result in the elimination of open space (open space), including in the form of green open space that has the potential to change its function to a built-up area such as housing, industry, office buildings, transportation networks and other infrastructure (Sugandhy, A. & Hakim, R. 99: 2007)

The above can be found in urban areas in Gresik Regency. The regency of Gresik is located in the area of East Java Province Capital City (Surabaya) with an area of 1,191.25 KM<sup>2</sup> with an integral length of 140 KM. Geographically, the area of Kabupaten Gresik is located between 1120 - 1130 East Longitude and 70-80 South East. The area is a low data point with a height of 2-12 meters above the surface of the sea water is quite cool, which is 25 meters high above the surface of the sea water and part of Gresik Regency is a coastal area. Besides being known as a maritime area, Gresik is characterized by almost one third of its territory being a coastal area. Gresik can also be said to be a large industrial area because based on data from the Central Statistics Agency of Gresik Regency, Gresik Regency is one of the districts in East Java with a geographic location in a very strategic position to carry out industrial activities. Therefore, the Gresik Industrial Estate (KIG) was established. KIG is an industrial area managed by the management of Petrokimia Gresik and Semen Gresik. KIG is an industrial area which consists of various forms of industry such as warehouses and other supporting infrastructure, so that this area is quite busy with vehicles. As well as Gresik is known as the city where the establishment of the first cement factory and the largest cement company in Indonesia, formerly known as PT. Semen Gresik

has now changed to PT. Semen Indonesia, besides that in Gresik there is also a factory of PT. Petrokimia Gresik, which is engaged in the production and marketing of fertilizer products and other chemical industries.

Given the importance of environmentally sustainable development, the development process that will be carried out must pay attention to the essence of environmental factors so that problems do not occur, especially those related to environmental problems in the future. For example, changes in microclimate, higher levels of pollution, unsupportive quality and quantity of groundwater, which has now become the world's concern, namely global warming. The urgency of the availability of green open space and its benefits for children's welfare is very important, so the writing is interested in examining the appropriateness of implementing green open space related to child-friendly standards, child-friendly green open space is considered very necessary to be planned in Gresik Regency. The supervision of the Gresik Regency government in the implementation of a child-friendly green open environment, as well as how to control the availability of green open space in improving the welfare (well-being) of children.

## **II. Research Methodology**

This type of research method is a juridical empirical research, research on legal identification. Juridical approach (law is seen as a norm or *das sollen*), because in the substance of the law it consists of norms, rules, legal principles, doctrine, and statutory regulations. The empirical approach is used to analyze, not only as a set of normative rules of law, but law is seen as a symptomatic community behavior and patterns in people's lives that always interact and deal with social aspects such as politics, economy, social the culture of various individual discoveries will be used as the main material in the disclosure of the problems studied by adhering to normative provisions (Muhammad, 2004). An empirical approach (law as a social, cultural and *das sein* reality) because in this study using primary data obtained from the field. An empirical is research that includes legal identification and research on legal effectiveness (Fajar & Achmad 2015). In the writing of this research, both primary and secondary legal materials will be used. In this research primary data in this research is from statutory and any regulation related to the research. Secondary data is from interviewing staff of licencing office and from literature review. The author conducted research on local government agencies in Gresik Regency with the interview method through the Licensing Office. At the Licensing Service, the author interviewed Esti Paramitha, S.T. as Staff of Licensing Services Section.

## **III. FINDING AND DISCUSSION**

### **3.1 Supervision of the Existence of Green Open Space in Gresik Regency by the Government of Gresik Regency**

RTH is a longitudinal open area prepared or stipulated in a regional spatial plan for an open area, the provision of which is for a place for plants and plants for the public interest or for all people. RTH consists of natural RTH and RTH because it is man-made. The idea of green open space was born due to conditions that threaten environmental damage in several urban areas in the world due to urban spatial planning and urban development management that do not pay attention to the impact on the environment. This was expressed in an international forum, namely the Asian Business Congres for Human Development (ABCHD) which was held in Jakarta on August 15, 1992.

The international meeting, which brought together 9 Asian and Australian countries, took the theme "Responsibility of the Business World for Sustainable Development" with an interesting central topic "Does Business Destroy Cities". Hirayama, a representative of the United Nations Environment Programs (UNEP), in the meeting explained that the city would be destroyed if there was air pollution and pollution. According to UNEP data, many cities in the world have crossed the threshold set by UNEP and these cities are on the verge of collapse. (Arba; 2017; 112)

Along with the increasing number of populations accompanied by massive development growth, this has an impact on shifting the function of land from green land

to developed land so that it can reduce the quality of the environment. Moving on from the case of the above violation types, there are two key factors that play an important role, namely the institution and the rule of law. The mentioned institution is the government, while the legal rules will refer to the regulations (Mudra & siwalatri, 2019). Therefore, in Law 26/2007 Juncto Article 11 paragraph (1) Regulation of the Minister of Home Affairs Number 1 of 2007 concerning Planning for Green Open Space in Urban Areas, planning for the development of green open spaces in urban areas needs to be given attention by the local government. On the basis of this mandate, the Gresik Regency Legislative Council stipulates the Gresik Regency Regional Regulation Number 10 of 2010 concerning Green Open Space Management, hereinafter referred to as (Perda 10/2010).

Perda 10/2010 stipulates that RTH is public and private. Public RTH is RTH that is owned / controlled according to the applicable provisions of the Regional Government which is used for the public interest in general. Such as, city parks, urban forests, public cemeteries, green lines along road borders, rivers and beaches. Meanwhile, private green open space is open space owned by individuals / business entities. For example, parks in yards / parcels / buildings, gardens / agricultural land owned by communities / business entities. The purpose of structuring green open space in Gresik Regency is for the preservation, beauty and balance of the ecosystem in order to improve the quality of a healthy, beautiful, clean and comfortable environment.

Implementation of public and private green open space based on Perda 10/2010 is at least 30% of the total area of urban areas. Public RTH covering an area of at least 20% and Private RTH covering an area of at least 10%. With this determined, it becomes an obligation or necessity that in every implementation of development activity carried out by third parties or the private sector, whether in the form of housing or industrial or other matters, must be guided by applicable policies. In article 9 letters b and c of Perda 10/2010, it is stated that every housing developer is obliged to provide Public RTH at least 10% of the total area of the housing area and realize landscaping / greening on the green lane location according to the approved site plan Regional Heads or appointed officials and for Industrial estates, factories and warehouses are obliged to provide land that functions as a Green Open Space for a minimum of 20% of the total land.

Given the above, it is very important for the author to conduct research on Gresik Regency which is known as a maritime area and a large industrial area, regarding how to implement a form of action in the aspect of the supervisory function carried out by the Gresik Regency Government agency on RTH located in Gresik Regency.

In the area of Gresik Regency, in establishing a building or building expansion, whether it is carried out by a person or legal entity or business, there is a legal basis, namely the Gresik Regency Regional Regulation Number 6 of 2017 concerning Building Construction Permits, hereinafter referred to as (Perda 6/2017), meaning that every activity new developments, additions or expansions must refer to these regulations. According to Esti Paramitha, for companies or third parties in obtaining a license, they must meet the requirements cumulatively or overall. These requirements are contained in a building permit (IMB) document.

According to Esti Paramitha, as a Staff of the Licensing Services Section, if the permit has been issued or dropped in time, for example, within one year from the Licensing Service, it will be verified again in the field, this is like a form of evaluation. Do the licenses that have been issued and the facts in the field match their allocation? Because there has been a problem, the company which is required 30% for public facilities and social facilities (fasum fasos) and 70% for the building. However, in the course of time, 70% of the buildings were built but the company expanded the building slightly to 75%, the company had to renew its license. In the Perizinan Own Office there are 2 verifications, namely verification of industrial companies and verification of housing construction.

Based on the explanation of Mrs. Esti Paramitha, as Staff of the Licensing Services Section at the Gresik Regency Licensing Service, it can be concluded that every

development activity in Gresik Regency, whether new or expansion or addition carried out by individuals and / or the private sector, must be based on Perda 6/2017. Permits can be issued or issued if the third party has met the requirements set by the Licensing Service where these requirements are cumulative which must be met absolutely by the parties. When seen in the general explanation section in Perda 6/2017 in paragraph 2, it explains that buildings, infrastructure and building facilities are one of the physical forms of space utilization. Therefore, in building regulation, it still refers to spatial planning arrangement according to the prevailing statutory regulations.

The above implies that in carrying out a company development activity it must also be based on spatial planning arrangements in accordance with the applicable laws and regulations. With such determination, any development activities carried out by third parties or the private sector, whether in the form of housing or industrial or other matters, must be guided by the applicable policies. In Gresik Regency, it has been explicitly determined in relation to this based on Perda 10/2010 article 9 letters b and c that every housing developer is obliged to provide a Public Green Open Space at least 10% of the total area of the housing area and create landscaping / greening on the track location. green in accordance with the site plan / site plan that has been approved by the Regional Head or appointed official and for Industrial areas, factories and warehouses are obliged to provide land that functions as a Green Open Space for a minimum of 20% of the total land. This means that a third party must meet the requirements both stipulated in Perda 6/2017 regarding IMB and must also meet the requirements specified in Perda 10/2010 regarding RTH which must be met by both housing developers and industrial companies, all of which will later be met. contained in the IMB document issued after the third party has paid the IMB levy and goes through the stages of assessing the technical plan document and written approval.

The existence of green open space that will be included in the indicators in the social and social facilities, even though it has been determined in such a way that the Licensing Office has already been determined, it cannot be changed again. As well as other permits related to playgrounds with separate licenses through block-plan permits which will then be delegated to other agencies, namely the Department of Settlements related to its social and social facilities. Meanwhile, industrial companies are privately owned, so if the company is going to make green open space in any form, it is released by the Licensing Service and from the Licensing Service it is just giving advice. However, in the end, the Licensing Service will ask for a recommendation from the Environmental Service Agency as an environment forum. This means that in the field of RTH from the Licensing Service, there is not too much interference, in essence, there is a social facility, then it is handed over to the Department of Settlements related to housing development, while in the industrial sector, the social facility is there, but in the private realm if it is not in accordance with what is intended, the Licensing Service can give a warning through a written warning letter. until later it will take firm actions that will be taken by Satpol PP after receiving a recommendation from the Licensing Service. This is a form of supervision from the Licensing Office in the field of RTH.

Although it can be understood that one of the efforts to overcome land limitations in urban spatial planning and limited funds for carrying out development activities, implementation of development as a reality of spatial planning can involve the private sector. So that it will be possible to open up the investment climate and will also overcome the problem of the limitations of local governments in funding development activities, so that what has been planned in urban spatial planning will be implemented quickly and allow the success of development to be more guaranteed. However, all activities that involve the private sector must be given binding restrictions or regulations because the orientation of business activities carried out by the private sector and local governments is very different. (Ridwan. & Sodik.: 2016: 146-147).

### **3.2 Controlling the Existence of Child Friendly Green Open Space in Gresik Regency**

GOS development can be carried out through local government agencies that are officially appointed and closely related to urban greening, starting from the city / district level, sub-district head, lurah / village head, to RT / RW environment, legislative councils, community organizations, schools, scouts, homes sick, offices and various forms of mass media, both print and electronic. Green open space development programs, such as natural resource and environmental management, are not only the responsibility of the government, but all elements of society together with the government should be able to manage green open space in a good governance system for the common interest as well. (Hasni: 2016: 168)

In principle, this green open space is intended to suppress the negative effects of a built environment in urban areas, such as an increase in air temperature, a decrease in the level of water infiltration and air humidity, pollution and so on. The concept of child-friendly green open space is a concept of public space that equipped with various supporting infrastructure such as a gazebo / pavilion for children's learning, children's play facilities, sports facilities and fields, libraries or Community Reading Gardens (TBM), toilets, CCTV surveillance and others that are safe and good for children at their age. Although the concept of child friendly green open space has not been explicitly regulated in the provisions of laws and regulations, the concept of child friendly green open space at least fulfills the above.

The regulation regarding RTH has actually been accommodated in the Gresik Regency Regional Regulation Number 8 of 2011 which regulates the Gresik Regency Spatial Planning 2010-2030 which is hereinafter referred to as (Perda 8/2011). The Environmental Agency is the party that must implement RTH in Gresik Regency. So far, the Government of Gresik Regency in realizing Child Friendly RTH is already in the development stage. Some examples are Gresik Kota Baru (GKB), Prambangan Park, Alun-alun, Skate Park (managed by the Government) and Petrokimia (managed by private parties). The Government of Gresik Regency has also understood that it is very important for child-friendly green open space in this era of globalization, but there are still problems that cause the development of child-friendly green open space to be slightly hampered.

Although not all areas can be categorized as Child Friendly Green Open Space, in Gresik Regency itself there are 6 parks that will be planned towards Child Friendly Green Open Space, namely PMI Park on Jalan Dr. Wahidin Sudiro Husodo, Gresik Kota Baru (GKB), Alun-Alun, Jalan Haru Tohir, and Prambangan. The six parks have started to be equipped with playing equipment, although not many, but they cannot be said to be 100% child-friendly green open space. Therefore, after later the parks have been formed 100% as child-friendly green open space. Then from the Environmental Service, which will carry out a form of control in Child Friendly RTH. Child-Friendly Spaces (CFS) is an integrated program which contains some indicators to address the overall needs of child development, including under inadequate conditions (Cahyani et al, 2019)

At the Environmental Service, the writer interviewed Ms. Maya Iswatie, S.E., M.M. as Head of Section for Development and Improvement of Landscaping. The green open space required must be in accordance with Perda 10/2010 and the Environmental Service itself which will act as the evaluator. The control carried out by the Environmental Agency is in the form of supervision and security of Child Friendly RTH in Gresik Regency, both in Prambangan and in GKB, which conducts supervision, namely that the Satpol PP will actively move to help the Environmental Service but in Gresik Regency the intensity is reduced unlike the case. in Surabaya. Meanwhile, in terms of security, there is security on guard only at night, because there are limited budgets and human resources.

When viewed from one example of child friendly green open space, there is a development in Prambangan Park that has increased considerably from year to year where there used to be bushes, meaning that it is not maintained now there is a fence around it and a toilet has been built. Meanwhile, related to the pavement, such as where

the skates are, the designation is not for children but for teenagers. But there are inhibiting factors for the development of the park, especially in Prambangan. First, the budget for the park did not go there because it had to adjust the existing budget, such as reports of damaged games and the provision of toilets and safety fences, these things were still included in the budget.

Second, awareness from the surrounding community, for example when the park is locked with a padlock, but many people force their way in by climbing a safety fence even though the danger of doing this often happens almost every night until the security personnel on guard have trouble guarding, there is a form of vandalism, and sometimes the padlocks used are damaged by irresponsible people and until there has been an incident with young people deliberately carrying machetes only to destroy the park even though the park is equipped with CCTV. For this reason, the participation of the community must be increased to take part in maintaining the garden both from the existing facilities and the growth and development of the plants themselves. Then the comfort factor in the Prambangan park environment when viewed from its condition which is close to the highway which is crowded with vehicles passing by and is also a busy industrial area, the means of crossing the nets are still considered lacking, such as the provision of zebracross and traffic light.

Based on this explanation, it can be concluded that in the aspect of supervision for the existence of green open space, all parties must synergize and be responsible in terms of supervision. Control and use of land can contain rights, obligations, authorities, and prohibitions for holders of rights over their land (Salim & Sujadi, 2019). However, this is because the Environmental Service is an agency that is technically an environmental forum but actually the spearhead is at the Licensing Service. Because there are aspects of licensing that must be issued first, meaning that the Licensing Service acts as an initial monitor to see whether the permit documents are in accordance with their designation, this is related to the entry of activities from third parties, both industrial companies and housing development, so it can be said that fulfillment is related to RTH for third parties. can be seen when submitting the permit as well as what percentage of RTH that must be fulfilled as referred to in Perda 10/2010. If during the time the availability of green open space is not in accordance with what is required, the Environmental Service Office itself will act as the evaluator. The Environmental Agency will look at company reports every 6 months from environmental documents such as AMDAL, UKL-UPL or when the Environmental Agency conducts inspections of companies where at the time of carrying out the activity it is assisted by a Non-Governmental Organization (NGO)

Then in the aspect of controlling child-friendly green open space in Gresik Regency, both in Prambangan and in GKB because for the GKB park there has been a handover from the housing party, namely PT. Bumi Linggar Jati to the government so that the park has become an asset of the government, so the supervisor has become the authority of the Regional Government, then the one who supervises the two parks is the Satpol PP and the one who acts as security is security who only works at night because of budget constraints. however, the Office of the Environment is responsible for the parks. When viewed from the point of view of the comfort of the two child-friendly green open spaces, both in the Prambangan park environment and the GKB Roundabout, if seen from the conditions which are adjacent to the highway which is crowded with traffic and is also a busy industrial area, the means of crossing the nets are still considered lacking such as the provision of zebracross and traffic light. , although for the garden area the theme is quite adequate. In terms of the use of parks such as the GKB roundabout park, it is also a promotion of the health area by coordinating in advance with the Environmental Agency, meaning that there is synergy between the two government agencies.

There are inhibiting factors or obstacles for the development of child-friendly green open space in Gresik Regency, such as:

1. Budget limitations

To beautify the condition of the park, it is necessary to have a fountain or a flowing stream to be a place for children to play and also to reflect by listening

to the sound of water. The budgeting does not reach there, because it has to adjust the existing budget, such as reports that the game has broken and the provision of toilets and safety fences will later until under the bridge it is still included in the budget. As well as the procurement of zebracross and traffic light which are deemed necessary has not yet been realized.

2. Awareness of community participation

The awareness of the surrounding community is still lacking, including when the park is locked, many people force their way in by climbing a safety fence, there is an act of vandalism, and often the padlocks used are damaged by irresponsible people and until there has been an incident with young people deliberately carrying machetes only to destroy the park, even though the park is equipped with CCTV.

3. Limited land

Regarding limited land, if the Gresik Regency government wants to develop a new park or expand an existing park, which in the end the park will become an asset of the local government, but the condition is that the park must be built on state land if you see that in the Surabaya area there are no such obstacles. because Surabaya has the status of a city and there are no more villages but villages. This means that all state assets must be built on state land.

#### IV. CONCLUSION

From the explanation above we can conclude that Gresik has the opportunity for child-friendly spaces, this is supported by the regulation in Law 26/2007 Juncto Article 11 paragraph (1) Regulation of the Minister of Home Affairs Number 1 of 2007 concerning Planning for Green Open Space in Urban Areas, planning for the development of green open spaces in urban areas needs to be given attention by the local government. The supervision of Child Friendly Green Open Space in Gresik Regency is first carried out by the Licensing Service which will carry out verification consisting of 2 teams, namely the verification team for industrial companies and housing development and assisted by other agencies such as the Environmental Service, Agency Regional Development Planning, Satpol PP. The Licensing Office will ask for recommendations from the Environment Agency. Related to environmental documents such as UKL-UPL and AMDAL. The environmental document reporting is carried out every 6 months, with this reporting, the Environmental Service if there is a third party who does not carry out its obligations, the Environmental Service can issue a warning letter by requesting a copy to the Regent and the Licensing Office.

Furthermore, although there are no indicators that state explicitly related to child friendly green open space. However, child-friendly green open space must have safety, comfort and safety for children. A child-friendly green open space must be away from motorized vehicle traffic, because it can endanger the safety of children considering that children still do not understand the dangers around them. Child Friendly RTH is an educational place for children accompanied by a set of child-friendly games. Therefore, it is hoped that the Regional Government of Gresik Regency will further increase synergy and sustainability with other government agencies. So that in the future it will create harmonization in the implementation of supervision, formation and development related to the provision of child-friendly green open space, both those that will be newly created and those that will be developed again.

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