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**Analysis of Legal Sociology Policy Regional Spatial Planning (RTRW)  
Boulevard Tondano, Minahasa Regency**

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**Abstract**

Regulating spatial use in regency areas is governed by Regional Regulation No. 1 of 2014 concerning Spatial Planning for the Minahasa Regency Area, which serves as a guideline for the execution of spatial use regulation in regency regions. The purpose of this study was to examine the implementation of the Spatial Policy for the Tondano Boulevard Area, Minahasa Regency. A qualitative research methodology was used in this study. The study findings show that the use of space is not in accordance with its designation and management. Lack of dissemination of local regulations by the government. Lack of government control and oversight. Lack of understanding, as well as community responsibility. No harsh consequences are made for rule breakers. The findings of this research are expected to be a source for academics, particularly in the fields of sociology, politics, law and state administration, as well as for the general public.

**Keywords**

Analysis, legal sociology, policy regional, spatial planning, RTRW

**Abstrak**

*Peraturan Daerah Nomor 1 Tahun 2014 tentang Rencana Tata Ruang Wilayah Kabupaten Minahasa mengatur tentang tata ruang wilayah kabupaten. Tujuan dari penelitian ini adalah untuk mengkaji implementasi Kebijakan Tata Ruang Kawasan Tondano Boulevard Kabupaten Minahasa. Metodologi penelitian kualitatif digunakan dalam penelitian ini. Temuan studi menunjukkan bahwa pemanfaatan ruang tidak sesuai dengan peruntukan dan pengelolaannya. Kurangnya sosialisasi peraturan daerah oleh pemerintah. Kurangnya kontrol dan pengawasan pemerintah. Kurangnya pemahaman, serta tanggung jawab masyarakat. Tidak ada konsekuensi keras yang dibuat untuk pelanggaran aturan. Hasil temuan penelitian ini diharapkan dapat menjadi sumber bagi kalangan akademisi, khususnya di bidang sosiologi, politik, hukum dan ketatanegaraan, serta bagi masyarakat umum.*

**Kata Kunci**

*Analisis, sosiologi hukum, kebijakan daerah, tata ruang, RTRW*

## Introduction

Agricultural land is land designated for agricultural activities (Mesra et al., 2022). Its existence is very important in supporting food sovereignty, both to fulfill its territory and to be sold outside its territory. Along with the current dynamic population growth, the existence of agricultural land faces problems and challenges that threaten agricultural land to be used for other needs such as housing or settlements and so on, this is referred to as land conversion. There are things that are not taken into consideration before carrying out land conversion, namely the future impact after carrying out the conversion of agricultural land, such as reduced agricultural land or paddy fields. For the agricultural sector, land is a production factor that has an important role so that reduced land for agricultural activities can disrupt food security and sovereignty (Mesra et al., 2023).

The conversion of a portion or all of a land area from its original designation (allocation) to another use that has a negative impact on the environment and land potential is referred to as land conversion. Land conversion may also be described as a shift in usage caused by factors such as the need to accommodate the requirements of a growing population and rising desires for a higher standard of living (Hidayat et al., 2023).

Land Use Law Number 26 of 2007, the implementation of land use seeks to accomplish the protection of national land that is safe, pleasant, productive, and productive on an archipelago and national basis in order to improve the quality of Indonesia's land use. view on resilience with attaining harmony between the natural environment and the built environment; b) attaining integrated natural resource usage; and c) obtaining integrated natural resource utilization (Pemerintah Kabupaten Minahasa, 2014). The Minahasa Regency Government issued Minahasa Regency Regional Regulation Number 1 of 2014 concerning Spatial Planning for the Minahasa Regency Area to regulate the harmony and harmony of development and spatial planning in the area, particularly in the Minahasa Regency.

Regulating spatial use in regency areas is governed by Regional Regulation No. 1 of 2014 concerning Spatial Planning for the Minahasa Regency Area, which serves as a guideline for the execution of spatial use regulation in regency regions. Spatial use control rules include basic zoning laws, licensing provisions, and directives of sanctions regulated in Article 44. Buildings are authorized in general regulations regarding zoning regulations (Fischel, 1987) for cultivation areas in Article 47 paragraph (3) in general provisions regarding agricultural area zoning regulations wetland. 1) In rural areas and tourist/agro-tourism areas with low density and structures that support the operation of the area, it is prohibited to convert land for non-agricultural cultivation except for development.

Then, in Article 57 paragraph (1), licensing provisions become a reference for authorized officials in granting spatial use permits based on spatial plans and spatial patterns stipulated in this regional regulation, and in article 29 paragraph (6), food crops in agricultural areas in Tondano, Langowan, Kakas, and other potential areas as referred to are designated as sustainable areas (Fatchullah et al., 2022). Meanwhile, in Article 63 paragraph (1), the sanction directive is a reference for regional governments in imposing administrative sanctions on anyone who violates the spatial planning sector, and paragraph (2) spatial layout violations as referred to in paragraph (1) include a) spatial utilization that is not in accordance



with the spatial layout plan, b) spatial utilization that is not in accordance with the spatial utilization plan, and, b) spatial utilization that is not in accordance with the authorized official's spatial utilization permit, c) spatial utilization that is not in accordance with the authorized official's permit requirements, and d) obstructing access to areas designated as public property by laws and regulations.

However, based on observations or data found by field researchers, the basic provisions of the zoning law, licensing provisions, and sanctions in spatial use regulations are still not in accordance with those regulated in this regional regulation. Agricultural land in Tondano Boulevard which is paddy farming land which should be protected and not converted but now many people have built buildings for settlements and for places of business so that it can reduce the area of agricultural land and can result in a high level of building density, then the sanction that has been set for the use of space that is not in accordance with the spatial plan is not enforced, so that in the paddy fields in Tondano Boulevard there is still hoarding of land for development which is used as a place of business such as a restaurant. What is supposed to be agricultural land can be protected and developed to support food security and sovereignty.

The conversion of agricultural land has major consequences for food production, the physical environment, and the reduction of land cultivated by farmers, especially for those whose livelihoods depend on land. Controlling the use of space through efforts to conserve food agricultural land is one of the efforts to achieve food security and sovereignty towards food self-sufficiency. This needs to get the government's attention, especially from the regional government of Minahasa Regency to carry out safeguards before uncontrolled conversion of agricultural land occurs.

This research is relevant to Hafiz, et al. research, the research findings show that (1) policy standards and objectives are not optimal, (2) resources are not optimal, (3) the characteristics of spatial policy implementing organizations green open space is not optimal, (4) the implementation of organizational communication is good, (5) the disposition or attitude of implementers is still not optimal, and (6) the social, political and economic environment of green open space policies is not optimal (Hafiz et al., 2022).

Then it is also relevant to the research of Disyon and Gultom (Disyon & Gultom, 2022). According to the research findings, communication is poor, resources are scarce, implementation consistency is lacking, there is no RDTL, and law enforcement is inadequate.

The research is unique in that the spatial planning policy (RTRW) is studied from a legal sociology viewpoint and is carried out precisely in the Minahasa area, which is, of course, socially and culturally distinct from other places in Indonesia. The findings of this study are intended to be useful to academics, particularly those working in sociology, politics, law, and state administration, as well as the general public.

## Method

According to Creswell J.W in his book *Research Design: Qualitative and Quantitative Approaches*, this research uses qualitative research. A study approach to understanding human or societal problems by constructing a complete and complex picture given in words,

reporting a particular viewpoint gathered from an informed source, and conducted in a natural setting, according to Sage's article (Sipayung et al., 2023). Qualitative research is descriptive in nature and uses analysis with an inductive approach. Based on the description above, this research uses qualitative descriptive techniques and tends to use analysis that aims to uncover events or facts, situations, and phenomena that occur during research by presenting or describing what actually happened (Redi et al., 2020).

According to Maleong, the data sources used in this study came from two sources, namely primary data collected orally (interviews) and secondary data obtained using existing data, such as archival data (Moleong, 2010). Data analysis was carried out during the research process in qualitative research. Miles and Huberman's qualitative data analysis which includes process, data reduction, data presentation, and drawing conclusions or verification is used in this study (Sarosa, 2021).

## **Result and Discussion**

After the researchers conducted research and collected research data through participant observation and unstructured interviews about Analysis of Legal Sociology Policy Regional Spatial Planning (RTRW) Boulevard Tondano, Minahasa Regency, the researchers got the following findings.

### **Result**

To overcome the problem of controlling the use of space in Tondano Boulevard, Minahasa Regency, the Provisions for Controlling the Use of Space regulated in the Regional Regulation of the Minahasa Regency Number 1 of 2014 concerning Spatial Plans for the Minahasa Regency are regulated in such a way that it can control every use of space, especially in paddy fields in Tondano Boulevard, Minahasa Regency. The control over the utilization of this area is endeavored to create a spatial arrangement in accordance with the established spatial plan.

To find out how regional spatial planning policies are implemented in Tondano Boulevard, Minahasa Regency, the researcher relates the research problem by referring to the Minahasa Regency Regional Regulation Number 1 of 2014 concerning the Minahasa Regency Regional Spatial Planning (RTRW), which states that controlling the implementation of spatial use consists of first, general provisions of zoning regulations. District governments make use of the general principles of district system zoning regulations as a reference for developing zoning regulations. General zoning regulations include general zoning regulations for protected areas, general zoning regulations for agricultural areas, and general zoning requirements for areas around national and regional infrastructure systems. Then, license terms. License terms serve as a guide for individuals who are permitted.

#### **1. General Provisions of Zoning Regulations**

This study aims to find out whether the application of regional spatial planning regulations in Tondano Boulevard, Minahasa Regency, especially in terms of spatial use restrictions associated with general zoning restrictions, is legal. Based on the informants' responses, agricultural land in Minahasa Regency, especially Boulevard Tondano, was designated as sustainable food farming land in accordance with the Minahasa Regency Regional Regulation number 1 of 2014 and Minahasa Regent Regulation number 5 of 2017 which was



later confirmed in a regulation that agricultural land that had been designated as agricultural land sustainable food is prohibited to be converted unless.

Then related to the strategy from the government to prevent the conversion of agricultural land in the agricultural area of Wetland Boulevard Tondano that Based on the answers from the informants that the strategy of the government or related agencies in this case to prevent the conversion of agricultural land has not been able to prevent the development occurred in Tondano Boulevard because there are still people who construct buildings either for residence or place of business. For this reason, the government or related agencies make efforts based on these regulations so that they can prevent the conversion of agricultural land in Minahasa Regency, especially in Tondano Boulevard.

Then socialization regarding the district spatial planning policy or policy regarding prohibition of conversion of agricultural land based on the informant's answer that it has not been effective or lack of socialization of Regional Regulations regarding RTRW carried out by the government to the community so that the community does not understand existing policies or prohibits land conversion agriculture.

Based on the findings of the informant interview above, it can be concluded that the existence of the Minahasa Regency Regional Regulation Number 1 of 2014 and the Regent Regulation Number 5 of 2017 the government prohibits the conversion of agricultural land, but researchers found that there were still people who converted or built buildings on agricultural land in Boulevard Tondano due to the lack of cooperation between the government and the community, as well as the lack of socialization of the community in maintaining and protecting agricultural land in Minahasa Regency, especially in Tondano Boulevard, even though Regional Regulation Number 1 of 2014 clearly states that cooperation from the government and the community in controlling the use of space, as well as the government and the public must also understand and understand the policy.

## 2. Licensing Provisions

To find out about licensing provisions in controlling the use of space on paddy agricultural land in Boulevard Tondano, Minahasa Regency regarding constructing buildings in the agricultural wetland area of Boulevard Tondano, which have fulfilled the function transfer procedure or have a permit. From the statement given by the informant that the people who have built buildings on agricultural land, especially on Boulevard Tondano, have not been issued a permit by the government, but the community is still constructing buildings on the agricultural land.

Then regarding the procedure for converting the function of agricultural land or constructing buildings in a wetland agricultural area based on the answer given by the informant that the permit must be fulfilled by the community or the procedure for carrying out land conversion, that is, the land must obtain a certificate of land use or land status first. first then need a space suitability permit, the spatial suitability permit also has a Regional Spatial Planning Coordinating Team (TKPRD) to hold meetings related to function transfer or to assess space suitability.

Furthermore, regarding coordination between relevant government agencies for controlling spatial use, especially in the Boulevard Tondano wetland agricultural area, based on the answers given by informants that the government or agencies related to land conversion always coordinate through the Regional Spatial Planning Coordination Team or TKPRD who routinely holding meetings or coordinating when there are investors who want to change land functions.

Based on the results of interviews with some of the informants mentioned above, it can be concluded that in the Minahasa Regency Regional Regulation No. 1 of 2014 concerning the Minahasa Regency Regional Spatial Plan, it is stated that the community and the government have an obligation to follow laws and regulations and use space according to utilization permits. Space and society both have a role to play in regulating the use of space. However, researchers found that the community had not fulfilled their duties and obligations in managing the use of space where the community was still constructing buildings on agricultural land, especially on Tondano Boulevard, so the government or relevant agencies had been notified.

### 3. Sanctions Directive

To find out about how the sanction directives apply to any violations that occur in the use of space, especially in paddy fields on Boulevard Tondano, Minahasa Regency regarding the sanctions given if there are violations in the field of spatial planning, especially in the wetland agricultural area on Boulevard Tondano, based on the answers from the four informants LK, MP, FP, ES above, it can be concluded that sanctions for violations in the field of spatial planning are clearly regulated in the Minahasa Regency Regional Regulation concerning RTRW but the community does not yet know clearly about the sanctions that apply and will be imposed on people who violate these regulations.

Then to find out more about the indicators of sanction directives in controlling the use of space, especially in paddy fields on Boulevard Tondano, Minahasa Regency, related to the reasons why people are still constructing buildings in wetland agricultural areas, especially in Tondano Boulevard, from the answers given by informants that people see agricultural land The area is no longer used as agricultural land, so the community uses the land as a place to open a culinary business or as a place to live.

Furthermore, is the existence of this policy sufficient to provide flexibility for the government to act if there are violations in the field of spatial planning, especially in agricultural land, based on the answers from informants that for violations in the field of spatial planning, especially for the conversion of agricultural land functions, at this time it is still not clear and there are still negligence negligence on the part of the government because the Regional Regulation concerning the RTRW of Minahasa Regency is still in the revision stage so that the enforcement or enforcement by the government is still not firm.

From the results of the interviews with some of the informants above, it can be concluded that the Regional Regulation regarding RTRW is the basis for the government to act when violations occur violations in the spatial planning sector, especially in the conversion of agricultural land functions but for prosecution or enforcement against people people who commit violations in the field of spatial planning space is still not firm because



there are still people who construct buildings either for residences or places of culinary business then the Regional Regulation is still in the revision stage so that the government has not been maximal in taking action against violations violations that occur on agricultural land. And for now the government is also trying so that when the RTRW Regional Regulation is enacted, it will direct and enforce enforcement of violations that occur in order to maintain agricultural land to function or be used according to its designation.

## Discussion

According to Spatial Planning Law Number 26 of 2007, spatial structure and pattern are governed in spatial planning. Spatial planning is the hierarchical organization of settlement centers and a network system of infrastructure and amenities that serve as supports for the community's socioeconomic operations. Relationship that serves a purpose. Spatial pattern refers to the division of allocation of space within an area, which includes allotment of space for protection and allotment of space for agriculture 2007 (Government of the Republic of Indonesia). This law and regulation explain the need for spatial planning because spatial planning helps preserve the quality of the environment, and spatial planning implementation seeks to create a safe, comfortable, productive, and sustainable national territorial space based on the Archipelagic Outlook and National Resilience, with the realization of harmony between the natural and man-made environment, the realization of the integration of the use of natural and man-made resources, and the realization of the integration of natural and man-made resources.

Then, in article 44 of Law Number 41 of 2009 concerning Sustainable Food Agricultural Land, the function transfer is regulated. In paragraph (1) it is stated that land designated as sustainable food agricultural land is protected and cannot be changed. Land conversion for other purposes has become a formidable challenge for long-term sustainability of food self-sufficiency. The intensity of land conversion is still difficult to manage, and most of the converted paddy fields are land with high or very high production (Ali, 2023).

In order to overcome spatial planning problems in Minahasa Regency, the Minahasa Regency Government issued Minahasa Regency Regional Regulation Number 1 of 2014 concerning the Minahasa Regency Spatial Plan for 2014-2034, which aims to create a safe, comfortable, productive and quality Minahasa community. The spatial area of the district towards an independent, democratic and prosperous district based on agriculture and tourism and supported by a competitive and sustainable settlement system and resource management. In this scenario, it is believed that every policy issued by the government will be able to overcome any difficulties over the conversion of agricultural land in Minahasa Regency.

As stated by Islamy, Thomas R. Dye defines public policy as "whatever the government chooses to do or not do" (Katili & Tueno, 2020). This concept emphasizes that public policy is about action and not just a declaration of the will of the government or public leaders. Furthermore, because the government has the power, the government's decision to do nothing is public policy. Anderson argues that public policy is a policy established by government agencies and officials (public policy is a policy developed by government agencies and officials) (Alvarez et al., 2018).

Meanwhile, according to David Easton, "public policy is the authoritative allocation of values for the whole society" (Gugule & Mesra, 2022). Public policy, according to Lasswell and Kaplan, is a planned program with specific goals, principles and practices (Lasswell et al., 2017). Some views on public policy state that public policy is any action or choice made by the government to achieve its goals, which means that public policy is the action and choice of the government to do or not do something or whatever is done and chosen by the public government. Of course, every choice or action taken means that the government has certain intentions and reasons that must be conveyed to the public. Policy is defined as a process or activity carried out by policy implementers or the private sector to achieve results that are in accordance with the aims or objectives of the policy.

Policy implementation develops along with the development of implementation studies. As pioneers of implementation studies, Pressman and Wildavsky propose a terminology based on their decade. Their implementation perspective is still heavily influenced by the political-administration dichotomy paradigm. They define implementation as follows: carry out the policy (to implement), fulfill the promises stated in the policy document (to fulfill), produce the output stated in the policy objective (to produce), and complete the mission stated in the policy objective (to complete) (Tumbel, 2020). Van Meter and Horn define implementation explicitly among the many keys that have been used to describe it, namely the actions of private persons are included in the implementation of policies.

S.B Kairupan discussed the theory of policy implementation with different experts: According to Mazmanian and Sabatier, understanding policy implementation is trying to understand what happens after a program is implemented or created (Laloan et al., 2021). These two viewpoints are similar in that they both regard implementation as a stage of action that follows the formulation of public policy. According to Santoso, policy implementation is an action taken in the framework of effective policy implementation. Policy implementation in this context emphasizes the correct implementation of certain policy objectives in the form of interim measures. Policy implementation, according to Santoso, is the successful implementation of the policy in the sense that it must be based on the successful implementation of the policy in terms of timeliness related to target needs. General guidelines or implementing instructions are needed for public policies in the form of laws. According to Van Meter and Van Horn as mentioned by Winarno, the implementation of public policy is defined as actions taken by public entities to achieve goals. These steps consist of operational actions designed to achieve major and minor changes stated in decisions within a certain time frame.

According to the many definitions above, the implementation of public policy refers to the actions taken or carried out by the government or government agencies to fulfill the objectives set by laws, regulations or policies.

Based on the Minahasa Regency Regional Regulation No. 1 of 2014 concerning the Minahasa Regency Regional Spatial Plan, where spatial use management regulations are used as a reference in the implementation of spatial use control in the district area. The following rules govern space utilization control: 1) general rules of zoning regulations, 2) licensing



provisions, and 3) sanctions directions. The debate will be divided into three (three) indications based on the description of the research findings.

### ***General Provisions of Zoning Regulations***

The first indicator is the general provisions of zoning regulations which form the basis for controlling the use of existing space to achieve spatial planning objectives, especially for agricultural land cultivation areas. agriculture. Every activity in the cultivation area for agricultural land can be managed with the general rules of this zoning regulation, ensuring that no activity is detrimental to the area. According to article 47 paragraph 3 of the Minahasa Regency Regional Regulation No. 1 of 2014, low-density rural and tourism/agro-tourism buildings, as well as buildings serving regional operations, are permitted (Minahasa District Government, 2014).

According to the findings, the researchers discovered that the community was unaware of this regulation, and that the government's socialization of the community had been ineffective, as the community was still carrying out function transfers or constructing buildings, both private homes and places of business, in the agricultural fields of Boulevard Tondano that should be protected. The Minahasa Regency government's lack of effort or plan in this issue is to prevent the conversion of agricultural land, allowing development and land hoarding to continue. Of course, the government, as the policy's implementer, must pay greater attention to concerns linked to agricultural land conversion so that there is no additional decline.

### ***Licensing Provisions***

According to article 57 paragraph 1 of the Minahasa Regency Regional Regulation No. 1 of 2014 concerning the Spatial Plan for the Minahasa Regency, the licensing provisions are a reference for authorized officials in granting spatial use permits based on the structural plan and spatial pattern determined in this area regulation. Space utilization permits are granted by the competent authorities according to their authority, and space utilization permits are granted according to the authority and process outlined in the laws and regulations.

Licensing provisions are another type of government action used to limit and limit any new growth that occurs. Therefore, the establishment of these permit requirements is expected to prevent the development or conversion of services being carried out on agricultural properties in the Minahasa Regency. However, according to the researchers' findings, the people who built buildings on agricultural land on Boulevard Tondano had not received permission from the government or authorized agencies, this shows that there is still a lack of awareness or community participation in controlling. use of space, which is critical to the success of the policy. The community also does not know what permits are needed when changing the allotment of agricultural land or constructing buildings on the agricultural land of Boulevard Tondano, but the community continues to carry out construction on the agricultural land.

### ***Sanctions Directive***

The punishment instructions serve as recommendations for regional governments when it comes to imposing administrative sanctions on those who breach spatial planning legislation.

Spatial utilization that is not in accordance with the spatial planning, spatial utilization that is not in accordance with the spatial utilization permit granted by the authorized official, and spatial utilization that blocks access to the designated area are all violations in the field of spatial planning. Laws and rules define public property. Administrative punishments can take the form of, a) a written warning, b) a temporary suspension of activities, or c) a temporary suspension of operational operations, according to Article 63 paragraph 3 of the Minahasa Regency Regional Regulation Number 1 of 2014, d) site closure, e) permission revocation, f) permit revocation, g) building demolition, h) restoration of spatial functions, and i) administrative fines imposed by the 2014 Minahasa Regency Government. As a result of the punishment directions specified in this rule, all parties, both community and government, can adhere to every existing standard. Based on the results of the researchers, it is possible to infer that the Regional Government of Minahasa Regency has not been steadfast in taking action against breaches in the field of spatial planning, particularly those that occur on agricultural property where building is still ongoing. because the community was unaware of the penalties that existed on agricultural land on Tondano Boulevard.

### Conclusion

Based on the data from the results of the research that the researchers have described, the conclusion from the researchers regarding the implementation of the RTRW policy on Tondano Boulevard is that space utilization is not in accordance with its designation and control. The lack of socialization by the government regarding regional regulations, this can be seen by the fact that there are people who do not know these regional regulations. Lack of control and supervision as well as strategies from the government in terms of preventing or controlling developments that occur on agricultural land in Boulevard Tondano. Lack of awareness and the role of the community in controlling the use of space. No strict sanctions have been established in accordance with the regulations that apply to violators of the rules.

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