

Rural Spatial Planning And Public Participation In Preserving Cultural Heritage Site

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Abstract- The Law of Spatial Planning stipulates that in order to create safe, comfortable, productive, and sustainable space it is required to carry out spatial planning which is able to harmonize natural and artificial environments, achieve integration between the use of natural and artificial resources, protect space functions, and prevent negative effects on living environment due to space use. Candi village in Bandungan district of Semarang regency, in which Gedong Songo heritage site exists, serves spatial functions as a conservation and preservation area. Law No. 23-28 states that the village has a conservation function as a protected forest area. It gives protection to the surrounding environment including the heritage site of non-building structures despite its status as a landslide-prone area. In Article 36 Paragraph 1 and 3 of Regional Regulation on spatial planning of Semarang regency, Gedong Songo Temple site is categorized into WPP 2, which refers to an area used and developed for tourism. Zoning regulation for cultural heritage sites is highly required, and all parties must comply with the regulation as it is closely related to the conservation and preservation of the heritage site. The regulation stipulates that functional shift and tourism development which violate environmental carrying capacity is prohibited. Spatial planning, especially at regional level, is significant for preserving local heritages, and it cannot be separated from the roles of the regional government as well as the society. The roles of the society include individual and collective roles in being actively involved in developing policy as well as legislation. Public participation becomes a means of carrying out public roles in establishing policy which gives direct impact for the society.

Keywords: *Spatial Planning; Public Participation; Zoning*

I. INTRODUCTION

The problems of spatial planning are increasingly complex because the regulations and instruments used as the basis of space use are frequently inadequate. The realization of spatial planning which often stops at planning level causes the instructions in space use and control less optimum. Even the regional government do not have a regional spatial plan as the provincial spatial plan has not been established within the regional regulation. This condition hinders the realization of well-organized space. [1]

In Article 33 Paragraph (3) of the 1945 Constitution, it is stated “land, water, and natural resources contained therein are controlled by the state and immensely used for general prosperity”. The implementation of this article can be seen in Article 2 Paragraph (2) of Law No. 5/1960 on basic agrarian principles, that the state is given an authority to regulate and distribute the use, supply, and maintenance of land, water, and space.

Article 14 of the Basic Agrarian Law (UUPA) elaborates that in order to achieve the national goals of Indonesia, the state creates a general plan regarding the supply, distribution, and use of land, water, and space for general as well as national prosperity. In this case, the government regulate the space use in Government Regulation No. 16/2004 on land organization and Law No. 26/2007 on spatial planning.

The general explanation of Law No. 26/2007 on spatial planning point 3 suggests that the space involves land, sea, and air, including the space under the earth as a place for humans and other creatures to live, carry out activities, and sustain their lives

with unlimited availability. Regarding this definition, in order to create national space which is safe, comfortable, productive, and sustainable and based on the Indonesian Archipelagic Vision and National Resilience.

A principle in spatial planning is to harmonize natural and artificial environments, integrate natural and artificial resources, protect spatial functions, and prevent negative effects due to space use [2] This principle must be implemented and realized in every process of spatial planning.

Rapid development in both urban and rural areas, despite giving a positive impact on the economic sector, prompts environmental problems. It can be seen from critical conditions of the environment in Indonesia which lead to high intensity of natural disasters in Indonesia, and one of the causes is violating regulations of spatial plan [3]

One of the sectors growing rapidly is tourism, especially in a region which is geographically strategic and has natural potential and interesting culture. This type of region will be developed as significantly as possible because of its potential in earning local government revenue (PAD). One of the principles in realizing tourism as stated in Article 5 of Law No. 10/2009 is preserving nature and environment. Natural and cultural potential in the tourism sector can be seen in the form of cultural heritage sites. Article 85 and 88 of Tourism Law stipulate that the government both in central and regional levels as well as the society are allowed to use cultural heritage sites for religion, social, education, science, technology, cultural, and tourism purposes by considering their spatial functions and protection.

Figure 1. Gedong Songo Temple Site



Photo by Aditia Noviansyah/kumparan

<https://kumparan.com/kumparantravel/foto-menikmati-wisata-sejarah-lewat-candi-gedong-songo-di-semarang-1sP1Z15Rnsl/full>

The government is given an authority to preserve cultural heritage that exists in Indonesia through spatial planning of strategic areas. This must be carried out properly because future generations need to relish the heritage, as well. Law of Cultural Heritage No. 11/2010 clearly states that to conserve and preserve national culture, items of cultural heritage must be protected. The age of a cultural heritage item indicates that it has historical value. One of the items located in Semarang regency is Gedong Songo Temples in Darum, Candi village of Bandungan district. Candi village is a supporting village establishing Gedong Songo temples as a tourism place. It is one of the favorable tourism destinations. In addition to the temples as ancient and cultural heritage, the village also provides the tourists with chrysanthemum gardens, home industries, and basket crafts to attract their interests to visit the village. In current development, Gedong Songo Temple site, which was the heritage of ancient Hinduism, has been attracting investors to actively participate in the tourism sector around the sites. A number of new tourism places has arisen around the temple site such as Vanaprastha Gedong Songo Park which is located in the area of the state-owned forestry company Perhutani, Ayanaz Gedong Songo which offers modern and instagrammable outdoor tourism, Celosia 1, 2, and 3 Flower Gardens which are located in the left side of the entry gate of Gedong Songo Temples.

One of the tourism places which is increasingly popular today is Ayanaz Gedong Songo which offers a contemporary and instagrammable tourism destination. Ayanaz is still located within Gedong Songo site - close to the first temple and 150 metres from the entry gate, and it was launched in June 2018. This can be a cause of many changes in economic, social, cultural, and spatial planning sectors around the site. The regional government and society have an obligation to conserve and preserve cultural heritage items in Gedong Songo Temples by planning, using, and controlling space in the site based on the legislation.

II. PROBLEMS

With regard to the background above, the main problems in this study consist of how the pattern of rural spatial planning in preserving cultural heritage is and how the society perform their roles in rural spatial planning.

III. RESEARCH METHOD

This study emphasized normative-empirical. Socio-juridical approach was used to explain the legislation applied in spatial planning and relate it with the roles of the society.

This study is descriptive analytical in nature, a law study in which it portrays detailed, systematic, factual, and comprehensive description of everything investigated. Analytical means that this study categorizes, relates, and interprets. As this study is descriptive, qualitative analysis is used in which all data are compiled and classified to be further analysed.

IV. DISCUSSION

A. PROFILE OF SPATIAL PLANNING IN CANDI VILLAGE

Candi is one of the villages in Bandungan district of Semarang regency located 2 km from the district capital. This village has various potentials and natural beauty due to its location in the slope of Ungaran mountain at an altitude of 700 metres which makes the air relatively cool. The topography of this village consists of highlands which provide farming lands for numerous vegetables and flowers. Candi village is 1082.29 hectares in area divided into 9 regions: Kalibendo, Ngoto, Candi, Ngablak, Tarukan, Talun, Nglarangan, Ngipik, and Darum. Administratively this village is bordered by Ungaran mountain in the southern side, Banyukuning village in the southern side, Kenteng village in the eastern side, and Jubelan in the western side. As this village is located in the highlands, the land is mostly used for farming. The following table shows the detailed use of land in Candi village.

Table 1. Land Use

No	Type of Land Use	Area
1	Paddy Field	137,90 hectare
2	Crop Field	262,39 hectare
3	Buildings / Yards	70 hectare

4	Forest	470 hectare
5	Others	2,50 hectare

Source: Data of Candi Village

In addition to its potential in the farming sector, a site of Hindu temples also exists in Candi village as a cultural heritage. The site consists of a group of temples. The name of Gedong Songo basically refers to a legend in which there are actually nine temples, but only five of them can be seen. This site is located at an altitude of 1200 metres which makes the air cool and foggy. The area of this site is also relatively large including a natural hot water bath between the third (Gedong III) and fourth (Gedong IV) temples.

The existence of Gedong Songo Temple has a significant impact on the lives of surrounding society. It provides the society with business opportunities and attracts foreign parties who are interested in visiting the temples. This condition indicates humans' ability to adapt to their environment. Environment gives opportunities, and humans choose [4]

The number of tourists visiting Gedong Songo Temples fluctuated. In 2008, there were 165.396 visitors, and it went into decline several times. In 2013, the number dropped into 148.679. The highest rise occurred in 2018 in which 347.354 visitors were recorded visiting the temples. The fluctuation was caused by a range of factors, and one of which is infrastructure development [4] The study conducted by F. K. Kartika indicated that infrastructure development, especially road repair as a basic tourism infrastructure, raised the tourists' interest in visiting Gedong Songo Temples up to 92.9% [5]

Gedong Songo Temple site has considerable potential which needs to be developed in order to give social economic benefits to the surrounding society. However, it must be accompanied by commitment from the society to preserve the site through spatial planning based on the space structure. Candi village, especially Gedong Songo Temple site, is located in the highlands with sheer slopes. The soil is vulnerable to erosion, as well. These conditions make Gedong Songo a landslide-prone area, and it potentially threatens the existence of Gedong Songo Temple site. Therefore, the land is not allowed to be used for settlements, fields,

seasonal crops, and other cultivation activities that endanger the lives of humanity and environment.

B. SPATIAL PLANNING IN CANDI VILLAGE IN PRESERVING GEDONG SONGO TEMPLE SITE

Spatial planning refers to a system of spatial planning, space use, and space control process (Article 1 paragraph (5) of Law No. 26/2007 on spatial planning). The definition of spatial planning has a broad meaning that it is a realization of space structures and patterns. In the previous legislation, it is stated that "spatial planning is a realization of space structures and patterns which are either planned or unplanned. In Article 1 of Law No. 26/2007 on spatial planning, space refers to an area including land, sea, and air as a whole where humans and other creatures live and carry out their activities". The general explanation of Law No. 26/2007 on spatial planning is given as follows: the space involves land, sea, and air, including the space under the earth as a place for humans and other creatures to live, carry out activities, and sustain their lives with unlimited availability.

The Law of Spatial Planning stipulates that in order to create safe, comfortable, productive, and sustainable space it is required to carry out spatial planning which is able to harmonize natural and artificial environments, achieve integration between the use of natural and artificial resources, protect space functions, and prevent negative effects on living environment due to space use. This principle of spatial planning must be implemented in every planning stage, which is in fact broadly known by the society.

According to the Law of Spatial Planning, the planning based on administrative area involves national, provincial, and regional spatial planning. In contrast, the notion of spatial planning in rural areas is stipulated in Article 5 Paragraph 4 - "spatial planning based on regional activities consists of urban and rural spatial planning". An urban area (village) is defined as a spatial entity based on regional activities [6]

Village is an entity which has quite typical activities in using land. Despite its conventional use of land, spatial planning is still required in order to preserve its characteristics and values and maintain

a balance between the environment and culture. Along with the advance of time and growing population, development in rural areas is no longer considered conventional. The activities in rural areas become more complex following the needs of the society. Thus, spatial planning in rural areas is carried out as a means of organizing, using, and managing space based on the authority of the areas.

C. ZONING

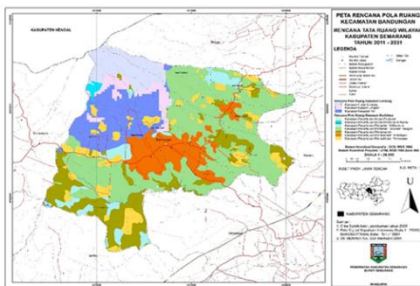
According to the Regional Regulation No. 6/2011 on the 2011-2031 Spatial Plan (RTRW) of Semarang regency, it is stated in chapter III that the strategy for providing space and infrastructure to support the economic sector is carried out by developing a region for settlements, industries, agriculture, and tourism which are sustainable and environment-oriented. The strategy can be realized according to the instructions on developing service center and infrastructure network systems. Service center system is implemented in the form of a zoning system consisting of 3 categories of development region (SWP). They are 1) SWP-1 or northern region which is established as a part of the capital; 2) SWP-2 or central region which is influenced by Ambarawa; and 3) SWP-3 or southern region with its centers in rural areas (Suruh and Tengaran).

In the 2011-2031 Spatial Plan of Semarang regency, Bandungan district is categorized into SWP-2 in which serves functions in industrial, agricultural, tourism, trading and service, public facility, settlement, fishery, defence and security sectors. The main functions of Bandungan district are trading, agribusiness service, and public facility. This district also develops a productive agricultural area through the agropolitan system and tourism area based on culture, nature, and agriculture. Candi village, especially Gedong Songo Temple site, is located in the highlands with sheer slopes. This condition makes the village a landslide-prone area, and it may threaten the existence of the cultural site which has immense historical and cultural values. Considering the type of soil in Gedong Songo Temple site which is vulnerable to erosion, the area must be used for a protected area, not for any cultivation activity.

Based on the Spatial Plan of Semarang regency, Gedong Songo Temple site is included as a

protected area. It is an area which functions to protect the surrounding area and to preserve living environment for the sake of sustainable development. To serve these functions, the surrounding forests are maintained. The site is surrounded by pine forests of the state-owned forestry company Perhutani. They are maintained to protect soil and water conservation areas. The forests also have function to protect the main area of the temples.

Figure 2
Map of 2011-2031 Spatial Plan of Bandungan District



Source: 2011-2031 Spatial Plan of Semarang Regency

Based on the map above, Candi village is located in a water infiltration zone. This zone has a great ability to infiltrate rainwater into the soil to become groundwater [7] Sudarwanto, the Candi village head, states the spatial planning taking place in his village follows the regulations by considering the water infiltration zone which is realized in the form of fields or yards. The zone is mostly covered with big trees as a water infiltrator.

In addition to its functions as a conservation area and water infiltration zone, Candi village is also regarded as a cultivation area. In this case, the land in the village is suitable for agriculture, tourism, or perennial plantation which satisfy the requirements for growing the plants, and the cultivation rights can be given by maintaining perennial plantation. Moreover, any use of land which causes negative effects to the balance of the living environment is strictly prohibited. Despite the development in tourism activities in Candi village, building hotels or villas is limited, as well.

Candi village in which Gedong Songo Temple site exists is included as a partial development area

(WPP) that is an area used for tourism purpose based on its potential in satisfying the needs of tourists. Gedong Songo Temple site also has immense cultural values so that it is categorized as a strategic area. In addition, it becomes a priority for the government of Central Java due to its significant impact in the socio-culture area of the province.

D. ZONING REGULATION

Law No. 11/2010 Article 72 on cultural heritage stipulates boundaries of land use within a site and an area based on empirical studies. Besides, Article 73 Paragraph (3) states that a zoning system consists of a) a central zone, which is the main protected area to preserve the most important parts of a heritage; b) a buffer zone, which is the area protecting the central zone; c) development zone, which is the area used for developing potentials of a heritage for recreation, conservation of natural environment, cultural landscape, traditional culture life, religion, and tourism, and/or d) supporting zone, which is the area used for supporting facilities as well as commercial activities and general recreation.

Article 73 Paragraph (4) of Law No. 11/2010 on cultural heritage states that the establishment of area, layout, and function of a zone is based on the studies emphasizing the opportunities of improving general prosperity. Nugroho explains the zoning system applied in Gedong Songo as follows [7]

a. Strict natural zone. This is the area which must be strictly protected and preserved. Any change due to human intervention must be prevented. As a result, no public access is allowed to this zone. This zone refers to the volcanic area located close to the hot-water bath.

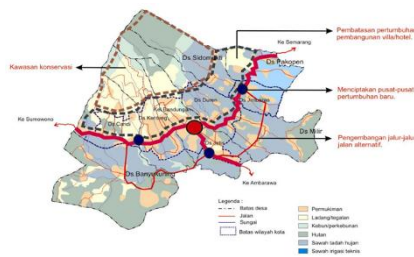
b. Wilderness zone. This is a part of national park which can be visited on a limited basis by ensuring that the zone remains intact and genuine. Therefore, no permanent physical building is allowed in order to maintain the strict natural zone. The wilderness zone in Gedong Songo Temple site consists of plantation and trees surrounding the temples.

c. Tourist administrative zone. Supporting and tourism facilities can be built in this zone such as temple restoration, hall, stage, or hot-water pool.

The zoning system in Gedong Songo Temple site is conducted through studies concerning conservation and preservation of the site. Practically, this system has been implemented in several ancient sites in Indonesia. This system, regulated in Law No. 26/2007 on spatial planning, basically is a means of control that contains requirements of space use and terms of control in the forms of blocks or zones. The blocks or zones become the benchmark for detailed spatial planning.

Based on the map of space use shown as follows, Gedong Songo Temple site is categorized as a conservation area. This area is used to protect the cultural heritage site containing immense historical values. Space in Bandungan district, as the location of Gedong Songo site, is also used in zones. Under the conservation area lays a cultivation area which functions to support tourism functions in Bandungan district. However, hotels and villas are limited. The cultivation zone is intended to create new growth centers.

Figure 3. Map of Space Use in Bandungan District

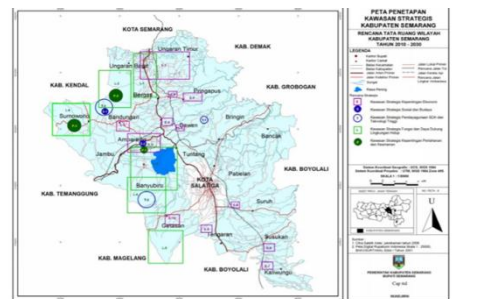


Source: Data of Bandungan District, Semarang Regency

Zoning regulation for cultural heritage sites is stipulated in Article 57 of Semarang Regency Regional Regulation No. 26/2007 on spatial planning of Semarang regency. Zoning regulation in cultural heritage sites is quite important in terms of space use and control. Space use based on spatial planning is considered easy business. Cultural heritage sites are established as a means of protection, yet they are often used as cultivation where tourism places exist. In fact, conflict of interests may occur if the regulation is not well-implemented. Public interest or personal interest often clashes with conservation interest so that what has been organized and established in a spatial plan does not correspond to the existing development.

If conflict of interests occurs, zoning regulation becomes an important instrument and guideline in controlling space use in heritage sites. The regulation can be a reference in licensing, incentive and disincentive implementation, space ordering as well as technical guideline in developing and using space in cultural heritage sites. With a clear reference of spatial planning, any violation can be avoided.

Figure 4. Map of Strategic Areas in Semarang Regency



Source: The 2010-2030 Spatial Plan of Semarang

According to the map of strategic areas in Semarang regency above, it can be seen that Candi village with an area of 1.082.29 Hectare consists of several areas: 1) strategic area of natural resources and high technology empowerment (T2); 2) strategic area of social and culture (S1); and functional strategic area and carrying capacity of living environment (L2).

Gedong Songo Temple site is categorized as a provincial strategic area (KSP) in social and cultural sectors. The site is a cultural heritage which is established in the Minister Decree No. 195/M/2015 and No. PM.24/PW.007/MKP/2007. Article 36 Paragraph 2b of the Spatial Plan Law of Semarang regency also includes Gedong Songo Temple site as a cultivation area for tourism due to its historical and cultural values as well as beautiful views. This site is also regarded as tourism area 2 in the spatial plan of Semarang regency. In developing tourism areas as well as cultural heritage sites, spatial planning is needed to give protection and support tourism activities. This spatial planning is realized in the form of zoning regulation for cultural heritage sites and tourism areas; therefore, developing Gedong Songo Temple site as a tourism area corresponds to the concept of cultural heritage preservation.

Zoning cultural heritage sites is closely related to preservation in which functional shift and non-

functional buildings are strictly prohibited. Economic benefits are not the main goal in using a cultural heritage site as a tourism area, but the benefit should come as a positive impact of using the site for tourism.

E. THE ROLES OF THE SOCIETY IN RURAL SPATIAL PLANNING

Spatial planning must be able to create high anticipation of development and satisfy development needs (Kartasasmita, 1996). Besides, it must be realistic and able to function as a coordination instrument for development programs from various institutions and sources of funds without ignoring environmental sustainability. Budihardjo and Hardjohuboyo (1993) argue that the scope of spatial planning is not only limited in terms of organization of land functions, transportation networks, and infrastructures, but it also covers policy innovations, resolution of communication and information conflicts. These functions must be integrated in a complete unity and able to give contribution in preventing and anticipating steady culture of spatial planning.

There are a number of problems in realizing spatial planning in regional level in general [7]. a) Spatial plan has not been able to completely function as the basis for formulating development programs and guidelines for the society to use space based on the plan. b) The society has not been fully adhered to spatial planning, especially in terms of functional shifts from productive land into other functions. c) High disparity between regions requires acceleration of development in rural areas as well as small and moderate cities. d) There has been a lack of development acceleration of strategic areas in order to encourage the development of potential areas; and e) Planning of regional development in rapidly growing and recently established regions has not been optimally carried out. Regarding these problems, the roles of the society or public participation becomes an important thing in spatial planning, especially in rural areas. The roles of the society can be realized in several ways: (1) participation in formulating spatial plan; (2) participation in using space; and (3) participation in controlling space use. These roles are needed so that spatial planning is not regarded as elitist or less grounded. This implies that the existing spatial plan involves limited participation from the society and

less socialization to the society in terms of its operational practice. It also seems to be a complementary document [1].

Legislation which has been established to give opportunities for the regional government to assign the society as a subject in spatial planning needs to be further followed up through agendas of spatial planning which is participatory and bottom-up. This means that considerable potentials owned by the society can be managed and accommodated in various activities of spatial planning in planning, using, and controlling level in a participatory way.

V. CONCLUSION

1. Gedong Songo Temple site has an enormous tourism potential, and it must be developed as significantly as possible so that it gives social-economic benefits to the society. However, it needs to be accompanied with commitment from the society to preserve the sustainability of the site through spatial planning based on its space structures and patterns. Rural spatial planning is a means of organizing, using, and managing rural areas following the authority owned by villages. According to the 2011-2031 Spatial Plan of Semarang Regency, in chapter III it is stated that the strategy for providing space and infrastructure to support the economic sector is carried out by developing a region for settlements, industries, agriculture, and tourism which are sustainable and environment-oriented.
2. Candi village in which Gedong Songo Temple site exists is included as a partial development area (WPP) that is an area used for tourism purpose based on its potential in satisfying the needs of tourists. Zoning cultural heritage sites is closely related to preservation in which functional shift and non-functional buildings are strictly prohibited.
3. There is a shift in development paradigm towards society-based participation which emphasizes public involvement in various stages of development. Village-based spatial planning can be carried out in a participatory way based on potentials and local wisdoms at the village scale.

REFERENCES

- [1] Sutaryono. Penataan Ruang Berbasis Desa Strategi Mereduksi Konflik Pemanfaatan Ruang. *Seminar Nasional Space #3 Membingkai Multikultur Dalam Kearifan Lokal Melalui Perencanaan Wilayah Dan Kota*, 5, 158–168, 2016.
- [2] A. Niravita and R. Wahanisa. *Legislation Inventory in a Spatial Planning: A Normative Juridical Study*. 363(Icils)., pp. 41–42, 2019.
- [3] Hariyanto. Pengembangan Obyek Wisata Candi Gedongsongo Sebagai Laboraturium Ips Terpadu. *Jurnal Geografi*, Vol. 8. No. 2, 2011.
- [4] F.K.H.W Kartika. Pengaruh Perkembangan Infrastruktur Dasar Pariwisata Terhadap Minat Kunjungan Wisatawan Candi Gedong Songo Kecamatan Bandungan. *Jurnal Teknik PWK (Perencanaan Wilayah Dan Kota)*, Vol. 8, No. 4., pp. 217–225, 2019.
- [5] F. Riza. Tinjauan Hukum Tentang Urgensi Pengaturan Tata Ruang Desa. *Jurnal Nestor Magister Hukum*, Vol. 2, No. 2, 2017.
- [6] M. Wibowo. Model Penentuan Kawasan Resapan Air. *Jurnal Hidrosfir*, No. 1, Vol. 1., pp. 1–7, 2006.
- [7] Nugroho, A. D. *Pemanfaatan Aset dan Pengembangan Destinasi Candi Gedong Songo, Kabupaten Semarang dalam rangka Pengembangan Pariwisata Berkelanjutan* (Issue 732013611) [Universitas Kristen Satya Wacana], 2016.