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# The 2nd Proceeding "Indonesia Clean of Corruption in 2020"



"Comparative Law System of Procurement of Goods and Services around Countries in Asia, Australia and Europe"



**IMAM AS SYAFEI BUILDING**  
Faculty of Law, Sultan Agung Islamic University  
Jalan Raya Kaligawe, KM. 4 Semarang, Indonesia

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# **CORRUPTION POTENCIES IN LAND USE POLICY (A Case Study in Kuningan Regency)**

**Haris Budiman**

Lecturer of Kuningan University,  
The Student of Law Science Doctoral Department Program  
Islam Sultan Agung University Semarang  
Email : [harisbudiman9@yahoo.co.id](mailto:harisbudiman9@yahoo.co.id)

**Eman Suparman**

Dean Faculty of Law Indonesian Computer University  
Email : [eman\\_professor@yahoo.com](mailto:eman_professor@yahoo.com)

**Anis Mashdurohatun**

Doctoral Program Faculty of Law Sultan Agung Islamic University  
Email : [anism@unissula.ac.id](mailto:anism@unissula.ac.id)

## **ABSTRACT**

The occurrence of land use at a policy area in the field of land use causes some law problems. It relates to the licensing mechanism that has not been optimal yet. As the result of the policy is that society suffers loss due to inconsistent policy. The problems of this research are how the implementation of a policy in the field of land use is, what factors are causing the policy that led to the change of land use, and whether or not a policy that harms society can be classified in to a corruption act. This research is normative legal research and the approach used is qualitative. The potency of corruption can occur when there are the growth and development actions especially relating to the economy that has been running fast, and cause various changes. Local government's policy in the field of land use by giving loose and ease in licensing is an activity which potentially causes corruption.

**Keywords : policy, land use, corruption potency**

years experiencing clean water crisis. Data shows that in 2009 Kuningan initially had 620 points of spring water sourced from Ciremai Mountain, this time it decreases to 523 points of springs, and it most likely will decrease<sup>1</sup>. Similarly, agricultural area, a lot of farming, especially rice have changed function, in the last three years, they decrease 262 ha or from 29 078 ha to 28 816 ha<sup>1</sup>.

This reality is clearly contrary to the desired purpose by the norm of Regional Regulation No. 26 year 2011 about Kuningan Spatial Planning. The principal reasons that led to the condition above is the operation of the legal process influenced by metayuridisfactor (non-legal), namely the power of social and personal factors that may affect the implementation of the Regional Regulation No. 26 year 2011.

## **B. Formulation of The Problems**

Based on the explanation above, the formulation of problems in this research are as follows:

1. How is the implementation of Local Government Policy in the field of Kuningan Spatial Planning?
2. What are the factors that influence the violation towards change of land function?
3. Can the violation towards change of land function be classified into corruption act?

## **C. Research Methodology**

The method used in this study is non-doctrinal method. This is because the study of law is not only conceptualized as the overall principles and rules that govern human life in society, but also it covers the institutions and processes that embody the enactment of rules in society<sup>1</sup>. Thus, this study will attempt to examine the relationship between the legal factor and extralegal factors relating to the object of this research.

This study is conducted to analyze the case of spatial planning policies so this research is qualitative analysis methods, the type of research that is used to examine the condition of natural object, where researcher is as key instrument, techniques of collecting data uses triangulation. It uses inductive data analysis and the results of qualitative research emphasizes meaning rather than generalization<sup>1</sup>.

## **D. Framework Theory**

The discussion of the corruption potencies in a local government policy is based on the concept of Law State, public policy theory and operation of the law theory. In this

discussion, the theory of law state becomes a basic theory (grand theory) with the idea that the concept of law state requires the rule of law and opposes arbitrary of power. Normative concept of Indonesian rules has been set in the *UndangUndangDasar1945* explanation about the government system, which then after the the change of *UndangUndangDasar1945* outlined in Article 1 (3) which states that "Indonesia is a State of Law"<sup>1</sup>

The primary function of government is giving service to the community. Government is responsible for creating the conditions that allow every member of the community to develop capabilities in order to achieve common progress. Relating to this case, the government in carrying out its functions in general has function in servicing, maintaining security and guaranteeing the implementation of fair services to all citizens. Regional policy is needed to be a base in developing community both physical and spiritual developments.

According to A Hoogerwerf that a policy called public policy can be seen from the two elements, namely<sup>1</sup>:

1. Public policy impacts directly or indirectly, all members of society in a particular territory;
2. Public policy bindings members of the public in a particular territory, as well as due to public policy bind, then there is always the question about what is or should be the indicator of wisdom.

Relating to the working process of the law as stated by Chambliss and Seidman in the implementation of the Law theory that the implementation of the law, the role of personal power and social influence not only the people as the target of law, but also law institutions<sup>1</sup>. The implementation of law theory describes several things<sup>2</sup>:

- a. Every law explains how the people / society (stakeholders) are expected to act.
- b. How the people / society (stakeholders) will act in responding a legal norm as a function of the applicable rules, sanctions.
- c. How enforcement institutions (law) will act in responding a legal norm as a function of the applicable law, sanctions.
- d. How legislators will act as a function of the applicable law to the behavior of law.

## E. The Implementation of the Spatial Planning Policy in Kuningan Regency

The implementation of spatial plans in Kuningan regency is directed to<sup>1</sup>:

- a. The implementation of land use and management of environmental defense is based on the insights of the archipelago and national security.
- b. Development priority areas.
- c. Developing areas that can accommodate the importance of strategic sectors and needed support space.
- d. Developing the area to grow and develop supporting strategic sectors.

Therefore, there are some strategies that will be implemented in the developing the region as follows:

- a. Consolidation of protected areas and conservation areas which are directed at the area of water absorption zone, especially in the area of Ciremai Mountain, hills, river banks, critical lands, reservoirs and springs as a regional asset by planting trees that are appropriate for local conditions.
- b. Development of cultivation area:
  1. Cultivating agriculture is focused to increase not only wetland productivity by improving irrigation infrastructure functions but also the dry land and uncultivated land in order to increase the income of farmers.
  2. Settlements, managing urban areas is developed as a node that can run the regional economy into a service center, government, education and center of economic activities.
  3. Tourism is directed by developing the concept of the macro tourism development. The tourism areas are made up representatively with adequate space and good facilities, so they have attractive sides to be one of the tourism objects.
  4. Mining is focused in developing the potential region and it does not overlap with protected areas, tourism and housing.
- c. Developing patterns of network infrastructure, intended to support the creation of a network infrastructure patterns both urban and rural areas as well as the consolidation of stated functions.

Therefore, the determining the role and functions of areas in Kuningan Regency is based on analysis study and several considerations, namely the regional development policy and spatial/land use policy, the potencies and prospects of urban development and its development capabilities.

No clear direction of development plans and coordination between SKPD in Kuninganregency and not determined yet detailed Spatial Planning (RDTR) in a Regional Regulation become constraints in the implementation of spatial policy. This condition is also reminded by Van Meter and Van Horn<sup>1</sup> that standards and policy goals, resources, implementing organizational characteristics, communication between organizations, the attitude of the implementers as well as socio-political environment will be a policy decisive factor.

The research result describes that local government policy is not guided by the draft of detailed Spatial Planning (RDTR) that has been developed. It shows that there are personal and social factor influencing policy<sup>1</sup>. In fact, a violation has occurred towards the change of land function in almost all regions of development. Data obtained from the Department of Spatial Planning and Human Settlements KuninganRegency showed that today, there are at least 24 (twenty four) enterprise developers who are investing in Kuningan Regency.

#### **F. Factors Influencing The Violations of / Land Use Planning**

The dominant factor is the economic factor because one of the problems faced by KuninganRegency, is the low local revenue (PAD). In 2013 PAD of Kuningan Regency was only Rp 120 billion, while in 2014 it was targeted untilRp 140 billion, with the largest sectors coming from income taxes and retributions<sup>1</sup>.

According to the Head of the Department of RegionalRevenue Kuningan, thatAPBDKuninganreached Rp 1.2 trillion and Regional Revenue of Rp 120 billion, or only 7% of APBD, but ideally it is 15%, so there is still a high gap to reach the region's autonomy. Moreover, Assembly at Regional Level has been targeting for the year 2016 untilRp 200 billions<sup>1</sup>. Therefore as a tourism district, Kuningan Regency is expected contributing in increasing PAD Kuningan. The implications of this situation is loosening of licensing for investment in housing construction and development of other economic sectors, which is clearly contrary to the spatial planning in the Kuningan Regency.

The vagueness rules between the Regional Development Planning Board (Bappeda), the Integrated Licensing Agency (BPPT), and Department of Spatial Planning and Human Settlements in Kuningan regency, became one of the factors that licencing system is not well-organized. Reformation of the bureaucracy in licensing proclaimed does not touch licencing in the field of housing construction. All licenses should be done in one door that is the Integrated Licensing Agency (BPPT) Kuningan regency, but to permit the

construction of new housing is still held by the Department of Spatial Planning and Human Settlements.

### **G. Corruption Potencies in Spatial Planning Policy and Law Enforcement**

The word corruption comes from the Latin, *corrupti* or *corruptus*, which means decay, debauchery, dishonest, immoral<sup>1</sup>. In Indonesian term, the word corruption can mean the deterioration of the original well be fraud and foul deeds. One of corruption causes irregularities management, while according to Alatas, the weakness of leaders in key positions can provide inspiration and influence behavior to face corruption, weakness teaching of religion and ethics. Similarly, Abdullah Hehamahua stated that the cause of corruption is ineffective oversight of the development, so there are opportunities for abusing power<sup>3</sup>.

Relating to spatial policy, it is clear that violation of Field Function Change as a result of the factors mentioned above, namely irregularities government management, the weakness of the leadership and key positions and supervisory development that is not effective, so in case of misuse of authority such as the loosening of licensing, mark up and other -other.

Thus, there are violations of land use in spatial planning that can be categorized as an act or acts of corruption, because government's policies (regional) are efforts to encourage investment through investment facilities which is often accompanied by easy premises and lax permits issued, so it becomes the target of corruption.

During this time, law enforcement againsts violations of land function changes in the spatial plan is based on the Law on Spatial Planning and Regional Regulations governing spatial sanctions for violations that may be imposed administrative sanctions, civil penalties and criminal sanctions. In fact, the application of sanctions, a formality only if the terms of the rule of law, for violation of land use continue.

Therefore, to stop the violation of the spatial structure was appropriate for offenders to be given penalty as corruption, because it has caused state losses. State Loss means the loss of part or all the wealth of the State. If it involves the wider community, there is a public official in the crime, and therefore the case can be charged with corruption since it would destabilize the economy.

## BIBLIOGRAPHY

- Bambang Sunggono, 1994, *Hukum Dan Kebijakan Publik*, SinarGrafika, Jakarta
- Endang Sutrisno, 2007, 2013, *Rekontruksi Budaya Hukum Masyarakat Nelayan Untuk Membangun Kesejahteraan Nelayan*, Genta Press, Yogyakarta
- Esmi Warassih, 2005, *Pranata Hukum Sebuah Telaah Sosiologis*, Badan Penerbit Universitas Diponegoro, Semarang
- I Gde Pantja Astawa, 2013, *Problematika Hukum Otonomi Daerah diIndonesia*, PT Alumni, Bandung
- Mochtar Kusuma Atmadja, 1996, *Fungsi dan Perkembangan Hukum Dalam Pembangunan nasional*, Penerbit Bina Cipta, Bandung
- Muhammad Yamin, 2012, *Tindak Pidana Khusus*, Penerbit Pustaka Setia, Bandung
- Riant Nugroho, 2014, *Public Policy: Teori, manajemen, Dinamika, Analisis, Konvergensi, dan Kimia Kebijakan*, PT Elex Media Komputindo, Jakarta
- Prayitno Iman Santosa, 2015, *Pertanggungjawaban Tindak Pidana Korupsi*, Penerbit PT Alumni Bandung,
- SatjiptoRahardjo, 1991, *Hukum Dan Masyarakat*, PT Angkasa, Bandung
- SutandyoWignyo Subroto, *Kumpulan bahan Kuliah Penataran Metode Penelitian Hukum*
- Soerjono Soekanto, 1988, *Efektivikasi Hukum Dan Peranan Sanksi*, Remaja Karya CV, Bandung
- Sugiyono, 2008, *Memahami Penelitian Kualitatif*, Alfabeta, Bandung
- Wayne Parsons, 2008, *Public Policy: Pengantar Teori dan Praktek Analisis Kebijakan* (dialih bahasakan oleh Tri Wibowo Budi Santoso), PT Kencana, Jakarta