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Regulation of House and Shop or Shophouse Development in Jambi City Based on Urban Spatial Planning Concept

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Abstract: In the context of state administrative law, the government or state administration is responsible for granting building permits, particularly for houses with shops or commercial buildings (ruko). Legality is the main principle, and permits are considered crucial instruments in controlling spatial utilization to maintain urban planning. Key factors, such as land capacity and building function, are considerations in issuing permits, which must align with the local Spatial Planning Plan (RTRW). Legislation, especially Law Number 26 of 2007 concerning Spatial Planning, and Regional Regulations (Perda) of Kota Jambi, provide a legal basis for commercial building permits. However, the lack of specific provisions regarding houses with shops in the Building Regulation of Kota Jambi is a regulatory weakness. Uncontrolled commercial building development and insufficient guidance lead to numerous vacant or non-compliant commercial buildings. Main challenges involve a lack of location clarification, insufficient guidance, weak supervision, limited community participation, and a lack of understanding of administrative and technical building requirements. Solutions include developing additional guidelines, providing guidance for business owners, enhancing supervision, increasing community participation, and offering technical consultation services. Clearer clarification and practical solutions are expected to ensure that commercial building development contributes positively to urban planning and fulfills public interests and environmental sustainability.

Keyword: Permits, Commercial Buildings, Spatial Planning, Local Government, Community Participation.

INTRODUCTION

In state administrative law, the subject of law and drager van de rechten en plichten or supporter of rights and obligations is the government or state administration. As a legal subject, the government carries out various actions, both real and legal actions, in accordance with its authority, so that in its implementation it must not contain defects such as errors (dwaling), fraud (bedrog), coercion (dwang), and others that can cause illegal legal consequences. In addition, government actions must be based on the principle of legality or based on applicable laws and regulations, so that these actions will not conflict with applicable laws, so that they do not cause the legal consequences that arise to be canceled or can be canceled. This action is intended to regulate and serve the public interest. This government instrument is a tool or menas

used by the government or state administration, such as stationery, transportation and communication facilities, office buildings, and others, which are collected in the public domain. The opinion of N. M. Spelled and J.B.J.M.Ten Berge in Ridwan H.R states that in a broad sense a permit is a permit from a businessman based on a law or government regulation for certain provisions that violate the provisions of the law. In a narrow sense, a permit is binding on a permit regulation which is generally based on the desire of the law maker to achieve certain goals or prevent bad conditions.

Budihardjo (2005) stated that spatial planning is a public policy that can influence the sustainability of sustainable development. However, its implementation often faces conflicts of interest between various development actors. He suggested improving the quality of spatial planning through long-term orientation, enforcing development control mechanisms, and increasing the socio-cultural sensitivity of policy makers.

Licensing (*vergunning*) is a form of implementing a regulatory function and is controlling (*sturen*) owned by the government over activities carried out by the community. Permits are preventive in regulating and controlling every individual or collective activity. By issuing a permit, the authorities allow permission to carry out certain actions or activities that are actually prohibited for the public interest. In carrying out its functions, the law requires various devices with the aim that the law has good performance. The law has a mandatory rule, meaning that the law binds every individual, if the rule of law is applied in legislation then everyone must implement it.

Minister of ATR/BPN Sofyan A. Djalil (2021) emphasized that spatial planning is the basis for the implementation of development and licensing. He stated that maintaining spatial planning is an important part of creating an inclusive and sustainable space, as well as the need to involve the role of academics and practitioners in the process

The function of licensing consists of two things, namely first as an orderly, namely so that each permit owner does not differentiate between each other so that it is realized in every area of community life and second as a regulator, namely so that existing permits can be implemented according to their designation, which this function is owned by the government. Therefore, licensing as part of controlling the use of space is one of the very important government administration instruments in realizing urban spatial planning so that it runs according to the regional spatial plan.

Land capability is a characteristic of land which includes soil properties, topography, drainage, and environmental conditions that support life or activities in a location or expanse of land. In the case of land use that is not in accordance with the designation of land capability, it will accelerate the decline in land productivity.

Houses with shops or shophouses are different from business houses. According to Handa S. Abidin, a business house or often referred to as a place of business is a place used for trade, industry, production, service business and document storage activities, including residential houses which are partly used for these activities. Meanwhile, the definition of Ruko according to Andie A. Wicaksono states that a house with a shop or ruko is a term for a building in Indonesia which is generally made with two to five floors, which functions as a residence and commercial. So it can be said that Ruko is a house that has a dual function, the functions it has include as a residential house and a business house.

In general, permits as controllers of certain activities that have side effects, especially the function of buildings as places for economic, cultural, social, and educational activities related to the function of local government as agents of development, agents of change, and agents of regulation.⁸ In such functions, local governments are interested in building permits. The existence of building permits is intended to prevent chaos in urban spatial planning and is a form of controlling urban space.

In constructing buildings that utilize space, as stated in Law Number 26 of 2007 concerning Spatial Planning (hereinafter referred to as the Spatial Planning Law). Permits to

build houses with shops or shophouses have their own provisions in several articles. The Spatial Planning Law also explains that the provisions for permits that utilize space must be implemented in accordance with the local RTRW, which here is Jambi City. It is reaffirmed in Jambi City Regional Regulation Number 9 of 2013 concerning Jambi City RTRW, that every business actor is required to have a permit to utilize space and is required to implement licensing provisions in implementing the utilization of space.

In the Regional Regulation of Jambi City Number 3 of 2015 concerning Buildings (hereinafter referred to as the Building Regulation), there is no explanation about shophouses or houses with shops, included in the category of buildings with more than one function with the main function being a combination of more than one function. So in making a building permit, it must meet the administrative requirements and technical requirements of the building. The function of the building in question is the level of complexity, level of permanence, level of fire risk, earthquake zoning, location, height, and/or ownership. In terms of location, it must be designated in the Regional Spatial Plan (RTRW). As stated in the Spatial Planning Law, the spatial plan for metropolitan areas and/or megapolitan areas must contain objectives, policy directions, spatial planning strategies, spatial structure plans for the area, pattern plans, directions of spatial utilization and spatial control as well as sanctions. However, in reality, in Regional Regulation Number 9 of 2013 concerning the Jambi City Spatial Plan for 2013-2033 (hereinafter referred to as the Jambi City RTRW Regional Regulation) there is no explanation or article related to the direction as in the Spatial Planning Law, namely regarding what a location permit is like, what kind of location is not dangerous or does not cause disturbance to the community and the absence of direction for good and correct location placement.

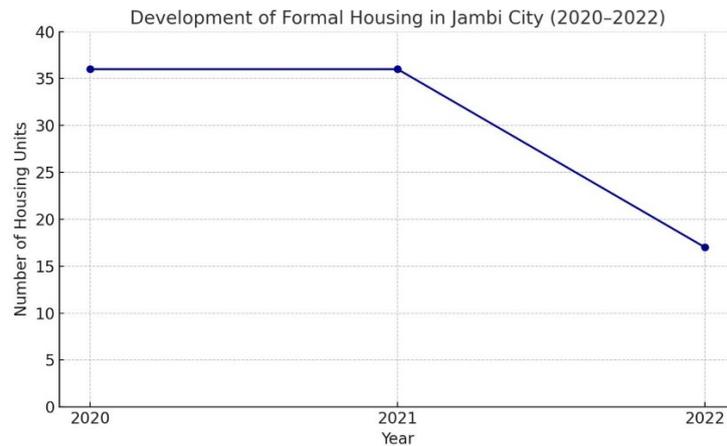
Ernawi (2010) emphasized that social transformation in urban Indonesia has not yet formed the expected city morphology. He saw that one of the causes was the non-optimal functioning of the RTRW as an instrument guiding urban development. Ernawi also noted that the dominant role of the government and the lack of attention to protecting environmental quality and public safety are challenges in spatial planning.

A person in constructing a building is required to meet the requirements that have been determined by laws and regulations, where in the Jambi City RTRW Regional Regulation the requirements are in the Jambi City Spatial Planning and Housing Service, as also stated in the Building Regional Regulation.

Building permits must be subject to laws and regulations, in this case the use of space must be subject to the Jambi City RTRW Regional Regulation. The permit for the use of space is intended so as not to cause losses to the surrounding community, not to cause unrest and disturbance to the surrounding community, if in building a shophouse building, which is usually used as a place of business, so that in building it must be in an appropriate area and environment. And in development must still pay attention to Green Open Space (RTH). The parts of RTH are City Forests, Parks, Lake Borders, River Borders, Cemeteries, Government Office Areas, Certain Functions (green belts), certain functions (office agricultural land), green lanes, and pedestrians. As seen, in several points in Jambi City, abandoned or empty shophouse buildings can be found, as well as the establishment of inappropriate shophouse buildings. This can be caused by the lack of direction for the founders of shophouse buildings to build their shophouses where, the absence of a good and correct location and the absence of supervision in its establishment. This should be regulated in the Regional Regulation as mandated by the Spatial Planning Law, but in the Jambi City RTRW Regional Regulation, such regulation has not been found. Based on what has been conveyed above, this article will discuss the regulations for building houses with shops or shophouses based on the spatial planning concept. (Muthmainnah, 2017).

The problem formulation contains article questions that must be explained in the discussion and answered in the conclusion.

Picture 1.1
Formal Housing Development Data in Jambi City (2020–2023)



Source: Jambi City Public Housing and Residential Areas Service, via the Jambi City Data Room portal.

METHOD

The research method used in this thesis is the normative legal method, which aims to analyze the Regulation of House and Shop Development or Shophouses in Jambi City Based on the Urban Spatial Planning Concept. This method focuses on the study of applicable legal regulations, both in the form of laws, government regulations, and other related regulations, and how these regulations are interpreted and applied. The normative legal approach is carried out through a literature study involving the collection and analysis of primary legal materials. This study also utilizes secondary legal materials in the form of journals, books, and scientific articles. The researcher uses a descriptive analytical method to describe the applicable rules and analyze them based on relevant legal theories and legal principles. The normative legal method is very appropriate to use in this study because the focus of this study is on normative studies. This study is expected to provide academic contributions in understanding the legal implications of this new regulation and provide practical recommendations to strengthen legal protection for warehouse receipt holders in Indonesia..

RESULTS AND DISCUSSION

1) Regulation of Building Permits for Houses with Shops or Shophouses Based on the Spatial Planning Concept

In the context of state administrative law, the legal subject involved in granting building permits, especially for houses with shops or shophouses, is the government or state administration. This subject has the responsibility to ensure that every action taken is in accordance with the authority held and does not involve legal defects such as error, fraud, or coercion. The principles of legality are the main basis, so that every action must be in accordance with applicable laws and regulations.

Government instruments, such as building permits, are considered as tools or means to regulate and serve the public interest. N. M. Spelt and J.B.J.M.Ten Berge define permits as approval given by entrepreneurs based on laws or government regulations to carry out certain activities that are actually prohibited. Permits have a preventive function to control community activities, and the government has an important role in granting these permits so that the use of space is in accordance with the spatial plan.

The importance of licensing lies in two main functions: first, as a regulator to prevent conflicts between license holders, and second, as a regulator to ensure that the permits granted

can be implemented in accordance with their designation. As part of controlling the use of space, licensing is a crucial government administration instrument in maintaining urban spatial planning in accordance with the plan. Land capability is a key factor in licensing, involving characteristics such as soil properties, topography, drainage, and environmental conditions that support life or activities. Land use that is not in accordance with its designation can result in decreased land productivity. Therefore, the government needs to consider land capability in granting permits to ensure the sustainability of space use.

The definition of a house with a shop (*ruko*) is discussed as a building that has a dual function as a residence and a place of business. This category requires the government to ensure that the permits granted are in accordance with these functions. In this context, regional regulations (*Perda*) play a central role in regulating building permits, especially those related to shophouses.

Law Number 26 of 2007 concerning Spatial Planning provides the legal basis for shophouse building permits. Licensing requirements must be in accordance with the local Spatial Planning Plan (RTRW), as regulated in Jambi City Regulation Number 9 of 2013 concerning RTRW. However, there are no specific provisions related to houses with shops in the Jambi City Building Regulation, which requires more attention, especially in terms of administrative and technical building provisions.

The function of the building, such as complexity, permanence, and fire risk, are considerations in granting permits. The location must also be in accordance with the RTRW, which should include directions regarding location permits, sustainability of building functions, and control of urban space. However, it should be noted that the Jambi City RTRW Regulation has not provided an explanation or article related to these directions.

In a practical context, the implementation of permits requires the fulfillment of administrative requirements and technical building requirements. This includes the obligation of business owners to have a space utilization permit and comply with licensing provisions. In this case, the Jambi City Spatial Planning and Housing Service plays an important role in ensuring that each permit is in accordance with laws and regulations.

Building permits must comply with laws and regulations, and in particular, the Jambi City RTRW Regional Regulation. Space utilization permits aim to prevent losses to the surrounding community and maintain environmental quality. Selection of a suitable location and attention to Green Open Space (RTH) are important factors in regulating permits.

In this context, the division of city areas (BWK) is the basis for building shophouses. Spatial planning must pay attention to the BWK which determines the main function of each area. However, the reality in the field shows that many shophouses are abandoned or do not comply with permits due to the lack of direction regarding shophouse construction, weak supervision, and lack of explanation regarding where shophouse buildings may or may not be built.

As a result, uncontrolled shophouse construction occurs and causes the area to become a slum. Slum areas themselves are defined by Law Number 1 of 2011 as settlements that are uninhabitable due to irregular buildings, high density levels, and the quality of buildings and facilities and infrastructure that do not meet requirements. The Jambi City RTRW Regional Regulation has not provided a specific explanation regarding the uncontrolled development of shophouses, and this is a weakness in the regulation. Discussions regarding places or areas that allow or prohibit the development of shophouses need to be regulated more clearly so that slum areas do not occur. Strict supervision from related agencies is also needed to ensure that every shophouse development permit is in accordance with the spatial plan.

In concluding the discussion, it can be concluded that the regulation of building permits for houses with shops or shophouses must be based on a clear spatial planning concept. Licensing must be subject to laws and regulations, especially the Jambi City RTRW Regulation, and consider factors such as land capacity, building function, and city area division. Clarity in

the direction of shophouse development, explanations regarding locations that allow or prohibit, and strict supervision from the local government are the keys to preventing the formation of slum areas due to uncontrolled shophouse development.

2) Challenges and Solutions in Regulating Building Permits for Houses with Shophouses or Shophouses

The regulation of building permits, especially for houses with shops or shophouses, is faced with a number of challenges that need to be overcome so that the licensing process runs smoothly and in accordance with the desired spatial planning concept. In this sub-chapter, we will discuss several main challenges faced, as well as solutions that can be applied to increase the effectiveness and efficiency in regulating these permits.

The first challenge that needs to be considered is the lack of clarification regarding locations that are suitable or unsuitable for shophouse development. Although the Jambi City RTRW Regulation provides a legal basis for building permits, clarity regarding certain zones that allow or prohibit the construction of shophouses is still lacking. This can trigger the construction of shophouses in areas that should not meet the requirements or are not in accordance with the spatial plan.

The solution to overcome this challenge is to develop additional guidelines or regulations that provide more detailed clarification regarding locations that are or are not suitable for the construction of shophouses. These guidelines can include mapping certain zones that have special provisions related to the construction of shophouses, taking into account factors such as population density, area function, and environmental sustainability.

The second challenge lies in the lack of clear direction regarding the construction of shophouses. Business owners or developers are often faced with uncertainty regarding the technical and administrative requirements that must be met in establishing shophouses. This lack of information can hinder the licensing process and cause a mismatch between the permits granted and the functions that the shophouses should have.

The solution to overcome this challenge is to provide a guide or workshop for business owners or developers who want to establish shophouses. This guide can explain in detail the administrative and technical requirements that must be met, the licensing process that must be followed, and the rights and obligations of shophouse owners. By providing clear direction, it is hoped that the licensing process can be more efficient and in accordance with spatial planning objectives. The third challenge is the weak supervision of shophouse construction after obtaining a permit. The large number of shophouses that are abandoned or do not comply with the initial permit shows a lack of supervision from the authorities. Without adequate supervision, shophouse owners can easily ignore permit provisions and make changes without notice, which can threaten the sustainability of the city's spatial planning.

The solution to overcome this challenge is to strengthen the supervision mechanism of the local government. Relevant agencies, such as the Jambi City Spatial Planning and Housing Agency, need to increase the capacity and intensity of supervision of each shophouse development. The use of technology such as online monitoring systems or satellite mapping can support more effective supervision. In addition, strict sanctions must be applied to every violation of the permit, so that it can be a deterrent for shophouse owners who do not comply with the regulations.

The fourth challenge is related to the lack of community participation in the licensing process. Community participation is very important to ensure that the public interest and environmental sustainability are considered in every shophouse development permit. However, often the community is not actively involved in providing input or monitoring the licensing process.

The solution to overcome this challenge is to increase public awareness and participation in the licensing process. Local governments need to conduct widespread

socialization regarding the importance of community participation in planning and supervising shophouse development. Participatory mechanisms, such as general meetings or public consultations

CONCLUSION

In regulating building permits, especially for houses with shops or shophouses, the government or state administration as a legal subject must ensure that every action taken is in accordance with the authority held and does not involve legal defects. The principles of legality are the main basis, so that every action must be in accordance with applicable laws and regulations.

Government instruments, such as building permits, are considered as tools or means to regulate and serve the public interest. The function of licensing lies in two main aspects: as a regulator to prevent conflicts between permit holders, and as a regulator to ensure that the permits granted can be implemented according to their designation. Licensing is an important government administration instrument in maintaining urban spatial planning in accordance with the plan.

However, there are several challenges in regulating building permits, such as lack of clarification regarding appropriate locations, minimal direction regarding shophouse construction, weak supervision after the permit is granted, lack of community participation, and difficulty in understanding administrative and technical building requirements. To overcome these challenges, steps are needed such as compiling additional guidelines or regulations, providing guidance for business owners, strengthening supervision, increasing community participation, and providing technical consultation services.

With a holistic approach and implementation of the right solution, it is hoped that the regulation of building permits can be more effective and efficient. Thus, the construction of shophouses can provide a positive contribution to urban spatial planning, fulfill public interests, and support environmental sustainability.

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