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THE CHANCE OF BETTER IMPLEMENTATION OF DECENTRALIZATION PRACTICE

Study Case: Green Open Space Management in Medan City, Indonesia

MASTER THESIS

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ABSTRACT

Indonesia is one of the countries which have to deal with environmental issues, such as air pollution, water pollution, and green open space. They are usually problem in big cities which happen because of the rapid growth of population and development. The development itself has pushed the change to make the city more attractive. So often that this kind of development leads to the increasing of built area and the decreasing of green open space. However, nowadays, green open space is considered as important urban component. It contributes to sustainable development, landscape and environmental quality, quality of life, and citizen health. However, there is a consideration that green open space is declining in the quality and quantity because of the low priority in the political agenda at both national and local levels. This is showing that there is a relationship between the green open space and the administration systems of the government.

In this thesis, the discussion will be about the relationship between green open space and decentralization practice in Medan City, Indonesia. Medan City was chosen because of the fact that it is one of big cities in Indonesia, and the fact that the green open space in this city is decreasing. This research is aimed to identify how the local government practices decentralization in managing green open space and how the decentralized system can influence the condition of green open space. This is the main question. Besides, this research will also identify the relation between the local government and the central government, and also the problem they face related to decentralization in the local level. These problems are important to be identified, because in the decentralization practice there are not only intended consequences, but also risks or unintended consequences, especially related to environmental issues, in this case green open space. Thus, in the end, the possible solutions to improve the practice will be provided, so that the condition of green open space will be more controlled and managed well, or even increased in the future.

Keywords : *Green open space, environment, decentralization, multi-level governance, local government, central government, Medan City (Indonesia).*

PREFACE

The declining condition of green open space has attracted my attention since the first time I read news on the internet about it in Medan City, Indonesia. At the first time, I was thinking about trying to find solution for this problem from the technical aspect point of view. However, my supervisor then enlightened me that the problem of environmental aspect, in this case green open space, is not always related to technical aspect, but it can also related to the institutional condition. After several lectures given by him, my horizon of knowledge was opened and I started to read a lot of journals and articles about the relationship between environmental aspect and institutional arrangement, which is in this case decentralization practice. I came to the conclusion that decentralization practice influences the condition of green open space.

This thesis is the final requirement that I have to finish as part of my study in Master Program Environmental and Infrastructure Planning, Faculty of Spatial Science, University of Groningen (RuG), The Netherlands.

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ACRONYMS AND ABBREVIATIONS

BAPPEDA	: Badan Perencanaan Pembangunan Daerah (Local Planning Board)
BKPRD	: Tim Koordinasi Penataan Ruang Daerah (Local Spatial Planning Coordination Team)
IMB	: Izin Mendirikan Bangunan (Building Construction Permission)
P2KH	: Program Pengembangan Kota Hijau (Green City Development Program)
SPBMO	: Spatial Planning and Building Management Office (Dinas Tata Kota dan Tata Bangunan)

CHAPTER 1

INTRODUCTION

This chapter comprises the background, research objectives, research questions, the scope of the research, research structure and research framework. The background provides a general description about decentralization, green open space and short description of problem about those aspects in Medan City, Indonesia. The background will be followed by research objective which explains about the objectives that expected to be achieved in the end of the research, and research questions which will act as guidelines in order to answer the main questions of the research.

1.1 Introduction

Green open space is nowadays considered as important urban component. It contributes to sustainable development, landscape and environmental quality, quality of life, and citizen health (Jim and Chen: 2006). Swanwick et al (2003) stated that green space is valued as an escape from widespread urban air pollution. They also state that there is “a marked upsurge in interest in and concern about the quality and quantity of green spaces in urban areas. There are several reasons for this condition; one of them is the widespread concern at the condition of many parks and other urban green spaces which is declining in the quality caused by their low priority in the political agenda at both national and local levels.

This is showing that there is a relationship between the green open space and political agenda which also relates to the administration systems of the government. This research is about decentralization practice in green open space management in Medan City. As an introduction, the author will firstly give a description about the existing condition of green open space in Medan City. This was derived from the fact that Medan city is undergoing problem in green open space, which is drastically decreasing. The area of this city is about 26.510 ha, and 7.953 ha from it are supposed to be green open space area. But in fact, existing condition shows that the green space area in Medan city is only 8 % from overall area of the city. There is no formal data for this condition, but most of news and articles stated that the green open space in Medan city is now 5-10% of the overall area of the city (Sopoalam 2012, Medan Magazine 2012, and Medan Bisnis Daily 2013). This condition is the opposite of regulation from the Minister of Public Works Department, which implies that green open space in a city must be 30% from the overall

area (Law No.26/2007). This condition is also not relevant with the detail plan of Medan city which also pictured the location of 30% green open space on the map. This plan has become the guidelines in giving the permission of development to them who propose for it.

The decreasing of green open space in this city is caused by the massive shifting in land use. Based on the data from one of the officer who works in this field (interview result; the example of the letter will be attached in Appendix II), within 5 years (2005 to 2010), the government of Medan City had issued 29 letters from Medan Mayor which stated the function change of land use from park plan, green path, to settlements, public building, stores, and other kind of buildings.

After the fall of Soeharto in May 1998, some significant changes in the Indonesian political and administrative system have taken place. One of them is the shift of policy from a highly centralized system of administration, which had been instrumental in supporting national development for more than thirty years, to a decentralized one (Rasyid, 2002). The centralized system could not prove itself to respond the economic crises which attacked Indonesia in 1997. It caused a massive bankruptcy in the whole country, a lot of demonstration from students, and other social unrest.

According to Rasyid (2002), this illustration is showing that there was a failure of Indonesia's political and economic leaders to anticipate the coming financial crisis, and their incapability in managing and finding solutions to the crisis. It brought to the understanding of the weakness of centralized system. The failure was caused by the lack of time to observe, learn, and understand the global financial and economic tendencies. The government used most of their time to take care of the local affairs. On the other side, the local government who had very limited authorities could not be expected to help managing the impact of the crisis in their own regions.

When new President Habibie took over the position, one of the policy priorities he endorsed to the parliament was decentralization. This new concept was intended to empower provincial and local governments. With this new policy, some elements from the central government related to domestic affair are to be transferred to the provincial, regent, and municipal administration (Rasyid, 2002). Full autonomy is given to regency (kabupaten) and municipality (kota) level, while the province is given limited authority. Full autonomy means that they enjoy their own discretion to create and implement local policies as far as they do not violate national law and disturb public interests.

In executing decentralization there are legal regulations which have been changed with the new ones for several times, from the regulation no. 5/1974 to the recent one which is regulation no. 32/2004. In this case, the latest one will be used as the basis of information in how the decentralization is supposed to be done. In regulation no. 32/2004, it is stated that decentralization is aimed to accelerate the people welfare through increasing the quality of serving, empowerment, and the participation of community, and also the competencies of the local level. It also relates to the increasing of efficiency and effectiveness of local government activity by giving more attention to the relationships between the central and local governments and also by giving rights and obligations in doing the autonomy activity in one big country administration system. Besides, decentralization practice can also decrease the burden of the central government and open the opportunity for the local level to coordinate and explore their potencies in taking care of the region.

In the regulation, it is also stated that the government give the authority to the local governments to rule their region in every aspect, except for some aspects which is stated in the regulation to be the responsibility of the central government, they are: a. external politic, b. defense, c. security, d. justice, e. finance and fiscal, f. religion. Thus, the environmental aspect, which is the focus of this research, is one aspect which is taken care by the local governments. It becomes the responsibility of the local municipality to control the condition of the environment, with all of the autonomy power they have.

But then, does it work for the environmental aspect? Some theories say different things about decentralization practice. Some scholars talk generally about decentralization and the consequences which are divided into intended and unintended consequences, and some talks specifically about decentralization in environmental aspect. As a starting point of the intended consequences, Lemos and Agrawal (2006) stated three reasons for shifting the way of environmental governance from centralized to the decentralized one. They are: “it can produce greater efficiencies because of competition among subnational units; it can bring decision making closer to those affected by governance, thereby promoting higher participation and accountability; and finally, it can help decision makers take advantage of more precise time –and place- specific knowledge about natural resources.”

As unintended consequences, corruption is one of them stated by Prud’homme (1994), because corruption can be more widespread at the local level, moreover when there is no supervision from the central government.

Focus more on the environmental aspect, Zuidema (2011) stated that decentralization can be implemented for environmental aspect, because of several reasons, (1) such issues have strong relations with other local issues, priorities and associated stakeholders, and surrounded by diverging preferences, (2) these relations often have a time and place specific manifestation. Understanding the local context can be outside the span of control of the central government. On the other side, Zuidema (2011) also argued that decentralization should be accompanied by a clear understanding about the consequences and the condition that influence these consequences from happening. This is relevant for almost all of policy fields, especially environment. Environmental policy has some important characteristics that can make decentralization risky and instead provide argument in support of more centralized approaches. The characteristics are (1) a focus on protection, (2) economies of scale, routine, and efficiency, (3) cross border effects and social dilemma. They will be explained more in the next chapter.

From the whole introduction above, the author arrived to the question about the condition of Green Urban Space in Medan City, Indonesia. It is part of environmental issues which has been decentralized to the local government. On the other hand, theories about decentralization shows that this system actually has intended and unintended consequences that may happen. Thus, the author will try to connect the theory with reality about decentralization in environmental aspect in Medan City by answering several research questions provided below.

1.2 Research Objectives

The objective of this research is to identify how the local government practices decentralization in managing green open space, the relation with the central government, the problem they face related to decentralization. In the end, the author will also try to provide solution to improve the practice, so that the condition of green space will be more controlled and managed well, or even increased in the future. This research will also review the related legal framework exists, institutional framework, and the vision and mission of the city itself, also how the central government involved in the management of green open space.

1.3 Research Questions

To fulfill the objective of this research, the author will analyze several questions related to this topic. The questions are:

1. How is the decentralization framed and organized in term of the interaction between central government and the local government?
2. What are the consequences of decentralization practice in the case of green open space management in Medan City, Indonesia?
3. What is the possible solution of improving the decentralization practice in green open space management, based on the experiences in Medan city?

To answer those questions, several sub questions also have to be answered. They are:

1. What is the existing condition of green open space in Medan City?
2. What is the legal framework exist, the institutional framework, and the vision and mission of the city related to green open space?
3. What is the legal framework provided by the central government about green open space management and how the central government involved in managing the green open space?
4. How is the current management?
5. Is the management in line with the legal frameworks?
6. Who are the parties who concern about green open space in Medan City and how is their involvement in this matter?
7. What are the problems faced by the local government in this case?
8. What kind of assistance they need from the central government in executing the administration in decentralized way?

1.4 Research Structure

Research report is divided into five chapters. Content of each chapter can be described as follows:

Chapter 1: Introduction

This study was based on the question about the condition of green open space in Medan City which is decreasing. It was linked to the fact that Indonesia is implementing decentralization, since there are articles and journals that discussed about the decentralization and the consequences,

especially in environmental aspect. This becomes the base of this study, completed with the research questions that need to be answered.

Chapter 2: Theoretical Framework

This chapter discusses about the shifting from centralization to decentralization, also the consequences of implementing decentralization, and the problem solving strategies.

Chapter 3: Methodology

To answer the research questions in chapter 1, the methodology used mostly is in-depth interview. Because the author needs to interview several respondents to get deep answer about the real condition of green open space management in Medan City. Besides, literature review for articles, journals, and also regulations will be done.

Chapter 4: Research Result

The result of implemented methodology will be elaborated in this chapter. It will be about how the decentralization is framed, the green open space management related to the decentralization practice in Medan City, the problem faced in the implementation, and the solution they have so far, and also the assistance that is still lacking.

Chapter 5: Conclusion and Recommendation

This chapter consists of research findings, the answer of research questions and recommendation or proposal for the improvement of existing condition.

CHAPTER II

THEORETICAL FRAMEWORK

2.1 Centralization, Decentralization, and Hybrid Alternative

Centralization is the common term and way of governing for the last decades. The fact about centralization is stated by Pierre & Guy Peters (2000) that for most of the 20th century government enjoyed an unrivalled position in society in that it was the obvious locus of political power and authority.

In the late 1970s and early 1980s, there was a call for more elaborate and thorough going centralized (Lemos & Agrawal 2006). This was based on the fact that centralized governance was not able to control the economy condition. Besides, there was also a loss of faith in states as a reliable custodian of nature (Lemos & Agrawal 2006). Besides, it is also problematic for central government to deal with interrelated issues and policies. It requires horizontal coordination between various sectoral interest and policies and vertical coordination as causes and effects of these issues manifest themselves at different spatial scales. They often manifest themselves in unique way since space and time can really give different effect on it.

Thus, there is a need to change the way of governing from the centralized one toward alternative forms of governance whose effectiveness depends on the higher level of participation and greater involvement of citizen in process of governance (Lemos & Agrawal 2006), the capacity to cope with interrelated issues (Zuidema, 2011), and the technical capacity of the employee (Aden, 2001). Prud'homme (1994) called it as decentralization, which is “transfer of powers from central government to independent subnational governments”. Zuidema (2011) stated a term of *multi-level governance*, which is shifting of power and responsibility to both supranational and local levels. He argues that in this multilevel organization, governance is no longer based on just the hierarchical allocation of responsibilities, but also on how linkages between levels of authority (see also Bache & Flinders 2004, Marks & Hooghe 2001). Marks (1993) also defined Multi Level Governance as ‘a system of continuous negotiation among nested governments at several territorial tiers – supranational, national, regional and local – as the result of a broad process of institutional creation and decisional reallocation (1993, p.392). It shows that the shifting of power and responsibilities also relates to the linkages between levels of authority. However, this change are not just time and space specific, as

Zuidema emphasized that each policy area has its specific dynamics and creates its own arrangement.

However, decentralization is not a “quick fix” for the administrative, political, or economic problems. Its application does not automatically overcome lack of skilled personnel; in fact, it creates greater demand for them because the local governments have to do the decentralized aspects by themselves and thus must have their own skilled personnel. It does not guarantee that larger amounts of resources will be generated at the local level (Rondinelli et al, 1983). Thus, decentralization practice is not always leading to the favored impacts for the government administration, but also can be difficult to be implemented caused by the lack of resources for example, and leading to negative impacts caused by the conscious actions done by the government. They are called as consequences of decentralization which will be elaborated more below. (Lemos and Agrawal, 2006; Prud’homme, 1994; Utomo, 2011; Hadiz, 2004; Wunsch, 2001)

2.2 Consequences of Decentralization Practice

Related to consequences of decentralization, it can be divided into 2 (two) kinds of consequences which are intended consequences and unintended consequences. Intended consequences are them favored in implementing the decentralization, while unintended consequences are them which are not expected from the implementation. They are usually bad impact for the administration system of the government. These consequences will be elaborated in more detail below.

As been written in the introduction, Lemos and Agrawal (2006) stated three reasons for shifting the way of environmental governance from centralized to the decentralized one. They are: “it can produce greater efficiencies because of competition among subnational units; it can bring decision making closer to those affected by governance, thereby promoting higher participation and accountability; and finally, it can help decision makers take advantage of more precise time –and place- specific knowledge about natural resources.” (p. 303). These are several of the reasons why decentralization is important and can help for the betterment of local condition. They can be considered as intended consequences for decentralization in general (see also De Vries, 2000 and Oates, 2001). However, Lemos and Agrawal specified it a little bit in the last consequences, which is natural resource.

Another intended consequence of decentralization practice is to decrease the burden of the central government. For example, in centralized system, separate policies are

handled by separate divisions. Then, to formulate it into a certain regulation in certain field, the central government has to make sure and protect the coherency in the formulation and implementation. It is not easy to be done, because policy and condition are very dynamic and changing constantly, moreover when it comes to the local condition. Here, decentralization is aimed to help decreasing this burden, thus the central government can use their time and resource for other important things in larger scale. In other words, the burden of the central government can be decreased because the local issues can be handled by the local government.

However, there are also unintended consequences of decentralization implementation. Prud'homme (1994) stated that what decentralization means cannot be totally implemented. The local governments are never totally independent of the higher level of government. Prud'homme defines two spectrums, which are decentralization and deconcentration. Decentralization is defined as “truly independent subnational governments that are under the control of locally elected councils and/or mayors, and hold views and carry out policies that can be in complete disagreement with those of the central government.” On the other side, deconcentration is defined as “subnational governments that are mere creatures of the central government, with mayors appointed and fired by it. They are simply the subnational hands of the national administration and their task is to carry out the policies of the central government. In the reality, subnational governments fall somewhere between decentralization and deconcentration.

Another consequence of decentralization is that “decentralization might be accompanied by corruption” (Prud'homme:1994, p.10; Utomo, 2011; Hadiz, 2004). The corruption can be more widespread at the local level. Thus, by decentralizing power to the local level there will be more opportunity for corruption to be done. Local politicians and bureaucrats tend to be pressed by the local interest group whose money and votes count. It can happen because the local bureaucrats work in one place or local area all the time, thus they can build good connection with the local interest groups, while the central bureaucrats cannot do this since they have to move from one place to another. Even in some cases, the central bureaucrats live in Jakarta, the capital city of Indonesia, and never been to Medan City, thus they do not really have the idea about the condition of Medan City. In one side, this is good for local bureaucrats because they can build good connection with the interest groups, but on the other side it can be bad because local government can establish unethical relationship with the local group interests. This is not

in line with the intended consequence of decentralization practice which is efficiency. In term of this viewpoint, it is not efficient; moreover it can be harmful for the country.

The tendency of corruption is also caused by the opacity of the government. While decentralization has been implemented, the opacity may prevent the mass public from identifying and evaluating the role of specific agents, such as experts who play prominent roles in the building of relevant issues and action agendas. (Lemos and Agrawal, 2006).

“There is a cynicism that decentralization policies have typically been motivated by powerful state actors to enhance their own political position. Without effective safeguards against arbitrary exercise of localized power and clear relations of accountability, decentralization may lead to forms of regulation even more suffocating than those encouraged by more centralized control.” (Lemos and Agrawal: 2006 p. 305). The statement from Lemos and Agrawal above clearly stated that effective safeguards are needed to control the performance of local government.(De Vries 2000, Fleurke & Hulst 2006, Prud ‘homme 1994)

Wunsch (2001) also argues that in some cases of decentralization, “key changes in legislation and regulations are not made, leaving local government unable to discharge their responsibilities. Local personnel may be so poorly trained or paid that local functions break down, or local institutions are poorly designed, so effective local decision making is impossible.” James et al (2009) have the same thought about this. They stated that “the important issues in the coordination of responsibilities of urban green space management and governance may include limitations on existing statutory and non-statutory powers, availability of skills and effective communications amongst departments.” (also see Utomo, 2011, Prud’homme 1994).

It is more or less in line with the elaboration of Zuidema (2011) about the unintended consequences of decentralization practice, which more focus on environmental policy. They are: weak profile, economies of scale, routine and efficiency, and cross border effects and social dilemma.

Firstly, environmental policy is aimed to protect people and ecosystems against dangerous environmental stressor and risks. There are also motives such as legal security and equity push for similar levels of protection for all people and ecosystems. Thus, “there is a desire to install uniform and generic policies to make sure that all lower levels of authority implement similar levels of protection (Zuidema, 2011). This is aimed to yield the predictable and reliable outcomes. Leaving this protection to the lower levels can be problematic, because in most cases environmental issues are proven to be weak

interest compared to other interest such as economic growth, financial gain. Thus, the problem will appear when the government chooses the path to enhance the economic condition through the ways that degrade the environment. (see also Eckersley 1992, Jordan 1999, and Oates 2000). Further, Zuidema (2011) elaborated that there are several reasons for this condition. First, environmental issues can be difficult to understand by the politicians, stakeholders and local planning professionals. There are several jargons used which are not heard very often in daily conversation, such as decibel, concentrations of small particles, etc. Secondly, environmental stress is not always tangible. In this case, related to green open space, it is not easy to measure how green open space can contribute to public health, to the reduction of air pollution, etc.

In conclusion, *“the weak profile on environmental interest and issues makes it little realistic that each locality or region will install minimum protection levels. In addition, even if they would, these levels would quite likely be different and hence cause undesired inequalities.”* (Zuidema, 2011 p. 50)

Secondly, many environmental issues call for high levels of technical expertise.(Oates, 2001). For instances, in the case of green open space, it is related to air quality. This issue is one quite common for any local authorities. They need to hire technical expertise, and the central government can do this easier than the local government can do (Flynn, 2000). It is also more efficient to install central policies and regulations. *“Specialist knowledge can be united on a higher scale and be translated into common procedures and regulations that apply locally.”* (Zuidema, 2011 p.51)

Third, cross border effect and social dilemma. Cross border effect relates the environmental issues which have cross-border effects, which means that the pollution does not affect only the jurisdiction where it is created, but also other surrounding jurisdictions. This kind of environmental issue often behave as social dilemmas. It relates to situation where there is no conformity between individual interest and common interest. It can lead to a selfish behavior to just do the activity that is polluting but let other jurisdiction to handle the issue. One example that might happen in the case of Medan city is related to the fact that green open space is needed because it has something to do with people’s health, it allows the air quality to flow around the city, thus the air quality will improve, help people to be more relaxed (van den Berg et al, 2010). There is a probability that the government of Medan City might think that this kind of issue can be handled by the adjacent cities or jurisdictions.

Intended consequences of decentralization are things that we would like to see as the result of implementation. Therefore, there is no need to see how to fix them, only how to improve it. Meanwhile, unintended consequences are those who need to be fixed. Following is the possible solution in handling there unintended consequences of decentralization practice.

Regarding decentralization in Medan City, especially the study case in the green urban space, there are several risks that are likely to happen. They are: corruption, which is related to building unethical relationship with the local group interest, and also the lack of willingness and capacity of the local bureaucrats in handling and managing the green open space in Medan City. It relates to the weak profile that is owned by the environmental policy.

2.3 Possible Solutions in Handling the Unintended Consequences of Decentralization Practice

From above explanation, the author argues that full centralization practice has its own deficiencies, and so does the decentralization practice. This leads to the need of new means of organizing and governing, which is more mixed or hybrid networks in which governance occurs (Zuidema, 2011). Jessop (1994) argued that these networks involve both horizontal and vertical sense. Horizontally, this network involves the link between the government with other actors, like society and market actors. Vertically, it is related to the connections between various level of authority (see also Rhodes 1990). This is what has been explained before in 2.1, which is about multi-level governance. Bressers and Kuks (2003) suggests that “sectors in society are not governed on one level, or on a number of separate levels, but through interaction between these levels (...) one reason for this is a growing recognition that the problem situation itself often contains various interacting levels (such as environmental problems). This whole has been called multi-level governance” (2003; p.1, see also Bache & Flinders 2004, Bernard 2002, Pierre & Guy Peters 200).

It can be seen from the scientific writings discussing the need to implement the way of governing in the middle of both ends of spectrum. Decentralization can be implemented up to certain level, but still need certain kind of safeguard to improve the outcome, especially when it comes to environmental issue which relates to protection of ecosystem and especially public health. It is expected that there is little error and therefore, demands predictable policy outcomes.

Zuidema (2011) argues that hierarchically organized of control would increase not only the reliability of organizational outputs and also would lead to predictable results. It would result in a direct hierarchical exercise of power to ensure the delivery of centrally decided policy objectives. Besides, this kind of governance organization “is intended to do exactly that: ensure that centrally decided protection levels are implemented and maintained without exception” (Zuidema, 201, p.26).

In the same way of thinking, Aden (2001) also said that the environmental degradation depend on to what extent decentralization goes forward with adequate environmental safeguards. Aden also argues that the benefits of decentralization with safeguards can include the improving of resource outcomes (more efficient, sustainable resource use and conservation of protected resource). (see also De Vries 2000, Prud’homme 1994).

He suggested 3 main attempts at improving the coordinative model in environmental policy. In here, the author is not talking about keeping the coordinative model as the way of governing, but looking at it from the purpose side of the attempts, which is keeping the control from central government to the sub-government and stakeholders involved. This is in line with the ‘safeguards’ way of thinking in implementing decentralization by Aden (2001) as mentioned before. 2 (two) of the attempts are: additional coordinative policies and improved enforcement. First of all, additional coordinative instruments can be introduced as a response to the limits of existing instruments. Adding more regulation can help increasing government’s capacity to produce more control. Secondly, the implementation and enforcement of existing policies is also an attempt in improving the coordinative model. It urges for more attention to the process and making sure that implementation takes place.

However, even though the government system is shifting away from the full control, this kind of coordinative policy is still needed by the local government in the meantime especially when it comes to regulation issue. Local authorities do not always have the adequate legal competences for issuing such tools, nor are they always inclined to do so.

Meanwhile, there is an emergence of the concept of *subsidiarity*.

“Subsidiarity asserts that central authorities should only perform the functions that they can perform better than other (lower) levels of authority. The underlying logic is that there are many functions that can well or even better be performed by lower levels of authority. Then depending on the service or function to be performed, an assessment should be made of ‘which level should do what’.” (Zuidema, 2011).

This relates to the unintended consequences of decentralization related to environmental issue explained before in sub chapter 2.2. It means that full decentralization in all aspects can be resulted differently in every country. As stated before that the uniqueness is not only about space and time, but also each policy has its own uniqueness. It is important to look carefully the best way of governing for each kind of policy, in this case environmental aspect. As stated by De Vries that “the tendency to try to solve problems only by changing the division of responsibilities and powers, without looking at the real causes of such problems or at the substantive merits of existing policies, may well be another example of a symbolic policy”. (2000:p.220)

This also relates to the suggestion from Prud’homme (1994) about different treatment of different functions, which are:

1. The design of investment

It is often difficult and technical. This is often related to economies of scale issue, thus cannot be easily decentralized and better be the central government function.

2. The choice of investment

It relates to geographic dimension, institutional dimension, and social dimension. This function can be decentralized, because the local authority knows best about those dimensions in local realities.

3. The construction of facilities

It is not applied for green open space case.

4. The operation and/or regulation of the facility

It is better to be decentralized, because the central government does not have appropriate information of local condition.

5. The maintenance of facilities

It is also decentralized, because local government is closer to the facility and know more about the information of the local area.

6. The monitoring and auditing of service performance.

It is a function best suited for the central government which has the expertise, the independence, and the elements of comparison that make monitoring useful.

It is in line with Gershberg (1998) that related to regulation, it is important to know which level of government and which agencies have the responsibility in developing, designing, implementing, and also maintaining and enforcing them. It is not applicable if there is a constricting level of over-control. However, central governments must provide

the regulatory framework, or at least setting the minimum standards for service levels and outcome goals.

Aden (2001) created a table consist of suggested roles of each level of government in decentralization of natural resource sector, in this case green open space.

Table 1. Decentralization of Natural Resource Utilization and Environmental Safeguards Functions by Level of Government

Responsible level	Functions
Center	<ul style="list-style-type: none"> • Provide legal framework that defines clearly responsibilities and services to be provided at central, provincial, and district levels, how each level will generate revenues, and how their performance will be evaluated. Set minimum national standards. Specify a notional timeframe for transition, recognizing that implementation will necessarily be asymmetric. • Set policy and get out of operations, except where functions are specifically reserved to the center or activities cross regional boundaries, and reorganize central agencies and fiscal balance accordingly • Deliver training (mainly training of trainers to provinces), to build knowledge of minimum standards and service delivery capacity. • Monitor compliance with national minimum standards and be prepared to recentralize functions where compliance is lacking.
District	<ul style="list-style-type: none"> • Build capacity to deliver natural resource utilization and environmental management services. • Build accountability to local community and upward • Pilot integrated regional planning, permitting, environmental safeguards and monitoring of natural resources utilization for within-district and small-scale activities. • Self-compliance monitoring and reporting to local community and upward to province and center. • Asymmetric transfer of authority and sharing of responsibility at district level, based on different natural resources endowments, population, capacity and level of constituency development.

Source: Aden (2001, modified)

Rondinelli et al (1983) argues that there are several ways in which central government agencies can provide assistance to weak local administrations: “by offering training; by seconding personnel from central agencies to meet pressing staff shortages at the local level; by supervising and assessing local projects and providing technical assistance when problems or weaknesses appear; and by creating a national cadre to supply personnel to agencies at provincial, district, and local levels.” They also wrote that “studies of decentralization in Africa and Asia suggest that the functions transferred to local administrative units must be suited to their current or potential managerial capacities. Functions should be allocated to local units incrementally, as they meet performance criteria. More complex functions should be transferred only after local units increase their administrative capacities and resources.” Besides, there is a need to write the decentralization laws concisely and the regulations should describe the relationships and obligations of officials and citizens, the allocation of functions among units, and the roles and duties of leaders at each level in a clear and simple way.

Given these benefits, risks, and doubts of decentralization, the author has an intention to relate to decentralization in Indonesia, especially regarding green open spaces management. The reason is because the green open space has a lot of characteristics that resemble environmental issues and they have something to do with weak profile. Then, it can be risky to be decentralized. That is why the author expects that from the condition and figures that can be seen in Medan and also the choices that have been made regarding bending the rules, and forgetting about the master plan of the city, that it has something to do with the fact that green open space is not prioritized. With more pressure from the national government it might have been prevented.

It has been stated before in 2.2 that there are several risks that are likely to happen, regarding decentralization in Medan City. They are: corruption, which is related to building unethical relationship with the local group interest, and also the lack of willingness and capacity of the local bureaucrats in handling and managing the green open space in Medan City. This becomes the author’s hypotheses in doing this research, because in the end this study will come up with the possible solution to handle the consequences of decentralization practice. To make it more understandable, a conceptual model in the form of a table is provided below. All of them will be divided into likely to happen (high risk, medium risk, and low risk) and not applied.

Table 2. A conceptual model of the theory and the possibility of existence
in Medan City

No.	Risk of decentralization	Possibility of happening in Medan City	Possible response
1.	Corruption	High risk	Pressure through robust regulation; audit
2.	Uncontrolled performance of the local government	High risk	Safeguards, robust regulation
3.	Local institutions are poorly designed	High risk	Support/assistance from Central Government
4.	Lack of effective communication amongst departments	Low risk	Robust regulation
5.	Weak profile		
	a. Limited ability	High risk	Support/assistance from the central government: <ul style="list-style-type: none"> - Offering training - Seconding personnel - Providing technical assistance - Creating national cadre
	b. Limited will	High risk	Robust regulation, safeguards
6.	Economies of scale		
	a. The need to hire expert	Low risk	Support from central government (central government can recruit the experts)
	b. The fact that specialist knowledge can be united on a higher scale and be translated into common procedures and regulations that apply locally	Low risk	Support from central government (the central government formulates the central guidelines before being translated into local regulation)
7.	Social dilemma	Not applied	

Source: author's analysis, based on theories

This table represents my hypothesis for this research. From the review, it can be seen that there are several risks that are likely to apply in Medan. Out of 7 (seven) points of risk, only 1 (one) point is not likely to apply in this case. In the table, the possible responses are also mentioned based on the theories elaborated earlier in this chapter. The possible responses for the risks are around robust regulation, safeguards and audit, and supports/assistance from the central government. Thus, this is more about the multi-level governance which is based on the interaction between levels in the governing system. It is also about subsidiarity, where each level of government is responsible for aspects that they are capable of. The aspects in society are not taken care by only 1 (one) level of government.

The possible responses stated in the table may have been applied by the central government and the local government of Medan City. However, to ensure about it, an analysis will be done in chapter 4, based on the reality, research, and also related to the hypotheses in this chapter. This is to find out, what responses that have been applied and how far they have applied them in order to minimize the risks of decentralization practice, especially in green open space management.

CHAPTER III

METHODOLOGY

3.1 Qualitative Research

This study uses qualitative method in its analytical process. Qualitative methods constitute a broad range of different ways to collect data. A characteristic of these methods is that they are non-numerical. In other words, they do not focus on quantities or on the counting of data. Instead, they focus on the significance that derives from the data. Rasmussen et al (2006) stated that “Qualitative methods are typically used either for exploratory studies in which little is known in advance, or for studies in which it is important to go into depth as regards the respondents’ less tangible precursors of behavior.” Thus, the more complex issue is, the more people will use qualitative methods instead of working with quantitative such as questionnaire, because the motive of the respondents are more concealed.

The most used qualitative methods are in-depth interview and focus group interview. This study will mainly use the in-depth interview. The reason is because this study focuses on the intended and unintended consequences of decentralization practice, and there is a tendency of people to conceal important things, especially the local government officer. They will tend to give diplomatic answers and be safe in answering the questions. To cope with this, author will intentionally not choose any senior staff members who have more political profile, because they have bigger tendency to conceal things.

3.2 Methods of Collecting Qualitative Data

3.2.1 Secondary Data

Secondary data is the data produced by others. It is usually in the form of literatures, news, books, and articles, or other literatures provided by the institution, such as regulation, guidelines. Rasmussen et al (2006) differentiate between internal source and external source. Internal source is the source from within the organization and can take on a wide variety of forms in relation to the problem at hand. In this study the internal source will be the regulation about green open space management, the information about activities within the organization who is involved in the management like Public Works Office and BAPPEDA (Planning board in local level) who relates to the plan making and implementation of the plan, especially the green

open space issues. Other internal sources are the guidelines made by the local or central government in the case of green open space management.

Besides, there is external source. External data from outside the organization can come from a wide range of possible sources. It could be the previous studies of the current issue, material from other companies, expert assessments, articles from newspapers or magazine, and the like. In this study, the external source will be articles and news from the internet, also archive from NGOs who are related to the green open space in Medan City. In this study, all of those types of secondary data will be used to support the preliminary information and the research findings.

There are several considerable advantages and problems of using secondary data in doing research. This is important to know, so that when doing the research the author can really prepare for the worst condition. Below are some of the advantages of secondary data (Rasmussen et al, 2006):

- Secondary data make it possible to plan the collection of primary data significantly better and can provide information about the way in which in other studies have been formulated,
- It becomes possible to follow a historical development. Using this historical development it will often be possible to make assumptions as to the course of future development.

These advantages are true related to this study. The history of changing administration system from centralized to decentralized, the news and articles about the condition of green open space in Medan City, and other kind of information needed to see how the management is conducted. However there are also problems associated with the use of secondary data. Rasmussen et al, 2006 explained several problems, some of them are:

- It's often found that secondary data have not been updated for a long time.
- It can be difficult to see who produced the secondary data and for what purpose. We have to be extremely critical about the quality and usability of these data.
- Even though we may able to find relevant secondary data, the knowledge it comprises may be superficial or only partially covering the topic.

The first problem stated above can be applicable for this study, because it happens most of the time that the data, especially statistics data, are not periodically updated. The third problem has to be given an attention, because what a secondary data provides may not be relevant with what actually happened in the field. In this study, there are many articles and news available, also the regulation and guidelines needed. But, still a deep digging of information is needed to know what actually has happened and are happening. In this case, primary data is important to make the study complete.

3.2.2 Primary Data

Primary data is the data collected by them who do the research. For the qualitative research, there are 3 (three) basic types of methods for primary data collection (Rasmussen et al, 2006). They are:

1. Observational methods: in these methods, the phenomenon to be studied is observed without any question being asked.
2. Experiments: this is often used in medical science and psychology
3. Questioning techniques: In this method, respondents are asked about something and their answers are used as data in the study. Questioning techniques extend from the very informal and unstructured interview to the very structured questionnaire.

In this study, the last one is the most suitable method to be done, since the author needs to ask related persons from the offices in local government and also from the central government. However, the interview will be done in semi-structured way. The primary data will be collected by doing in-depth interview to different respondents permitting a completely open answer. The questions that will be asked to them are the same, in order to see the variation of answers so that a conclusion can be drawn. In doing this, the interviewer will use an interview guide to make sure that all the important things needed are answered.

The advantages of primary data for this study are:

- It is completely up-to-date
- Primary data sometimes can show the hidden truth about certain things that cannot be exposed by secondary data, especially when interviewer has a great skill in questioning the source.

3.2.3 In-depth interviews

In-depth interview is the method used to gain the primary data. It is explained in different sub-chapter, because it is the core of this study. It is important to know who to do the interview. There are certain requirements, especially about the time. Many researchers discover that it is rarely an efficient use of time to interview for more than 2 hours, since both the interviewer and interviewee become tired.

The content of the interview is determined by how structured the interview is. Mostly, an interview guide is used when doing an interview. Thus, it is not an unstructured interview. This interview guide is the core in in-depth interview (Rasmussen et al, 2006). This is what is used to manage the interview and it determines what data the interviewer ends up collecting. The question guide does not involve a long list of questions but is more a brief overview of the central themes of the interview. The aim of such a guide is to act as a backup for the interviewer to see how far the interview has progressed. Besides, it is also to give more open room for the interviewee to talk much without any influence. (See appendix I for the list of questions used for interview guide)

CHAPTER 4

GREEN OPEN SPACE MANAGEMENT IN MEDAN CITY, INDONESIA

4.1 The present condition of green open space in Medan City

It has been stated in the introduction, that the green open space in Medan City is decreasing. The area of this city is about 26.510 ha, and 7.953 ha from it are supposed to be green open space area. But in fact, existing condition shows that the green space area in Medan city is only 5-10% of the overall area of the city (news from internet, see chapter 1). From interview with the officer in Local planning board (BAPPEDA – *Badan Perencanaan Pembangunan Daerah*), it is stated that the green open space in Medan City is now only 7 %. This condition is the opposite of regulation from the Minister of Public Works Department, which implies that green open space in a city must be 30% from the overall area (Act No.26/2007). This condition is also not relevant with the detail plan of Medan city which also pictured the location of 30% green open space on the map. This plan has become the guidelines in giving the permission of development to them who propose for it.

The decreasing of green open space in this city is caused by the massive shifting in land use. Based on the data from one of the officer of Spatial Planning and Building Management Office – SPBMO, within 5 years (2005 to 2010), the government of Medan City had issued 29 letters from Medan Mayor which stated the function change of land use from park plan, green path, to settlements, public building, stores, and other kind of buildings (see appendix II for examples).

Pictures below are one of the examples where a spacious piece of land is changing and developed into a retail centre area. The development is based on decision of The Mayor of Medan City No. 593/911.K/2007 about land use change from green area to housing and retail on 14hectare land. This decision was issued by considering Rencana Sub-sub wilayah (RSW) which is the detailed plan of Medan City, enacted in 1979. In the decision letter, there is no statement about how many percentage of the area has to be preserved as green open space. (see table 2 point 2, p. 17) However, it can be seen from the pictures that green space is provided even though only in a small percentage.



Figure 1. Changing of land use in Polonia, Medan, Indonesia
from green area to housing and retail
Source: primary data (2013)

In other cases, there are several housing complex which are still being developed at the moment. From author's own site inspection, the bases of the houses occupy the whole land, which was in fact proposed to be a housing complex with spots for green open space. From 3 (three) sites which were inspected, it happens to all sites. It shows that there is no conformity between the site plan and the implementation. However, it was not possible to take picture of the sites.

This is one of the phenomena that development and changes are taken place in Medan City, occupying green open space. However, it is not easy to find the data about how much green open space exist in Medan City. It has to be the obligation of Dinas Pertamanan, who takes care about the public green area in the city. The BAPPEDA can provide it, but not in total area of Medan City, only in several sub-districts. They use this

data as the basis for doing study about the need to improve the green open space in Medan City.

Based on the data from BAPPEDA, below is the green open space area in several sub-districts in Medan City.

Table 3. Green Open Space Data in 8 sub-districts in Medan City
(out of 21 sub-districts)

Sub-District	Area (Ha)	Area of green open space (Ha)	Percentage of Green open space area (%)	Green open space allocation in the detail plan (Ha)
Medan Polonisa	901	9.93	1.10	65.2
Medan Kota	527	3.6	0.68	15.0
Medan Maimun	298	3	1.01	13.1
Medan Barat	533	1.48	0.28	31.0
Medan Petisah	682	6.31	0.93	17.6
Medan Timur	776	5.61	0.72	5.9
Medan Baru	584	4.03	0.69	21.3
Medan Area	552	0.0314	0.01	5.4

Source: Studi Pengembangan Ruang Terbuka Hijau, BAPPEDA Kota Medan, 2011

The table shows that there is still need to have more green open space in Medan City. This data was provided by the BAPPEDA of Medan City. They have this data for a study about the need to have more green open space related to the air quality of Medan City.

4.2 The legal framework and the institutional framework

4.2.1 The legal Framework

In implementing decentralization, there is a law used as the foundation, which is Law No. 32/2004 about Local Government. In this law, the rules about the role of central government, the local government, their relationship are explained. However, regarding the green open space management, there is another Law that will be discussed, which is Law No. 26/2007 about spatial plan. Green open space is part of the spatial plan, thus, the management mechanism can be explained by this law. Next to that, to make it more detail, the central government has provided the guidelines in which the local government can use in providing and utilizing the green open space in the city. This is the Regulation from Minister of Public Works No. 05/PRT/M/2008 about the Guidelines for Provision

and Utilization of green open space in city area. All of these regulations will be explained in more details below. The technical guidelines regarding building construction permission is also given in the regulation from Minister of Public Works No. 24/PRT/M/2007.

Law No. 32/2004 about Local Government

To see how the regulation arranges the decentralization and the relation between the central government and local government, Law No. 32/2004 about Local Government is the one that will be discussed here. In the article 3 point 3, it is stated that the local government can make use the autonomy power, except for the aspects which are in the domain of central government. In the next point, it is stated that in executing the system, the local government still has relationship with the central government and other local government.

In the chapter III of the law, which is about the division of government work, it is stated again in the article 10 that the local government can make use the autonomy power, except for the aspects which are in the domain of central government. The aspects which are taken care by the central government are: a. external politic, b. defense, c. security, d. justice, e. finance and fiscal, f. religion. On the other side, there are 16 aspects which are decentralized to the local government. However, aspects related to green open space are: a. planning and management of development and b. planning, utilization, and supervision of spatial plan.

In the article 27, it is stated that the head of local government, in this case Mayor, has to submit an annual report to the Minister of Internal affairs, via the Governor. For the management of employee, it is stated in the article 129 that the central government does the management of employee centrally, including the competencies improvement. Regarding the regulation, local regulation is the breaking down of the central regulation with respective characteristics of the area.

In chapter XII about supervision, it is stated that there are several kind of assistances given by the central government to the local government which are done periodically. They are:

- a. Coordination between jurisdictions,
- b. Guidelines and standard in governing,
- c. Giving assistance, supervision, and consultation regarding the implementation of administration.

- d. Education and training,
- e. Planning, research, development, supervision, and evaluation of the administration
- f. System implementation

Law No. 26/2007 about spatial plan

To be more detailed, there is a specific regulation about spatial plan, which is Law No.26/2007. In the article 8 it is stated that the central government has the authority to control, assist, and supervise the spatial plan activity and the implementation in every city, while the authority of the local government is controlling and supervising the implementation of spatial plan and working together with other jurisdiction. It is also obligatory for the local government to implement the minimum service standard (SPM) in the spatial plan. If this standard cannot be implemented well, the province government, as the representative of central government, can do something base on the law and regulation.

This SPM is the right and obligation that have to be implemented to guarantee that the people get the qualified basic services evenly in the implementation of spatial plan. In the Regulation from The Minister of Public Works No. 14/PRT/M/2010 about the minimum service standard for public works and spatial planning aspect, the SPM related to green open space are:

- a. Building construction permission
- b. Land use permission
- c. Provision of 20% public green open space.

It is also stated in this regulation that in the local level, the mayor has the responsibility to implement these basic services. However, it has to be done by the experts with qualification and competencies in the field. Meanwhile, the monitoring and evaluation are done by the governor as the representative of central government. The result of monitoring will be used as input to develop the local government capacity to implement the SPM, as a consideration to give rewards or incentive for the local government with good achievement, and also as the consideration to give sanction for the local government who cannot pursue the SPM in time.

The assistances that can be given by the central government to the local government as stated in this law are more or less the same with what is stated in the Law No. 32/2004 about Local Government which arrange the relationship between central government and the local government, but these ones focus more on spatial planning aspect. They are:

- a. Coordination of the spatial plan implementation,
- b. Socialization for the regulation and the guidelines in spatial planning aspect,
- c. Assistance, supervision, and consultation for the spatial plan implementation,
- d. Education and training,
- e. Research and development, and
- f. Development of information and communication system in spatial planning.

Related to green open space, it is clearly stated that the green open space of the city must be 30%, consists of 20% for the public space and 10% for the private space. This amount is the minimum amount to guarantee the balance of city ecosystem, be it the balance of hydrology system and microclimate system, in order to improve the availability of clean air that is needed by the people living in the city. Besides, it can increase the aesthetic value of the city.

The public green open space can be controlled by the local government, but for the private green open space, as stated in the Regulation from Minister of Internal Affairs No. 1/2007, that it is the responsibility of persons or community that is controlled through the permission from the local government. What is included in the public green open space are city park, cemetery, green line along the road, river, and coast. While the green open space included in the private green open space are garden, or the yard owned by the community or private sector.

Back to Law No.26/2007, it is stated that the control for spatial plan implementation is done through zoning system, permission, incentive and disincentive, and sanction. Related to this study, the permission to change the land use is very much related to green open space management. It is also stated that the mechanism of giving permission is the authority of each city. The land use permission that is issued but then proved to be not in line with the spatial plan can be cancelled or revoked by the central government and the local government with certain mechanism. Incentive and disincentive are related to the tax that has to be paid by the developer, compensation, and penalty for them who do not comply with the spatial plan. On the other side, for them who comply with the spatial plan, they can get lower price of taxes, subsidy, easier permission procedure, and also appreciation. However, incentive and disincentive and disincentive can be given by central government to the local government, local government to the local government, and the central government to the community. Sanction is given when there is land use which does not comply with the spatial plan, in the form of building demolition.

Regulation from Minister of Public Works No. 05/PRT/M/2008 about the Guidelines for Provision and Utilization of green open space in city area

In previous law about spatial plan, aspect about green open space is not much explained, because there is a guideline about this in detail. This guideline is used by the local government to achieve the 30% green open space in the area.

Below is the flow of creating the action plan.

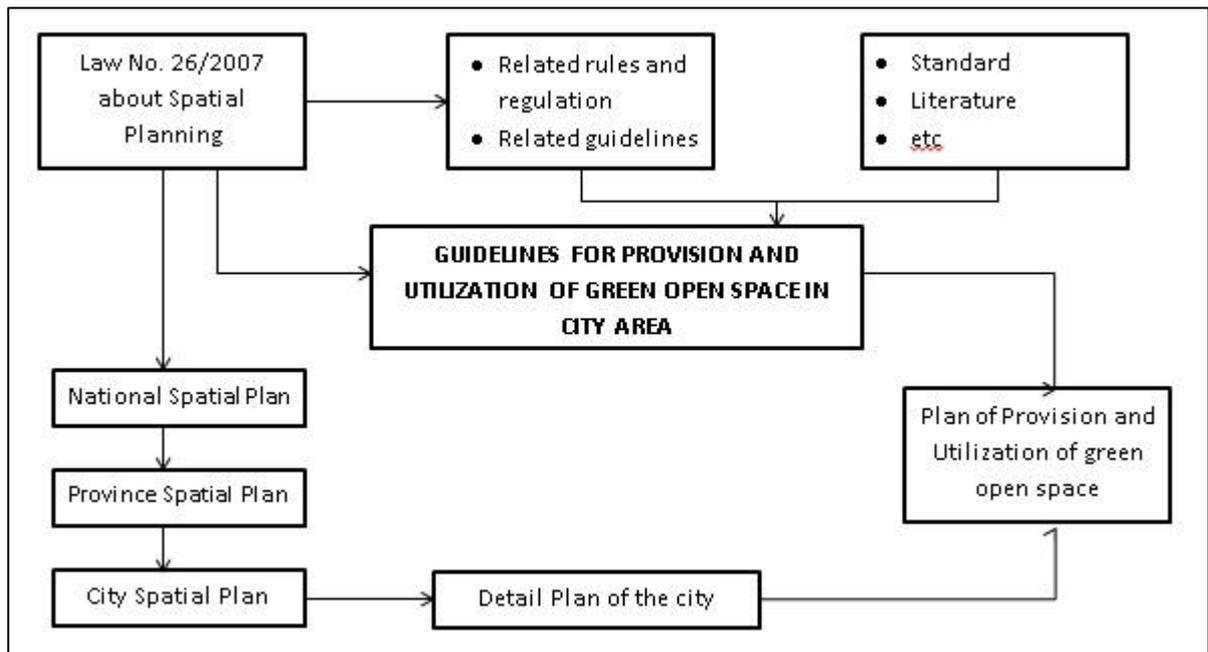


Figure 2. The position of guidelines in the process of making action plan for provision and utilization of green open space

Source: Guidelines for Provision and Utilization of green open space in city area
(Translated into English)

From the flowchart, it can be seen that this guidelines is important in the making of action plan for achieving the goal, which is 30% of green open space. It provides the detail information needed by the local government, for example: the function of green open space for the city, how to measure the area of green open space based on the density of the inhabitants, criteria for the vegetation for the settlement, for the park, etc. everything is explained very detail, including the role of community, and non-government organization.

In another guideline about the building construction permission, it is stated that the local government has to inform the one who propose for permission about the allocation of the location on the spatial plan of the city. It means that, in order to get the permission,

the proposer has to abide by the rules applied for the location which is related to the spatial plan of the city. It relates to the conformity between the spatial plan and the proposal.

Green City Development Program (P2KH)

Based on the regulation that the city has to provide 30% of green open space, this program was started by the ministry of Public Works as one of the efforts to fulfill the law no. 26 /2007 about spatial planning, especially related to green open space. This program is done together with the province, District, and city governments.

The form of the action for this program will be justified with the condition and the readiness of each city and district. In 2011, this program was initiated by collecting the commitment from each city and district to formulate the local action plan. This plan is part of spatial plan implementation.

The aim of this program is to improve the quality of city through the manifestation of 30% green open space which is also part of implementing the spatial plan in the area. Secondly, this program is also aimed to increase the participation of stakeholders in implementing the agenda of green city. While the objectives are: The initiation of real actions as the manifestation of green city in implementing the spatial plan of the city/district, through: (P2KH Guidelines book, 2011)

1. The making of green map
2. The making of master plan for green open space,
3. Public campaign/socialization
4. Capacity building activity (workshop, training, etc)
5. Implementing the pilot project of green open space as an example.

There is a scheme in realization of green city, which is as follow.



Figure 3. Green City Realization Scheme

Source: P2KH guidelines book, 2011

The figure above shows the division of work among the central government, local government, and community. In order to obtain the green city, there are 8 (eight) attributes of it, which 1 of them is green open space, regarding the quality and quantity.

In this program, they also have proposed the strategies to have 30% of green open space in cities. They are:

1. Composing the master plan for green open space and legalize the local regulation about this,
2. Deciding the area that cannot be built and have to be reserved (part of spatial plan),
3. Green building,
4. Increasing the amount of green open space, by buying pieces of land in the dense area and transform the land into park.
5. Increasing the quality of the existing green open space
6. Private green open space acquisition, it includes the obligation of developers to provide public facility in their area, at least 20 %. It also includes incentive for the community who agree to sell their lands in the form of tax reduction.
7. Developing the green corridor
8. Improving the public participation.

4.2.2 The institutional framework

In the previous explanation, there was a discussion about the SPM that are related to green open space, they are:

- a. Building construction permission
- b. Land use permission
- c. Provision of 20% public green open space.

These SPM are done by the related offices and boards. In the government of Medan City, BAPPEDA and Spatial Planning and Building Management Office (SPBMO) are those who are responsible for the SPM stated before. They are the institutions that take care about green open space in Medan City. BAPPEDA takes care mostly about the making of plan, monitoring, evaluation and reporting in the realm of local development plan, monitoring and evaluation of the overall result of local development, and related stuff. However the plan here also relates to the third SPM stated before. For example, the P2KH which has been explained before in the legal framework is mostly done by BAPPEDA. Thus, explicitly, BAPPEDA is one board responsible for achieving 30% green open space. Next to that, BAPPEDA has also done a study about the need to increase the green open space in Medan City. This was related to the fact that Medan City need to get more fresh air, and people need to be healthy. The result was, in several areas, the green open space is not enough. The data can be seen in the table 1 (Green Open Space Data in 8 sub-districts in Medan City)

The author argues that SPBMO also relates to this goal implicitly, because based on the interview with one of the officer from this office, SPBMO relates very much with issuing permissions (the first 2 (two) SPM stated above). This permission can be the legal foundation to change the land use from green area into built area. Thus, while BAPPEDA takes care about the plan, this office takes care about the implementation. There are several responsibilities of this office. In general, this office is responsible to arrange, develop, and control the city plan, the arrangement of permission and management of city development in line with the land use planning and the policy made by the government. While those which are related to green open space and land use management in details are as follows (Decision of Mayor of Medan City No. 66/2002 about the task and function of SPBMO):

1. Implementing the plan based on the city plan and the policy enacted by the government and the regulations,
2. Serve the people in the issuing of building construction permission (IMB).

3. Supervise the preservation and the policy in the spatial plan and building management and technical aspect of construction that have been enacted, together with other offices.

From the elaboration above, it can be seen that in the institutional and legal framework arrangement, the central government has provided the regulation and assistance to arrange the governing system in local level. (see table 2, p. 17) The central government has also provided assistance in the form of *Green City Development Program (P2KH)*. This project is aimed to make it easier for the local government to reach the 30% of green open space in their local area. This is in line with the risk of economies of scale (table 2, point 6, p. 17) which explained that specialist knowledge can be united on a higher scale and be translated into common procedures and regulations in the local level. In this case, the response has been done by the central government.

4.3 The current management of green open space in Medan City

As stated before, the most office who concern about green open space are BAPPEDA and SPBMO. However, there is also other office such as Landscape and gardening office. But this office only takes care of the existing green open space and maintains the condition. They have a little thing to do with the increasing or decreasing of green open space in Medan City.

In issuing the building construction permission, SPBMO has the mechanism, which is as follow:

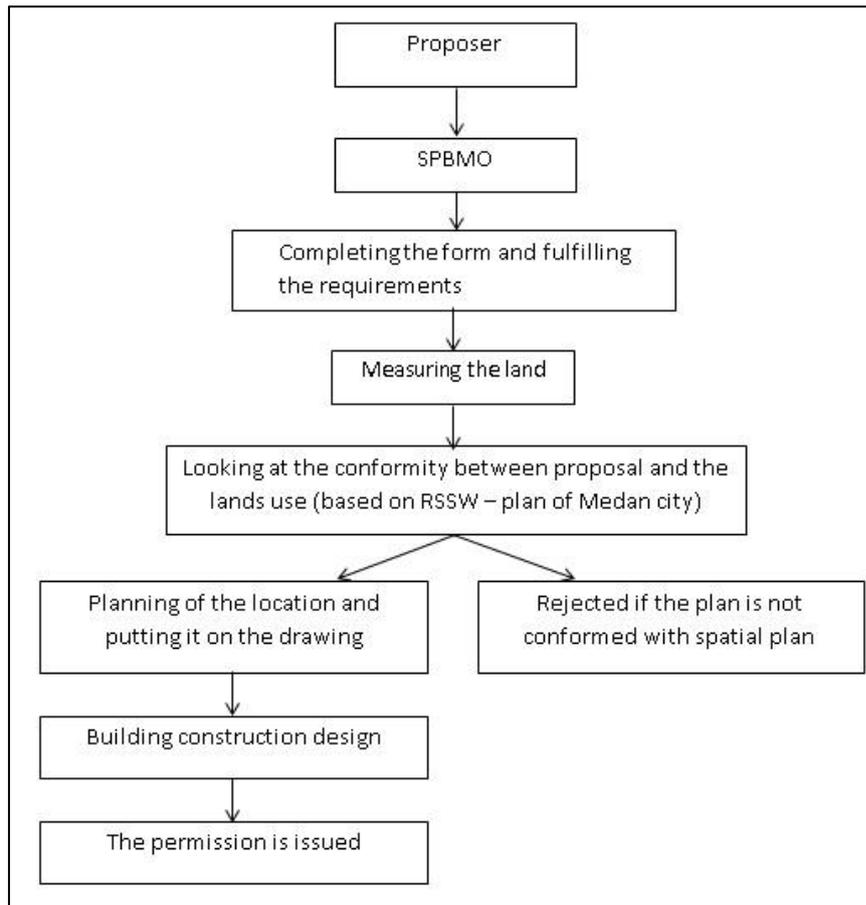


Figure 4. The mechanism of building construction permission

Source: SPBMO leaflet about building construction permission (translated into English)

In the above mechanism, the proposal which is conformed to all regulation and condition will be approved. However, there are a lot of proposal which is not in line with the spatial plan. This kind of proposal will be rejected. Based on interview, it is known that the rejected proposal will get a letter from SPBMO. In the end, it is the decision of proposer, if they want to continue proposing to change the land use or not. If they do, they will have to send a letter stated that they want to change the land use and they are willing to abide by any rules apply and pay for the consequences of this land use change, paying for the retribution, providing the parking area, and the Green open space.

This letter will be sent to Local Spatial Planning Coordination Team (BKPRD). This team consists of The Mayor, BAPPEDA, SPBMO, Transportation office, Environmental management board, and some others who are considered related to the land use change. The task of this team is: investigate the proposal of building construction permission which does not have conformity with the spatial plan. It will be considered by this team

before deciding if it can be approved or not. Thus, there is a communication amongst related department in the local level (see table 2, point 4, p.17). But, the communication is not a discussion, each of department takes care of their own matter.

However, the detail plan used for making decision is RSSW which were enacted in 1979. This plan is considered no longer suitable with the condition of Medan City nowadays. Here, there is no certain plan that can be used as guidance in the current condition. This is where the consideration of changing the land use is often done by the team. This is part where the lack of a robust plan allows for much negotiation and bargaining which can easily result in choosing economically attractive solutions that do not directly consider green open space. The developer who proposes can also see this part as a chance to approach the members of the board to negotiate regarding the permission. (see table 2, point 1, p. 17)

When the permission is granted, there is a decision letter issued by the SPBMO. Related to green open space, it is only 1 (one) point stated that the developer is asked to provide the green open space. Even in some others, there is no statement related to the provision of green open space. In this case, there is no obligation for the developer to provide the green area.

When the development is done, there is a regulation which is Regulation from The Minister of Internal Affairs No. 9/2009 about the Guidelines on the facility of settlement area hand over. This is about the developer hand over the facilities to the government in order to guarantee the sustainability of the facilities. The facilities here is included the green open space and parks. However, in a lot of cases, the developers do not hand over the facilities, because they do not think that it is obligatory, because in the guidelines, the statement is not that they have to do this, but the local government asks the developer to hand over. Thus, the statement in the regulation is not robust. Based on interview with the BAPPEDA's officer, it often happens that the green open space that is not handed over to the government is proposed again to be built by the developer. In the end, there is no green open space in the settlement.

Non-government organization (NGO) is important in supporting the government's work. However, in Medan City, the big NGO such as WALHI and Green Peace do not have work anymore in this area. There is one existing NGO relates to green open space, which is Medan Berkebun. But, they have nothing to do with the increasing or decreasing of green open space. They only care about the utilization, home gardening, and such things. However, the respondent from this NGO gave a lot of information about P2KH

and the existing condition of green open space, since he has ever been part of the program.

In the regulation it is stated that 30% of green open space consists of 20% for public green open space and 10% of private green open space. In the process of IMB, there is a final site plan that is supposed to be implemented. It usually will consist of green open space. To guarantee that this is implemented, there is a supervision division in SPBMO to make sure that there is no change in the implementation. However, this division does not carry out their work well. In the regulation, their tasks are: doing the supervision to make sure that the implementation is in line with the IMB and site plan and demolishing the building without IMB. In the practice, they focus more on the latter. That is why in the reality, there are a lot of implementations which are not conformed to the plan. As stated before in the beginning of this chapter that in some cases, the development of certain housing complex do not provide green open space, while in fact they have it on the site plan. This is caused by the lack of supervision. And often again, unethical relationship exists in this matter. The developer can see this as opportunity to negotiate with the supervision officers. (see table 2, point 5b, p. 17)

4.4 The problems faced by the local government in green open space management

From the explanation before, the author can conclude that the most problem in green open space in Medan City is that there is no conformity between plan and implementation. It happens not only in the implementation of spatial plan, but also in the implementation of site plan; whereas in fact, the conformity between site plan and implementation can help in the improving the green open space. Even though it is part of private space, it has to be in line with the regulation. Because, this is how the government can control the condition of the green open space, which is through permission and regulation.

As stated before that BAPPEDA and the central government have the P2KH, which is supposed to be implemented and result in the improvement of green open space. However, so far it does not have anything to do with the permission issued by the SPBMO. Thus if the green open space is increased through P2KH, while the land use change from green area into built area are still happening, the effort will be in vain. However, this is showing that the central government has given a thought about how to get the 30% green open space from the area. This can be considered as assistance from

the central government to local government. The central government design the program and pass it down to the local level with guidance in the implementing the program.

Another problem is the fact that regulation is not forcing. As stated before that most of regulation only stated that the local government asks the developer to hand over the facilities, or in the case of permission, the local government only ask the developers to provide the green open space. Thus, the developers do not consider it as an obligation. It is completed by the fact that supervision division in SPBMO does not carry out the work well. And it is also compounded that unethical relationship can be built in this area. This is in line with what Prud'homme (1994) and Hadiz (2004) that decentralization can be accompanies by unethical relationship. This is related to the chance of negotiation that is usually seen by the developers.

It is also stated in this regulation that in the local level, the mayor has the responsibility to implement these basic services. However, it has to be done by the experts with qualification and competencies in the field. Based on interview, in fact, there is not enough employee and expertise in executing the work. The respondent said that in SPBMO, the officer who works on the plan is also them who process the permission. It is not possible to do this at the same time, because Medan City consists of 21 sub-districts which mean a lot of proposals to be processed (see table 2, point 5b, p. 17).

From the interview with SPBMO's officer, it is also stated that when a question rose about why the local government does not concern about green open space, the answer would be: "if there are investors who want to build our area, why not? It is for the economic development of our area." In this case, they really care about economic development but not much about green open space. It is very much related to the weak profile that is got by the environmental aspect, compared to economic and development aspects. (see table 2, point 5, p. 17). Next to that, there is limited budget provided for the project of collecting data about the green open space existing in Medan City; whereas in fact, this data is important to get to know the composition of green open space in the city (based on the interview from SPBMO's officer). It can be used as basic consideration for the coordination team when they have to consider a proposal which is not conformed to spatial plan.

The above condition shows that theory from Zuidema (2011) about weak interest in environmental policy and Wunsch (2001) about the condition of local personnel who can be poorly trained is applied, where the development is prioritized, and not so much for the green open space, and also related to the lack of capacity of the employee and the lack of

willingness to think more about the green open space. The respondent from Medan Berkebun NGO, from SPBMO, and from BAPPEDA also stated that good will is one problem that cause the decreasing of green open space in general, the changing of green area into built area in specific.

From that condition, important aspect is the assistance from the central government. As stated before that the government has given several regulations, guidelines to be used by the local government. Central government also has a set of supervision tools, through the implementation of SPM. The SPM can also be monitored through several questionnaire and interview. However, as the author can see, the interview questions are very general. The questions are around what and yes/no questions. There is limited questions about how it is affected the green open space. Based on the interview with the officer from the central government, which is Ministry of Public Works, it is also stated that the monitoring and evaluation is superficial. They only need to know if the plans are done or not. Meanwhile, it is also stated in the SPM monitoring that the monitoring and evaluation are done by the governor as the representative of central government. In fact, from the interview with the SPBMO's officer, there is no monitoring. If there is any, the monitoring is not that deep. As Lemos and Agrawal (2006) stated that effective safeguards are needed to control the performance of local government. There is a possibility for improving the supervision tools from the central government. Because, based on the interview with SPBMO's officer, it is also stated that even though the quality of the employee is improved, the local government can do everything alone without supervision, because there is also politics in government systems. Robust supervision is needed. (see table 2, p. 17)

For the technical aspect, P2KH stated that land acquisition is a tool to pursue 30% green open space. However, in the reality there are difficulties in implementing it. First of all, it is difficult because it sometimes endanger the officers who do this. Most of the time, they get problems with the community who own the land. Thus, they prefer to avoid doing this. Secondly, state-owned land is often claimed by other party. The legal process of this is often takes a long time. Sometimes, people sell the land in a very high price. It becomes a problem.

4.5 The kind of assistance needed from the central government

Based on the interview with SPBMO's officer, the most important assistance the local government needs is supervision. It is important to guarantee that the local government

implements the plan with no intention to bend the rules. As said by one respondent that in some cases the central government only need pictures for the accountability, there is no real supervision. This supervision is needed as a pressure for the local government to implement the regulation. Next to that, it is also important to make regulation more robust and needs to be updated. Because, the regulation can be read by other parties who can have different perception and tend to get the benefit out of it. If it is not seen as obligation, they tend to ignore it. They will choose to get benefit as much as they can, even if they have to pay for some amount of money illegally.

Most of the supervision done by the Ministry of Public Works is related to the spatial plan sets, such as city plan, detail plan, and related to plan for green open space. However, the tool to control the permission is not there yet. However, in order to pursue the 30% green open space, this permission has to be controlled. As the author argues before that the increasing of green open space through P2KH and other tools will be in vain if the changing of land use from green space into built area is still happening.

4.6 The conformity between current management with the legal frameworks

Below is a table to see the conformity between current management with the legal frameworks for the central government in managing green open space

Table 4. The conformity between current management with the legal frameworks for the central government in managing green open space

Laws and Regulation	Aspect	
	Legal framework	Current management
Law No. 32/2004 and Law No. 26/2007	Coordination between jurisdictions	There is no proof yet
	Guidelines and standard in governing	It has been provided, which are Regulation from Minister of Public Works No. 05/PRT/M/2008 about the Guidelines for Provision and Utilization of green open space in city area, guideline about the building construction permission, and SPM that has to

		be implemented by the local government as a standard
	Giving assistance, supervision, and consultation regarding the implementation of administration	It has been done. But the fact is the improvement is still need in the supervision part to improve the quality of local government.
	Education and training	No information
	Planning, research, development, supervision, and evaluation of the administration	As been stated before, supervision and evaluation is there, but still have to be improved
	System implementation	Overall, everything is implemented.

Source: Author's analysis (2013)

On the other side, analysis about the performance of local government has to be done. Below is the analysis.

Table 5. The conformity between current management with the legal frameworks for the local government in managing green open space

Laws and Regulation	Aspect	
	Legal framework	Current management
Decision of Mayor of Medan City No. 66/2002 about the task and function of SPBMO	<ol style="list-style-type: none"> 1. Implementing the plan based on the city plan and the policy enacted by the government and the regulations, 2. Serve the people in the issuing of building construction permission (IMB). 3. Supervise the preservation and the policy in the spatial plan and building management and technical aspect of construction that have been enacted, together 	<p>All of them have been implemented, but in fact there are still cases where the local government bends the rules in a legal and illegal way. In legal way, the coordination team can approve the proposal which is not in line with the plan. It is because the plan used is not updated anymore.</p> <p>Besides, the supervision division does not carry out the work well. It causes a lot of cases where the implementation is not conformed</p>

	with other offices.	with the site plan
Regulation from The Minister of Internal Affairs No. 9/2009 about the Guidelines on the facility of settlement area hand over	The local government asks the developer to hand over the facility in the settlement area.	The local government does this, but it is not obligatory. Thus, in many cases, the developer does not hand over the facilities to the local government. In fact, the local government is allowed to enact a regulation as long as it does not confront the central regulation. But, they still use the regulation from the central government even though they know that this is not binding the developer to do so.

Source: Author's analysis (2013)

CHAPTER 5

CONCLUSION AND RECOMMENDATION

5.1 Conclusion

Started from the facts reported by several online news websites that the green open space in Medan city is decreasing, that now it is only 5-10%, while the regulation from central government stated that green open space in city are has to be at least 30%, the author started to link it with the fact that Indonesia is implementing decentralized system. This brought the chapter 2 into the explanation about decentralization, together with the consequences of implementing decentralization. Also in this chapter, theory about how to cope with unintended consequences is also elaborated.

In chapter 3, it is explained about how the author would do the research. After doing the research, the data about decentralization practice in Indonesia, with study case in green open space management in Medan City is elaborated in chapter 4. In this chapter, the case was explained in a very detail way regarding the regulations in the central government and local government level. There was also problems and comparison between what are supposed to be done according to the regulation and the actual condition.

This leads to the conclusion that most of the theory discussing about the unintended consequences of implementing decentralization is applied in this case. They are: the tendencies of the developer to build unethical relationship with the government, and wide opened chance of negotiation caused by the lack of robust regulation, the weak interest in managing environmental aspect, in this case green open space. Weak interest relates to the willingness and capacity of the local government to handle this issue. It also relates to the dominance of economic and development aspects to overwhelm the local government. Next to that, the theory stated that the supervision from central government is needed has been applied in this case (see table 2, p. 17). In fact, the supervision and guidelines are there already. Based on interview with the respondents from local government and author's analysis, without a robust supervision from central government, there will always be a gap for local government to be open for negotiation, for example by the developers. So, the central government still needs to improve the quality of the supervision and analyze how far the policy affects the area and the problem resulted from that.

In conclusion, pure decentralization can be dangerous for the local government and the central government. Implementing one of both spectrums which are centralization or decentralization may not be the solution for governing system. There is a need to mix them in a hybrid form. Taking the intended consequences of decentralization which is to make decision closer to the local area and the people, and also for efficiency, anyone can conclude that decentralization can lead to better condition of the local government and the area. However, the unintended consequences explained in the last paragraph have to be handled. Most of the unintended consequences lead to the need of supervision from central government. It means that there is still part of centralization that can be applied in the nowadays government activity. This is what is called hybrid form, where the local government can do the governing system, with central government giving assistance in the form of guidance and also sanction to guarantee that the local government carries out the minimum service standards well. This is not merely for the sake of the local government, but it is also to make sure that the people can live better life with better service from the government.

In this case, there is already a division of task between the central government and local government. The central government has done the task, which is related to giving guidelines, supervision, and other forms of assistance, such as regulatory framework, or minimum standards in the form of SPM and guidelines books. But still there is a need to improve the implementation in the term of robustness, safeguards, and pressure to apply the regulation. The condition in the local level, such as lack of capacity, the lack of personnel, unwillingness to implement, also needs to be improved in order to make it balance and lead to the better implementation. It can be assisted by the central government through technical supports.

However, this study shows that the theory of decentralization applied in Medan City. But, still there is a need to look at the case in other part of Indonesia. It might be that the case is different from one city to another. For this research, Medan City was chosen because it is one of the cities which are considered as a big city, crowded, with dense population and fast development. Thus, the author was curious about the balance of the development itself. Does it also consider the green open space or not? How does the government manage the green open space? This was the questions appeared at the beginning.

In the next section of this chapter, the author would like to give several recommendations in order to improve the implementation of decentralization practice

with study case of green open space management in Medan city, Indonesia. This is based on the table 2 (p. 17) and analysis that has been done in chapter 4.

5.2 Recommendation

Earlier in 4.5, there was an explanation about how the local government wants the central government to assist them. In this sub chapter, the author is trying to give general recommendation based on the theory about how to handle the unintended consequences, the conformity between the regulations and the actual management, and also based on the problems and the facts explained in chapter 4. It will also base on the need stated by the local government. The recommendations are as follow:

1. Improve the implementation and enforcement of existing policies (Zuidema, 2011). This is relates to the fact that the central government has already enacted several laws and regulations. However, there is a need to make it more robust. For example, choosing the more robust word so that it can be seen as obligatory. Because, like in Medan City, even though they are allowed to enact local regulation as long as it does not confront the central government, they still use the regulation from the central government. When one does not see it as obligation, he/she will tend to avoid doing it. It also relates to Rondinelli et al (1983) who stated that it is important to write the decentralization laws concisely and the regulations should describe the relationships and obligations of officials and citizens. Everything has to be written in a very detail way, for example in the decision letter for building construction permission (IMB). It has to be written clearly that it is obligatory to provide the green open space for 20% (public) or 10% (private). In other words, the central government has to be clear about what they want from the local government, and the local government also has to be clear about what they want from the developer. By doing so, there is no gap, reason, or anything to avoid the regulation.
2. Improve the safeguards function in each level of government (Aden, 2001, modified)

Center	Monitor compliance with national minimum standards and be deep in monitoring, not only superficial monitoring, also check about the actual effect for the government and the area.
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District	Self-compliance monitoring and reporting to local community and upward to province and center.
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The concrete action that can be done by the central government is having an audit commission who will carry out the inspections to local authorities and also appoint auditors to the local authorities. In the case of Medan, the compliance related to the SPM in green open space is not only in the developing of green open space but also in the permission issued by the SPBMO in changing the land use from green open space into built area. There should be a more clear regulation, because in the technical supervision guidelines from the central government, it talks more about document of this and that, not really the implementation and the impact.

In the Law No. 26/2007, it is explained that there is sanction mechanism for them who do not abide by the rule of spatial plan, in this case the implementation of spatial plan. It is stated that this mechanism applies not only for the people, but also for the government employee who issue the permission to use the land not in accordance with the spatial plan. However, due to the fact that consideration is made by BKPRD caused by the existing old detail plan, it becomes grey. There is a need to conform to the plan, but there is also need to make consideration because the old detail plan is different with the condition at the moment.

Therefore, for the local government, there is a need to enact new detail plan for Medan City which also states that it is obligatory to implement everything that is pictured in the detail plan, and sanction will be given to everyone, including government employee, who utilize the land not in accordance with the detail plan.

3. The problem in Medan City is the lack of personnel and the capacity of the personnel, thus it can be recommended to offer training (Also Aden, 2001), send personnel from central agencies to meet pressing staff shortages at the local level, and by creating a national cadre to supply personnel to agencies at provincial, district, and local levels (Rondinelli et al, 1983)
4. Activate supervision in the local levels, not only by improving the program such as P2KH, checking the documents such as action plan, detail plan and so forth, but also supervising the permission aspect. It is important, because in pursuing the 30% of green open space, all related aspect have to be considered at the same time. When one aspect is well-managed, but another one is not, there will be slow

progress in pursuing the goals. It is also related to the improving of cooperation among offices in one jurisdiction. For example, BAPPEDA and SPBMO in Medan City. They have overlapping function in different translation of works. If they can work hand in hand, efficiency can be increased.

Finally, theories about decentralization have discussed so many fruitful explanations about the intended and unintended consequences of decentralization that are likely to happen, especially related to environmental issue, in this case green open space. After being related to the case in Medan City, it can be seen that those theories applies, especially the unintended ones. This thesis is intended to give the portrait about implementation of the decentralization, which is the main topic and the issue which is quite interesting lately, because it is more or less used by a lot of countries as their way of governing. The rise of decentralization is visible and it is still needed to be discussed in order to get the better implementation.

As stated before that decentralization itself is not a quick fix for the earlier way of governing, which is centralization, there are also some aspects of decentralization that need to be fixed and improved. This study case is aimed to give a little bit glances about how it might appear in the reality. However, this study case is just a very small part of the reality itself. It can be very different in other part of the world. But, in general the result of this research might also happen in other places. Thus, there is also a need to make a research and study about the same thing in different places.

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Regulation from The Minister of Internal Affairs No. 9/2009 about the Guidelines on the facility of settlement area hand over

Decision of Mayor of Medan City No. 66/2002 about the task and function of SPBMO

Appendix I

Interview Guide

In doing the interview, there are a set of questions which have to be arranged by the interviewer as guidelines in doing the interview. As stated before, it is not a strict one, but it is aimed to see how far the interview is progressing. The set of questions that will be used are:

1. What is happening with the green urban space in Medan at the moment?
2. What is the policy exist?
3. What is the plan of the municipality?
4. What is the provision there and what formally should be done by the local government?
5. Do you think the local government considers the green open space as important aspect of a city? What about it compared to other economic aspect, such as development?
6. What about the land use plan? The green plan is also there. Does it work? If not, why? And how does the policy maker make the consideration about a land use shifting from green area to build area? (Does the plan have any impact? Example of good and bad examples)
7. The question before can be related to bending the rules. There must be legal and illegal way in bending the rules in order to get the development done. Can you give examples?
8. What do you think about it related to the decentralization practice?
9. Is it effective to decentralize the management of green open space in Medan? Why do you think so?
10. What kind of problem you face when implementing the plan of green open space? (expertise, power, time, money)
11. Decentralization practice gives you more responsibility. What kind of help or assistance do you need from the central government? What have they done so far? What kind of change do you want them to do in order to assist you better in doing this?
12. What kind of thing you need to correct the problem? What should be changed inside the local government, central government, related to their role,
13. The point: who is actually responsible for what happened with the green open space in Medan?

Central Government:

1. How do you expect about the decentralization and how do you see it in practice and how the cities are doing it?
2. Does it give a big change in the management of green open space?
3. Is it good or bad?
4. Is it possible for the local government to implement the regulation?

NGO:

1. How do you think about the green open space in Medan at the moment?
2. Do you think it is related to the decentralization practice in Indonesia?
3. How do you think about the performance of local government?
4. The point: who is actually responsible for what happened with the green open space in Medan?

Appendix II

Examples of Decision Letters from the Mayor of Medan City

This decision letter is issued when there is proposal to build an area which is not in line with the land use plan. For example, in the plan, an area is allocated to be a green area. Then, a developer wants to change this area into built area. This proposal needs to be discussed by the board (explained in chapter 4 in institutional arrangement). If it is approved, this letter will be issued. However, there will be several requirements that have to be implemented by the developer which are stated in the Decision Letter.

There will be 3 (three) different examples showing that there is difference from one letter to another regarding the requirement to provide green open space in the land use change from green area to build area.

Example 1. This example is showing that there is no point stating that the developer must provide 10% (for private area) or 30% (for public area) of green open space.

Example 2. This example is showing that there is a point stating that the developer must provide green area, but there is no exact number about how much the green open space must be provided; whereas in fact, this case is a large number of area, but still no strict instruction to provide the green open space. (see page 2 point m.)

Example 3. This example is showing that there is a point stating that the developer must allocate 10% of the area for green open space. (see page 2 point b.)

Example 1.

MEDAN - 20112

SALINAN
KEPUTUSAN WALIKOTA MEDAN
NOMOR : 593/1522/K/2005
T E N T A N G
PERUBAHAN PERUNTUKAN TANAH DARI JALUR HIJAU MENJADI PERUMAHAN
DIATAS TANAH SERTIFIKAT HAK MILIK NOMOR 1658 DAN 1930 SELUAS ± 16.940 M²
SERTA PENGHAPUSAN RENCANA JALAN DIATAS LOKASI TANAH TERSEBUT LEBAR 10
METER DAN GARIS SEMPADAN BANGUNAN 6 METER DI JALAN KARYA KASIH
KELURAHAN PANGKALAN MASYHUR, KECAMATAN MEDAN JOHOR
AN. SDR. YB. AWANG CHRISTOPO U/AN. PT. INDO PALAPA

WALIKOTA MEDAN

Sebab :

- a. bahwa sesuai dengan dinamika pembangunan di Kota Medan, maka setiap perkembangan yang berkaitan dengan peruntukan tanah dapat dilakukan perubahan melalui persetujuan Dewan Perwakilan Rakyat Daerah Kota Medan.
- b. bahwa Saudara YE. AWANG CHRISTOPO U/An. PT. Indo Palapa berdasarkan Surat Kuasa No. 34 tanggal 12 Agustus 2004 yang dibuat oleh Rusli, SH, Notaris di Medan mengajukan permohonan Izin Mendirikan Bangunan (IMB) untuk membangun perumahan diatas tanah Sertifikat Hak Milik No.1658 dan No. 1930 terdaftar atas nama AMRIL TAHAR seluas ± 16.940 M² yang terletak di Jalan Karya Kasih Kelurahan Pangkalan Masyhur Kecamatan Medan Johor,.
- c. bahwa berdasarkan RSW lembar 15.4 dan 19.2 lokasi yang dimohon sebahagian diatas Jalur Hijau dan Perumahan Type B dan C, sedangkan untuk pembangunan sesuai dengan permohonan yang bersangkutan peruntukannya haruslah Daerah Perumahan. Jalan Karya Kasih direncanakan lebar 16 meter dengan Garis Sempadan Bangunan 10 meter dan diatas lokasi tanah yang dimohon terdapat Rencana Jalan lebar 12 meter dengan Garis Sempadan Bangunan 8 meter serta Rencana Jalan lebar 10 meter dan Garis Sempadan Bangunan 6 meter, sedangkan pada sekitar lokasi saat ini telah berkembang bangunan rumah tempat tinggal.
- d. bahwa kondisi dilapangan aliran drainase yang tergambar dalam peta RSW berupa Jalur Hijau tidak ada lagi, karena kondisi tanah telah ditimbun oleh pemohon. Saluran yang ada adalah saluran air selebar 3 meter di sisi Timur batas tanah yang dimohonkan dan pemohon memundurkan 1,5 meter batas tanah untuk menggantikan saluran drainase yang ditimbun.
- e. bahwa Tim Penataan Ruang Pemerintah Kota Medan telah mengadakan rapat kordinasi pembahasan atas permohonan Izin Mendirikan Bangunan dimaksud pada tanggal 29 Juni 2005 dengan kesimpulan tidak keberatan perubahan peruntukan tanah dari Jalur Hijau menjadi Perumahan serta penghapusan rencana jalan diatas lokasi tanah tersebut lebar 10 meter dan Garis Sempadan Bangunan 6 meter di Jalan Karya Kasih Kelurahan Pangkalan Masyhur Kecamatan Medan Johor dengan beberapa persyaratan dan ketentuan yang harus dipenuhi oleh pemohon.
- f. bahwa perubahan peruntukan tanah tersebut telah memperoleh persetujuan DPRD Kota Medan sesuai dengan suratnya No.593/1310 tanggal 27 Juli 2005, dan untuk realisasi perubahan peruntukan tanah serta penghapusan rencana jalan dimaksud perlu ditetapkan dalam satu keputusan.

KOTA MEDAN : "Bekerja sama dan saria-sama bekerja untuk kemajuan dan kemakmuran Medan Kota Metropolitan"

L

- Mengingat : 1. Undang-undang No.8 Dri Tahun 1956 tentang Pembentukan Daerah Otorom Kota-kota Besar dalam lingkungan Propinsi Sumatera Utara.
2. Undang-undang No.24 Tahun 1992 tentang Penataan Ruang.
3. Undang-undang No.32 Tahun 2004 tentang Pemerintahan Daerah.
4. Peraturan Pemerintah No.22 Tahun 1973 tentang Perluasan Daerah Kotamadya Medan.
5. Peraturan Daerah Kota Medan No.9 Tahun 2002 tentang Retribusi Izin Mendirikan Bangunan.
6. Peraturan Daerah Kota Medan No.17 Tahun 2002 tentang Retribusi Peruntukan Penggunaan Tanah.

MEMUTUSKAN

Menetapkan :
Pertama : Merubah Peruntukan Tanah dari Jalur Hijau menjadi Perumahan diatas tanah Sertifikat Hak Milik Nomor 1658 dan Nomor 1930 seluas ± 16.940 M² serta Penghapusan Rencana Jalan diatas lokasi tanah tersebut lebar 10 meter dan Garis Sempadan Bangunan 6 meter di Jalan Karya Kasih Kelurahan Pangkalan Masyhur Kecamatan Medan Johor Atas Nama Sdr. YB. AWANG CHRISTOPO U/An. PT. INDO PALAPA, sebagaimana gambar situasi yang menjadi lampiran keputusan ini dengan persyaratan dan ketentuan sebagai berikut :

- a. Pola rencana dan tata letak mengikuti ketentuan dari Dinas Tata Kota dan Tata Bangunan Kota Medan dengan memperhatikan kaidah-kaidah teknis perencanaan kota serta ketentuan yang berlaku untuk wilayah ini.
- b. Mengeluarkan Hak Atas Tanah Jalan Kompleks dan saluran drainase yang disediakan pada batas pagar sebelah luar 1, 5 meter tanpa ganti rugi.
- c. Bangunan rumah yang dibangun harus menerapkan Koefisien Dasar Bangunan (KDB) maksimal 35% (Tiga puluh lima persen) dari luas lahan untuk menjaga fungsi Kawasan Selatan sebagai Kawasan Konservasi (Resapan), dan tidak diperkenankan membangun bangunan apapun diluar batas KDB maksimal yang telah ditetapkan baik di depan, samping maupun di belakang rumah.
- d. Drainase dan talud yang dibangun harus berkoordinasi dan mendapat izin dari Dinas Pekerjaan Umum Kota Medan untuk mengetahui besaran dimensi drainase yang harus disediakan pada lingkungan Perumahan sehingga dapat mengantisipasi masalah banjir, baik di lingkungan Perumahan tersebut maupun disekitar lokasi mengingat kawasan tersebut adalah wilayah tangkapan air.
- e. Menata kembali jalan disekitar lokasi yang dimohon yang rusak akibat petnbaangunan tersebut.
- f. Halaman parkir pada lokasi yang tersebut dibangun dengan memakai konstruksi yang dapat menyerap air dan menata halaman kompleks dengan tanaman penghijauan sebagai ruang terbuka hijau serta menyediakan sumur resapan.
- g. Membuat IPAL untuk pengelolaan sesuai Keputusan Menteri Negara Lingkungan Hidup No.112 Tahun 2003 tanggal 10 Juli 2003 tentang Baku Mutu Air Limbah Domestik, dan Peraturan Daerah Kota Medan No.13 Tahun 2003.
- h. Membuat dokumen UKL dan UPL untuk lokasi yang dimohon sesuai ketentuan yang disahkan oleh Dinas Pengelolaan Lingkungan Hidup & ESDM Kota Medan.
- i. Mengurus Status Tanah diatas Rencana Jalan yang akan dihapuskan kepada Instansi terkait.
- j. Membuat Tempat Pembuangan Sampah pada lokasi yang dimohon serta wajib membayar retribusi sesuai ketentuan yang berlaku.
- k. Kepada pemohon dikenakan kewajiban retribusi yang berkaitan dengan permohonan Perubahan Peruntukan dan retribusi lain sesuai ketentuan yang berlaku.
- l. Memperoleh Surat Keterangan Tidak Keberatan dari penduduk sekitar yang ditanda tangani oleh Lurah dan Camat setempat tentang Penutupan dan Pemindahan Saluran dengan melampirkan Kartu Tanda Penduduk (KTP).

KOTA MEDAN : "Bekerja sama dan sama-sama bekerja untuk kemajuan dan kemakmuran Medan Kota Metropolitan"

m. Pembangunan di lapangan dapat dilaksanakan setelah diterbitkan Izin Mendirikan Bangunan (IMB) dan melakukan koordinasi dengan Lurah dan Camat pada saat pelaksanaan pembangunan.

- Kedua** : Tidak diperkenankan melakukan perubahan yang tidak sesuai dengan yang telah ditetapkan dalam keputusan ini.
- Ketiga** : Pelaksanaan keputusan ini diserahkan kepada Kadis Tata Kota dan Tata Bangunan Kota Medan.
- Keempat** : Keputusan ini mulai berlaku sejak tanggal ditetapkan, dengan ketentuan akan dilakukan perbaikan kembali jika terdapat kekeliruan didalamnya.

Ditetapkan di : M E D A N
Pada tanggal : 19 OKTOBER 2005

WALIKOTA MEDAN,

Dto.

DRS. H. ABDI LLAH, AK. MBA

Tembusan :

1. Ketua DPRD Kota Medan.
 2. Tim Penataan Ruang Pemko Medan.
 3. Kepala Bawasko Medan.
 4. Camat Medan Johor.
 5. Lurah P. Mashyur.
 6. Sdr. YB Awang Christopo,
UAN. PT. Indo Palapa.
- s i p.—

Salinan sesuai aslinya
PLT. SEKRETARIS DAERAH KOTA MEDAN,


DRS. H. AZWAR, S, MSi
Pembina Tingkat I
NIP. 400024695

Example 2

**SEKRETARIAT DAERAH KOTA**
Jalan Kapten Maulana Lubis No. 2 Telepon : 4512412
MEDAN-20112

SALINAN
KEPUTUSAN WALIKOTA MEDAN
NOMOR : 593/911.K/2007.
TENTANG
PERUBAHAN PERUNTUKAN TANAH DARI DAERAH CADANGAN DAN JALUR HIJAU
MENJADI PERUMAHAN DAN PERTOKOAN / PERDAGANGAN (USAHA / RUKO)
DIATAS TANAH SELUAS ± 14 HA YANG TERLETAK DI JALAN ADISUCIPTO
(POLONIA) KELURAHAN SUKADAMAI KECAMATAN MEDAN POLONIA
AN. SDR. ULUNG TANDIAS DIREKTUR PT. SUKA JAYA MAKMUR PRATAMA

WALIKOTA MEDAN

nimbang : a. bahwa sesuai dengan dinamika pembangunan di Kota Medan, maka setiap perkembangan yang berkaitan dengan peruntukan tanah dapat dilakukan perubahan melalui persetujuan Dewan Perwakilan Rakyat Daerah Kota Medan,

b. bahwa untuk mencapai tujuan yang berkaitan dengan perkembangan pembangunan Kota Medan menuju Kota Metropolitan, perlu diambil langkah-langkah yang tepat dan sesuai dengan tujuan dimaksud.

c. bahwa Sdr. ULUNG TANDIAS selaku Direktur PT. SUKA JAYA MAKMUR PRATAMA mengajukan permohonan perubahan peruntukan tanah untuk membangun rumah hunian dan usaha/ruko diatas tanah yang dikenal dengan Sertifikat Hak Pakai No.15 seluas ± 80.388 M² dan Sertifikat Hak Pakai No.16 seluas ± 69.264 M² An. Departemen Pertanahan dan Keamanan RI berkedudukan di Jakarta yang telah dilepaskan haknya kepada PT. Mestika Mandala Perdana berkedudukan di Deli Serdang berdasarkan Akta Pelepasan dan Penyerahan Hak Atas Tanah dan Bangunan No. 61 dan No.63 tanggal 16 April 2007 yang dibuat dihadapan ADI PINEM, SH, Notaris di Medan yang telah mendapat persetujuan dari Menteri Keuangan RI dengan surat tanggal 14 April 2004 No.S:1761/MK6/2005 dan berdasarkan Surat Keputusan Menteri Pertanahan RI No. SKEP/238/M/VIII/2006 tanggal 01 Agustus 2006 untuk melakukan tukar menukar tanah.

d. bahwa berdasarkan pengikat diri untuk melakukan jual beli tanggal 13 Juni 2007 yang dibuat dibawah tangan dan dilegalisasi di Kantor Notaris SUSAN WIJAYA, SH, Notaris di Medan No.1277/VI/Leg/2007 (duplo) tanggal 13 Juni 2007, PT. MESTIKA MANDALA PERDANA mengalihkan tanah tersebut kepada PT. SUKA JAYA MAKMUR PRATAMA berkedudukan di Medan, dan telah mendapat rekomendasi prinsip dari Pemerintah Kota Medan tanggal 26 Juli 2007 No.648/12722 untuk pembangunan rumah hunian dan usaha/ruko.

e. bahwa berdasarkan Rencana Sub Sub Wilayah (RSSW) lembar 16.1 peruntukan tanah pada lokasi yang dimohon adalah Daerah Cadangan, sedangkan untuk pembangunan perumahan dan usaha/ruko, peruntukannya adalah Daerah Perumahan dan Pertokoan/Perdagangan, Jalan Adisucipto (Polonia) lebar 16 meter GSB 8 meter, dan lokasi yang dimohon berada di pinggir Sungai Deli.

f. bahwa kondisi lapangan pada sisi Selatan tanah yang dimohon terdapat kuburan massal dan kuburan warga Lanud, Kantor Lurah dan Mesjid Baitussalih, sedangkan informasi dari pihak Kecamatan, Mesjid Baitussalih yang berdiri diatas tanah seluas ± 1.173 M² telah diterbitkan Sertifikat Tanah Wakaf No.200/Sukadamai pada tanggal 10 Desember 2001 terdaftar atas nama SUTISNA ASY'ARI, SIMIN SUYITNO, IKROM, TUGINO dan ARMANSYAH selaku Ketua, Bendahara, Pembina dan Bidang Sosial dari dan untuk atas nama Badan Kenaziran mesjid Baitussalih dengan wakif SUTRISNO ASY'ARI.

MOTO KOTA MEDAN : "Bekerja sama dari sama-sama bekerja untuk kemajuan dan kemakmuran Medan Kota Metropolitan"

- f. Memperhatikan bangunan peninggalan Sejarah/Perjuangan yang berada di sekitar lokasi yang dimohon.
- g. Mendapat Izin Penimbunan dari Dinas Pekerjaan Umum Kota Medan sesuai dengan Keputusan Walikota Medan No.660.1/2487/SK/1996 tanggal 02 Juli 1996 tentang Pengaturan Penimbunan Tanah di Kotamadya Dati II Medan.
- h. Menyediakan tempat parkir sesuai Surat Keputusan Walikotamadya KDH TK II Medan No.640/3146/SK/1994 tanggal 25 Nopember 1994 tentang syarat-syarat dan standard kebutuhan tempat parkir untuk setiap bangunan dalam Daerah Kotamadya Dati II Medan.
- i. Pembangunan saluran drainase yang dibangun harus dapat melancarkan arus, air pembuangan dan secara efektif dapat mengeringkan wilayah sekitarnya serta dikoordinasikan dengan Dinas Pekerjaan Umum Kota Medan.
- j. Melakukan koordinasi dengan Dinas Perhubungan Kota Medan terkait dengan akses keluar masuk kendaraan dari dan ke halaman lokasi yang dimohon.
- k. Membuat dokumen yang berkaitan dengan Dampak Lingkungan dalam hal ini Dokumen AMDAL, mengingat bangunan/kegiatan yang dimohon berbatasan langsung dengan Kawasan Lindung (Sempadan Sungai) sesuai KepMen Lingkungan Hidup No.11 Tahun 2006.
- l. Membangun Instalasi Pengolahan Air Limbah (IPAL) terpadu sesuai Keputusan Menteri Negara Lingkungan Hidup No. 112 Tahun 2003 tanggal 10 Juli 2003 tentang Baku Mutu Air Limbah Domestik dan Perda No. 13 Tahun 2003 tentang Izin Pemanfaatan dan Pengelolaan Limbah di Kota Medan dan berkoordinasi dengan Dinas Pengelolaan Lingkungan Hidup Energi dan Sumberdaya Mineral Kota Medan.
- m. Pembangunan di lapangan harus memperhatikan ruang terbuka hijau, menyediakan Fasilitas dan Fasum agar penataan lokasi menjadi lokasi hunian yang nyaman dan asri.
- n. Fungsi Jalan Adisucipto tidak direkomendasikan menjadi Jalan Lingkungan/Hunian, untuk itu perlu pembatasan orientasi bangunan langsung ke Jalan Adisucipto.
- o. Membuat kajian Analisis Dampak lalu Lintas guna mengantisipasi arus lalu lintas di Jalan Adisucipto dan kawasan sekitarnya, dikoordinasikan dengan Dinas Perhubungan Kota Medan.
- p. Mendapat rekomendasi dari Administrator Bandara Polonia Medan yang terkait dengan ketinggian bangunan yang diperkenankan dibangun diatas lokasi yang dimohon, mengingat lokasi tersebut berada di dalam Kawasan Keselamatan Operasional Penerbangan (KKOP) Bandara Polonia Medan.
- q. Kepada pemohon dikenakan kewajiban yang terkait dengan retribusi Perubahan Peruntukan dan Restribusi lainnya sesuai ketentuan peraturan yang berlaku.
- r. Pembangunan dilapangan dapat dilaksanakan setelah diterbitkan Izin Mendirikan Bangunan (IMB), Izin Penimbunan dan izin lainnya sesuai ketentuan yang ditetapkan serta berkoordinasi dengan Camat, Lurah dan Instansi terkait pada saat pelaksanaan pembangunan di lapangan.
- s. Menyerahkan Hak Atas Tanah Kantor Lurah Sukadamai Kecamatan Medan Polonia kepada Pemerintah Kota Medan dengan Proses Pelepasan Hak mengikuti Ketentuan Perundang-Undangan yang berlaku.

K e d u a : Tidak diperkenankan melakukan perubahan yang tidak sesuai dengan yang telah ditetapkan dalam keputusan ini.

K e t i g a : Pelaksanaan Keputusan ini diserahkan kepada Kepala Dinas tata Kota dan Tata Bangunan Kota Medan serta instansi teknis terkait lainnya.

- g. bahwa mengacu kepada surat Kakan Pertanahan Kota Medan No.600-1865 tanggal 04 Oktober 2007, kuburan yang ada di lokasi tersebut sesuai peta di Kantor Pertanahan Kota Medan tidak termasuk dalam Sertifikat Hak Pakai No.16/Sukadamai, sehingga tidak termasuk yang dilepaskan haknya kepada pemohon, serta pemohon bersedia melepaskan haknya atas tanah Kantor Lurah Sukadamai Kecamatan Medan Polonia kepada Pemerintah Kota Medan.
- h. bahwa Tim Penataan Ruang Pemerintah Kota Medan telah mengadakan rapat koordinasi pembahasan dan presentase atas permohonan dimaksud pada tanggal 13 Juli 2007, 24 September 2007 dan tanggal 01 Oktober 2007, dengan kesimpulan mendukung dilakukan perubahan peruntukan atas lokasi yang dimohon dari Daerah Cadangan dan Jalur Hijau menjadi Perumahan dan Pertokoan/Perdagangan (usaha/ruko) dengan beberapa ketentuan yang harus dipenuhi oleh pemohon.
- i. bahwa untuk perubahan peruntukan tanah dimaksud dari Daerah Cadangan dan Jalur Hijau menjadi Perumahan dan Pertokoan/Perdagangan (Usaha/Ruko) telah mendapat persetujuan DPRD Kota Medan sesuai dengan surat No.593/4863 tanggal 24 Oktober 2007, dan untuk realisasinya perlu ditetapkan dalam satu Keputusan.

- Mengingat :
- 1. Undang-undang No.8 Drt Tahun 1956 tentang Pembentukan Daerah Otonom Kota-kota Besar dalam lingkungan Propinsi Sumatera Utara.
 - 2. Undang-undang No.4 Tahun 1992 tentang Perumahan dan Permukiman.
 - 3. Undang-undang No.26 Tahun 2007 tentang Penataan Ruang.
 - 4. Undang-undang No.32 Tahun 2004 tentang Pemerintahan Daerah.
 - 5. Peraturan Pemerintah No.22 Tahun 1973 tentang Perluasan Daerah Kotamadya Medan.
 - 6. Keputusan Bersama Menteri Dalam Negeri dan Menteri Pekerjaan Umum No.650-1995/503/KPTS/1985 tanggal 12 Nopember 1985 tentang Tugas-tugas dan tanggung jawab perencanaan kota.Daerah
 - 7. Peraturan Daerah Kota Medan No.9 Tahun 2002 tentang Retribusi Izin Mendirikan Bangunan.
 - 8. Peraturan Daerah Kota Medan No.17 Tahun 2002 tentang Retribusi Peruntukan Penggunaan Tanah.

MEMUTUSKAN

- Menetapkan :
Pertama :
- Merubah Peruntukan Tanah dari Daerah Cadangan dan Jalur Hijau menjadi Perumahan dan Pertokoan/Perdagangan (Usaha/Ruko) diatas tanah seluas ± 14 HA yang terletak di Jalan Adisucipto (Polonia) Kelurahan Sukadamai Kecamatan Medan Polonia. An. Sdr. ULUNG TANDIAS Direktur PT. SUKA JAYA MAKMUR PRATAMA, sebagaimana Gambar Situasi yang menjadi lampiran keputusan ini dengan ketentuan sebagai berikut :

- a. Pola rencana dan tata letak bangunan serta Jalan Komplek diatas tanah yang dimohon mengikuti ketentuan dari Dinas Tata Kota dan Tata Bangunan Kota Medan dengan memperhatikan kaidah-kaidah teknis perencanaan kota serta ketentuan spasial yang berlaku untuk wilayah sekitarnya.
- b. Orientasi tata letak bangunan untuk usaha/ruko tidak menghadap Jalan Adisucipto untuk menghindari kemacetan di jalan tersebut, dan usaha/ruko tersebut hanya untuk kebutuhan hunian yang akan dibangun.
- c. Akses jalan komplek yang akan dibangun di sepanjang Sungai Deli diletakkan berjarak 15 meter dari pinggir Sungai Deli (Jalur Hijau Sungai Deli).
- d. Site Plan bangunan dan jalan tetap mempertimbangkan ketentuan peraturan yang berlaku di Kota Medan serta Rencana CBD Polonia.
- e. Memperhatikan fungsi Daerah Kawasan Lindung di Daerah yang dimohon.

Keempat : Keputusan ini mulai berlaku sejak tanggal ditetapkan, dengan ketentuan akan dilakukan perbaikan kembali jika terdapat kekeliruan didalamnya.

Ditetapkan di : M E D A N
Pada tanggal : 22 NOPEMBER 2007.

WALIKOTA MEDAN,

Dto.

DRS. H. ABDILLAH, AK.MBA

Tembusan :

1. Ketua DPRD Kota Medan.
2. Kepala Bawasko Medan.
3. Tim Penataan Ruang pemko Medan.
4. Camat Medan Polonia.
5. Kepala Kelurahan Sukadamai.
6. Sdr. ULUNG TANDIAS/Direktur
PT. SUKA JAYA MAKMUR PRATAMA.
7. Arsip.—

Disalin sesuai aslinya
SEKRETARIS DAERAH KOTA MEDAN,


DRS. H. AFIFUDDIN LUBIS, MSi
Pembina Utama Madya
NIP. 010076621

Example 3

DTKTB.

SALINAN
KEPUTUSAN WALIKOTA MEDAN
NOMOR : 593/1704 K/2005

T E N T A N G

PERUBAHAN PERUNTUKAN TANAH DARI DAERAH CADANGAN MENJADI
DAERAH PERUMAHAN YANG TERLETAK DI JALAN MUSTANG KELURAHAN
SUKADAMAI KECAMATAN MEDAN POLONIA DIATAS TANAH SELUAS ± 60.360 M²
ATAS NAMA BOELIO MULIADI SELAKU DIREKSI PT.BINA WIBAWA SEJAHTERA

WALIKOTA MEDAN

Menimbang : a. bahwa sesuai dengan dinamika pembangunan di Kota Medan, maka setiap perkembangan yang berkaitan dengan peruntukan tanah dapat dilakukan perubahan melalui persetujuan Dewan Perwakilan Rakyat Daerah Kota Medan.

b. bahwa Sdr.Boelio Muliadi selaku Direksi PT. Bina Wibawa Sejahtera selaku pemilik tanah seluas ± 60.360 M² yang terletak di Jalan Mustang Kel.Sukadamai Kec.Medan Polonia dengan status tanah Sertifikat Hak Pakai No.5 An. Pemegang Hak Departemen Pertahanan dan Keamanan RI dan telah dilepaskan haknya melalui Akte Pelepasan dan Penyerahan Hak Atas Tanah dan Bangunan dan Ganti Rugi Nomor 241 tanggal 27 September 2005 yang diperbuat dihadapan Notaris Adi Pinem. SH kepada Sdr. Boelio Muliadi selaku direktur PT.Bina Wibawa Sejahtera, memohon Izin Mendirikan Bangunan (IMB) untuk membangun perumahan.

c. bahwa kondisi lapangan disekitar lokasi yang dimohon saat ini telah berkembang kawasan kompleks-komplek rumah tempat tinggal.

d. bahwa berdasarkan Rencana Sub-Sub Wilayah (RSSW) Lembar 15.2 Peruntukan penggunaan tanah pada lokasi yang dimohon adalah Daerah Cadangan atau Daerah yang belum ditetapkan Peruntukannya, sedangkan untuk membangun perumahan peruntukannya harus Daerah Perumahan.

e. bahwa Tim Penataan Ruang Pemerintah Kota Medan telah mengadakan rapat koordinasi pembahasan atas permohonan dimaksud pada tanggal 20 Oktober 2005 dengan kesimpulan mendukung dilakukannya perubahan peruntukan tanah tersebut diatas menjadi Daerah Perumahan.

f. bahwa perubahan peruntukan tanah tersebut telah memperoleh persetujuan DPRD Kota Medan sesuai dengan suratnya No.593/2084 tanggal 21 Nopember 2005. dan untuk realisasinya perlu ditetapkan dalam satu Keputusan.

Mengingat : 1. Undang-Undang No.8 Drr Tahun 1956 tentang Pembentukan Daerah Otonom Kota-kota Besar dalam lingkungan Propinsi Sumatera Utara.
2. Undang-Undang No. 24 Tahun 1992 tentang Penataan Ruang.
3. Undang-Undang No.32 Tahun 2004 tentang Pemerintahan Daerah.
4. Peraturan Pemerintah No.22 Tahun 1973 tentang Perluasan Daerah Kotamadya Medan.
5. Peraturan Daerah Kota Medan No.9 Tahun 2002 tentang Retribusi Izin Mendirikan Bangunan.
6. Peraturan Daerah Kota Medan No.17 Tahun 2002 tentang Retribusi Peruntukan Penggunaan Tanah.

terletak di Jalan Mustang Kelurahan Sukadamai Kec. Medan Polonia diatas tanah seluas ± 60.360 M² An. Boelio Muliadi selaku Direksi PT. Bina Wibawa Sejahtera, sebagaimana gambar situasi yang menjaui lampiran Keputusan ini dengan ketentuan sebagai berikut :

- a. Pola rencana dan tata letak jalan harus mengikuti ketentuan dari Dinas Tata Kota dan Tata Bangunan Kota Medan dengan memperhatikan kaidah-kaidah teknis perencanaan kota serta ketentuan spasial yang berlaku untuk wilayah ini.
- b. Bangunan rumah yang dibangun harus menerapkan Koefisien Dasar Bangunan (KDB) sesuai ketentuan yang berlaku dan menyediakan Ruang Terbuka Hijau (RTH) ± 10% dari luas lahan.
- c. Drainase yang dibangun harus dapat mengeringkan wilayah sekitar kawasan tersebut dan berkoordinasi dengan Dinas Pekerjaan Umum Kota Medan untuk menentukan dimensi penampang dan kedalaman drainase serta arus pembuangan..
- d. Menyediakan lahan parkir sebagaimana SK. Walikota Medan No. 640 / 3145 / SK / 1994 tanggal 25 Nopember 1994 tentang syarat-syarat dan standard kebutuhan parkir untuk setiap bangunan dalam Daerah Kota Medan.
- e. Untuk menjaga keasrian dan ramah lingkungan pada kawasan tersebut, halaman lokasi ditanami penghijauan dan membuat IPAL untuk Pengolahan Air Limbah Domestik sesuai Kepmen Lingkungan Hidup Nomor 112/2003 tanggal 10 Juli 2003 tentang Baku Mutu Air Limbah dan Perda Kota Medan No.13 Tahun 2003 serta membuat sumur resapan.
- f. Membuat dokumen yang berkaitan dengan dampak lingkungan untuk lokasi yang dimohon sesuai dengan yang disahkan oleh Dinas Pengelolaan Lingkungan Hidup ESDM Kota Medan.
- g. Kepada pemohon dikenakan kewajiban retribusi yang berkaitan dengan permohonan perubahan peruntukan serta retribusi lainnya sesuai ketentuan yang berlaku.
- h. Pembangunan dilapangan dapat dilaksanakan setelah diterbitkan Izin Mendirikan Bangunan (IMB) dan melakukan koordinasi dengan Lurah dan Camat pada saat pelaksanaan pembangunan di lapangan.

Kedua : Tidak diperkenankan melakukan perubahan yang tidak sesuai dengan keputusan ini kecuali telah mendapat persetujuan tertulis dari Kepala Daerah.

Ketiga : Pelaksanaan keputusan ini diserahkan kepada Kadis Tata Kota dan Tata Bangunan Kota Medan.

Keempat : Keputusan ini mulai berlaku sejak tanggal ditetapkan, dengan ketentuan akan dilakukan perbaikan kembali jika terdapat kekeliruan didalamnya.

Tembusan :

1. Ketua DPRD Kota Medan.
2. Kepala Bawasko Medan.
3. Tim Penataan Ruang Pemko Medan.
4. Camat Medan Polonia.
5. Lurah Sukadamai.
6. Sdr. Boelio Muliadi/Direksi PT. Bina Wibawa Sejahtera.
7. A r s i p.

Ditetapkan di : M E D A N
Pada tanggal : 13 Desember 2005.

W A L I K O T A M E D A N,

D t o

DRS. H. ABDILLAH, AK.MBA

Disalin sesuai asli Keputusan tsb
SEKRETARIS DAERAH KOTA MEDAN,

DRS. H. AFUDDIN LUBIS, MSi
PEMBINA UTAMA MUDA
M E D A N N.P. 010076621