

Existence of The Minister of Agrarian and Spatial/ Regulatory National Land Agency to Department of Water Resources Management and Spatial Planning (DPSDAPR) in The Brebes District

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Abstract. The purpose of this study was to: 1) To know the existence of the Minister of Agrarian And Spatial / National Land Agency Regulatory Department of Water Resources Management and Spatial Planning (DPSDAPR) in Brebes. 2) To know the reality of the implementation of the Regulation Department of Water Resources Management and Spatial Planning (DPSDAPR) in Brebes. 3) To identify weaknesses and solutions from reality Regulations Department of Water Resources Management and Spatial Planning (DPSDAPR) in Brebes. The data used in this study are primary data, secondary data and data that can support tertiary study, which was then analyzed by qualitative descriptive method.

Based on the results of data analysis concluded that: 1) the existence of the Minister of Agrarian And Spatial / National Land Agency are dualism Brebes Regional policy against Spatial affairs field. 2) Reality Spatial implementation is still predominantly carried out by the Region in Brebes the Department of Water Resources Management and Spatial Planning.

Keywords: Judicial Review; Existence; Spatial.

1. Introduction

Land as a gift of the God Almighty is a gift that can not be wasted, because the ground has a very important meaning for human life. Soil as a trust from Allah SWT. Should receive special attention, because of the soil as well as a source of livelihood, is the source of human life. In the concept of religion, especially the religion of Islam, the land is a trust that must be guarded carefully³. This is in accordance with the Koran described in the Al-Mu'minun paragraph 12 as follows;

ولقد خلقنا الإنسان من سلالة من طين

"And indeed, We created man from a quintessence (derived) from the ground".

Agricultural soils are often referred dengan which is a natural resource at the same space. Agraria as a unified whole room was on the earth, water, and space. The Agrarian as natural resources is a matter of earth, water and natural resources contained in the ground. In practice Agrarian sense as space and natural resources can not be separated from one another. Thus, in the case of the Agrarian is about space and natural resources at the same time.

The term space into domains term in Act 26 of 2007 on Spatial Planning. Definition of space in the legislation is a container that includes land space, sea space and air space, including space in the earth as a whole region, where humans and other living creatures, operate, and maintain its survival.

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³ Supriadi, 2018, *Hukum Agraria*, Sinar Grafika, Jakarta, p. 262.

Definition of Space by Indonesian dictionary itself is between the four pillars or cavities bounded or terlengkap by fields. Space is a container that includes land space, sea space and air space, including space in the earth as a single region, where humans and other living creatures, operate, and maintain viability.⁴

State to regulate and organize the control authority has established institutional Agricultural land and spatial planning in Indonesia. Implementation of government affairs in the field of Agricultural carried out by the institute National Land Agency (BPN) and the implementation of government affairs in the field of spatial planning carried out by the Provincial Government and District / City Government under the Ministry of Public Works, for this is a matter separate, although this one another are regularly.

However, in the era of cabinet leadership of President Joko Widodo this time, the institution of Agrarian strengthened by merging the National Land Agency with the government unit in charge of spatial planning, Planning, planning and forestry, as well as geospatial information into a single ministry, the Ministry of Agricultural and Spatial of National land. Previous arrangement of space into the local government authority under the Ministry of Public Works.

The issuance of Presidential Decree No. 165 of 2014 concerning Arrangement Duties and Functions Working Cabinet, which was followed up by Presidential Decree No. 17 of 2015 of the Ministry of Agricultural and Spatial Planning and Presidential Regulation No. 20 of 2015 concerning the National Land Agency, a new chapter in the establishment of the institution of spatial planning in the Ministry of Agricultural and container Spatial organization that is still adjacent to the National Land Agency (BPN).⁵ The presence of the Ministry of Agricultural and Spatial considered to provide fresh air to people who crave the completion of agrarian problems of chronic and critical because it will be able to coordinate the planning, ownership, exploitation and utilization of all the land as a whole to the spatial detail.⁶

Implementation of the two institute is in the field is hard to be one, because the regional government can not release the institution which has been the authority taking care of Spatial slide into the Ministry of Non-Departmental vertical that is directly responsible to the President, the Ministry of Agricultural and Spatial Planning / National Land Agency.

It occurs in one of the districts in Central Java that Brebes. Brebes is the border area of central Java province with the area of West Java province, which can not unite institutions into the spatial organization of the National Land Agency in Brebes. Current affairs of spatial planning in Brebes conducted by the Department of Water Resources Management and Spatial Planning (DPSDAPR). Previous affairs Spatial located in the Office of Public Works.

Research methods

Method The approach used in this study is primarily descriptive and qualitative, that is, after the data is collected and then poured in the form of a description of logical and systematic, then analyzed to clarify the settlement of the problem, then the

⁴ Indonesian Language Dictionary

⁵ Sofi Puspasari & Sutaryo, 2017, *Integrasi Agraria □ Pertanahan Dan Tata Ruang*, STPN Press, Yogyakarta, p. 1

⁶ Selamat Datang Kementerian Agraria, Accessed on October, 2015, from Kompas.com: <http://nasional.kompas.com/read/2014/10/30/18262971/Selamat.Datang.Kementerian.Agraria>,

conclusions drawn deductively, ie things that are common to the things that are special.

2. Results and Discussion.

2.1. Existence of the Minister of Agrarian and Spatial/National Land Agency.

The existence of the Latin language meaning *existere* appears, there arises, has actual existence. *Existere* meaningful word out of *ex* and *sistere* which means appear or emerge. There is a different view of some philosopher about the meaning of the word existence, which are: Plato, Argues that the essence more real than if participating in the material and when assimilating the essence of existence in the material to be associated with not exist. Aristotle, Aristotle negotiate with the existence of material form it is substance, while negotiating the essence with forma and using the correct definition elements.

A legislation in the implementation of the field does not match what was expected. Rules are made to arrange to live more disciplined and responsible manner so as to create a safe community peace and peaceful. As well as rules on the two institutions united by the current administration, the agency that took care of land and institutions that deal with spatial, where such regulations pengaplikasikannya field can not be reconciled.

Ministry of Agrarian in the era of President Joko Widodo and Vice President Jusuf Kalla told strengthened by integrating the affairs in the field of spatial field of land affairs. It is appropriate between the ground and the room above it should be a ministry container. The issuance of Presidential Decree No. 165 of 2014 concerning Arrangement Duties and Functions Working Cabinet, which was followed up by Presidential Decree No. 17 of 2015 of the Ministry of Agricultural and Spatial Planning and Presidential Regulation No. 20 Of 2015 concerning the National Land Agency, a new chapter in the establishment of the institution of spatial planning in the Ministry of Agricultural and container Spatial organization that is still adjacent to the National Land Agency (BPN).⁷

Previous affairs in the field of spatial planning authorities and implemented by local governments under the Ministry of Public Works and Land affairs field carried out by the National Land Agency (BPN). From two different institutions by the current administration of the Ministry of Agrarian united in what is now the Ministry of Agricultural and Spatial/National Land Agency.

Spatial planning is a system of spatial planning processes, space utilization, and control the utilization of space. The arrangement of space, one of which also regulates the designation (land use). Efforts merger between Agricultural with Spatial, in my opinion, related to the maze arrangement between the logging rights to land (land register) with allocation (land use). Often we find a discrepancy between the status of the land with the designation. By making Agricultural and Spatial Planning Ministry under one roof, it is expected, there is a match between the arrangement of land and its designation.

1.2. Department of Water Resources Management and Spatial Planning (DPSDAPR)

⁷ Sofi Puspasari & Sutaryo, *Ibid*, p 1

The presence of the Regional Autonomy Law that Act No. 23 of 2014 on Regional Government which authorizes the central government to set up their own Region or the authority to make rules of his own household. To administer the government as well as government programs and activities, the area is good, the Governor and Regent / Mayor is assisted by the local device.

The regional or regional organization (WTO) is an organization or institution for local governments who are responsible to the Head of the Region in the framework of governance in the region. Regions device is formed by the respective regions based on consideration of the characteristics, potential and needs of the Region. The regional organization stipulated in Government Regulation No. 18 of 2016 concerning the regional. The formation of local devices based solely on rational considerations for implementing government affairs under the authority of the area effectively and efficiently.

Based on Act No. 23 of 2014 on Regional Government, the device provincial and regency / city are set through the local legislation with the following forms:

- Provincial device : Regional Secretariat, the Parliament Secretariat, Inspectorate, Department and Agency;
- The device District / City : Regional Secretariat, the Parliament Secretariat, Inspectorate, Department and Agency.

Establishment of areas such devices Organization Department or Agency classified by Type A (large workload), Type B (workload being) and Type C (Work load small). Perumpunan matters contained in the form of the Department consists of:

- Education, youth and sport;
- Health;
- Social, labor and transmigration;
- The fields of transportation, communication and informatics;
- Population and civil registration;
- The field of culture and tourism;
- Public works, which includes building the clan, irrigation, copyrighted works, and spatial planning;
- The economic field which includes cooperatives and micro, small and medium enterprises, industry and trade;
- Field land services;
- Agriculture includes crops, livestock, inland fisheries, marine and fisheries, agriculture and forestry;
- Mining and energy; and
- Field of revenue, finance and asset management.

One who still take care of the Spatial Department of Brebes namely the Department Water Resources Management and Spatial Planning (DPSDAPR). The Agency pursuant to Article 2 paragraph d point 4 in Brebes Regional Regulation No. 5 of 2016 on the Establishment and Composition of the Region Brebes explain "Department of Water Resources Management and Spatial Planning type B held government affairs Public Works Sub affairs field Resources water and Spatial".

About Spatial and Spatial Planning according to Article 1 paragraph 1 of Act No. 26 of 2007 on Spatial Planning, which is defined as space is a container that includes land space, sea space and air space, including space in the earth as a whole region, where humans and other creatures living , operate, and maintain its survival.⁸ Spatial is a

⁸ http://www.academia.edu/6632975/Perencanaan_Tata_Ruang_Sebuah_Pengantar, Accessed on Thursday, October 11, 20:00 pm

form of structure and pattern of spaces. The structure of the room is the arrangement of settlements and the network of infrastructure and facilities that support the social and economic activities of society as its hierarchical structure. The pattern of distribution of spatial allocation of space is in a region that includes the spatial allocation for protection functions and the allotment of space to function cultivation (Act 26 of 2007).⁹ Planning is a process, temporarily set a goal and choose the necessary step in achieving that goal.

After the issuance of Presidential Decree No. 165 of 2014 concerning Arrangement Duties and Functions Working Cabinet, which was followed up by Presidential Decree No. 17 of 2015 of the Ministry of Agricultural and Spatial Planning and Presidential Regulation No. 20 Of 2015 concerning the National Land Agency, a new chapter in the establishment of the institution of spatial planning in containers Ministry of Agricultural and Spatial organization that is still adjacent to the National Land Agency (BPN).

3. Closing

3.1. Conclusions

Based on the research can be concluded as follows:

- The existence of the Minister of Agrarian And Spatial / National Land Agency of the regulations Department of Water Resources Management and Spatial Planning (DPSDAPR) in Brebes Regional dualism contained in the management policy permits Spatial affairs.
- Reality Spatial implementation is still predominantly carried out by the Region in Brebes the Department of Water Resources Management and Spatial Planning.
- The disadvantage that the National Land Agency (BPN) has not been prepared in human resources or officers and Spatial RT / RW predominantly owned by local government as a manager of Urban Planning at The terrain and the solution of these realities that matter zoning should be separated by Agricultural Firm National land (BPN) for matters relating to the spatial layout of the city is an area where urban planning is under the authority of the Head of region as stakeholders region.

3.2 Suggestion.

- Spatial affairs should be separated back out of the Ministry of Agricultural and National Land Agency (BPN) due to spatial matters relating to urban areas where urban planning is under the authority of the Head of Region as stakeholders region. In the office of the National Land Agency (BPN) itself has not been prepared in human resources or its officials.

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