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RESEARCH ARTICLE

Implementation of Surakarta City Regional Regulation Number 7 of 2023 towards Fulfillment of the Rights to Housing and Settlement Areas in Surakarta City

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Abstract: This study aims to determine and analyze the implementation of Surakarta City Regional Regulation Number 7 of 2023 concerning the Implementation of Housing and Settlement Areas and to determine and analyze the challenges and obstacles faced by the Surakarta City Government in fulfilling the right to housing and settlement areas in Surakarta City. The research method used is a non-doctrinal research method or empirical research using descriptive research. The approach used is a qualitative approach. The types of data used are primary and secondary data. Primary data collection techniques through interviews with related parties to examine the problems that occur while secondary data through literature studies in the form of official documents or books. The results showed that the implementation of Surakarta City Regional Regulation Number 7 of 2023 concerning the Implementation of Housing and Settlement Areas has not fully reflected the fulfillment of the right to housing and residential areas as evidenced by the fact that there are still illegal settlements whose ownership legality is still not guaranteed. The cause of the unfulfillment of the right to housing and residential areas is the limited land in Surakarta City which is increasingly limited while the need for housing is increasing and the price of land is increasing as well as the limited budget of the Surakarta City Government to meet the housing needs of residents who are still affected by illegal settlements and residents' awareness of maintaining settlements so that they do not return to slums after the instrument from the government. Therefore, there needs to be a deep seriousness given by the Surakarta City Government regarding the implementation of Surakarta City Regional Regulation Number 7 of 2023 concerning the Implementation of Housing and Settlement Areas in order to uphold the fulfillment of rights for low-income people and people affected by illegal settlements.

Keywords: Implementation, Housing and Settlement Areas, Rights Fulfillment

1. Introduction

The need for housing and residential areas always increases from year to year along with the increase in population in an area. Apart from the need for a place to live, a house is also seen as creating an atmosphere that is livable, safe, comfortable, peaceful and sustainable. Housing and settlements are also places for the formation of human character and personality and the improvement of human life and livelihood. (Kusuma, 2017)



Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia explains that every person has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy living environment. This is the state's responsibility in administering housing and settlements. Likewise, Law Number 1 of 2011 concerning Housing and Settlement Areas states that the state is responsible for protecting the entire Indonesian nation through housing and residential areas so that people are able to live and live in decent and affordable homes in healthy, safe, housing, harmonious and sustainable throughout Indonesia.

Law Number 1 of 2011 concerning Housing and Settlement Areas mandates that the government's role is to provide and facilitate the community to create a decent residential environment. A house that is livable and affordable in a healthy, safe, harmonious, orderly, planned, integrated and sustainable environment. Komarudin (1997:46) (Komarudin, 1997) explains that housing is one of the basic human needs and an important aspect in improving human dignity. In order to fulfill this, it is necessary to pay attention to general policies for housing development, institutions, problems, land, financing, and supporting elements for housing development. Government administration in the field of housing and residential areas has a very important role in achieving social welfare. The Law specifically states that one of the scopes of the implementation of Housing and Settlement Areas is the prevention and improvement of the quality of slum housing and slum settlements. This is interpreted in the form of policies, strategies and programs by various responsible government agencies. In order for Law Number 1 of 2011 concerning Housing and Settlement Areas to be implemented properly, the Government of the Republic of Indonesia Regulation Number 88 of 2014 concerning Development of Housing and Settlement Areas has been stipulated. Development of the Implementation of Housing and Settlement Areas is an effort made to achieve the objectives of organizing housing and residential areas.

The city of Surakarta has very fast and good growth and development, especially in physical growth and economic growth. Based on data from the Surakarta City Central Statistics Agency, the population in 2022 will reach 523,008 people with a density of 11,878 people/km². However, the arrival of these immigrants is not always accompanied by proper knowledge and education, resulting in the emergence of disadvantaged, low-income groups. This situation is exacerbated by limited places to live, causing land and house prices in the city of Surakarta to be relatively high. (Sunarti, 2019)

The Surakarta City Government has established Regional Regulation Number 7 of 2023 concerning the Implementation of Housing and Residential Areas. The purpose of establishing this regional regulation is stated in Article 2 of Surakarta City Regional Regulation Number 7 of 2023 concerning the Implementation of Housing and Settlement Areas, namely that this regional regulation is intended to provide a basis for carrying out the implementation of housing and residential areas as well as preventing the quality of slum housing and slum settlements.

Surakarta City Regional Regulation Number 7 of 2023 concerning the Implementation of Housing and Settlement Areas is a regional regulation that was passed recently which strengthens the application of previous regional regulations, namely Surakarta City Regional Regulation Number 2 of 2016 concerning Prevention and Improvement of Slum Housing and Slum Settlements which only contains a small part of the scope of regulation of housing and residential area management and requires adjustments, so it needs to be replaced and adapted to become part of the regulation of housing and residential area management in the City of Surakarta. It needs to be studied and researched in order to find out whether the implementation of regional regulations applies according to the provisions or not. Apart from that, it is necessary to know the obstacles and challenges in implementing Regional Regulation Number 7 of 2023 concerning the Implementation of Housing and Settlement Areas. This explanation became the author's background for conducting legal research related to Surakarta City Regional Regulation Number 7 of 2023

concerning the Implementation of Housing and Settlement Areas. Based on this literature, the aim of this research is to review the implementation of regional regulation number 7 of 2023 towards fulfilling the right to housing and residential areas.

2. Literature Review

Citations in the text should follow the referencing style used by the American Psychological Association. You are referred to the Publication Manual of the American Psychological Association, Sixth (6th) or Seventh (7th) Edition and use reference software manager (eg, Mendeley, endnote or zotero). Please ensure that every reference cited in the text is also present in the reference list (and vice versa). Any references cited in the abstract must be given in full. Unpublished results and personal communications are not recommended in the reference list, but may be mentioned in the text. If these references are included in the reference list they should follow the standard reference style of the journal.

Hypotheses: Entrepreneurial competencies consist of those skills that are deeply rooted in a person's background as well as skills that can be acquired and learned at work (Man & Lau, 2005). According to Mitchelmore and Rowley (2013), one of the objectives to develop classifications of entrepreneurial competencies is to be able to measure such skills. It has been recognized as a specific group of skills that are relevant to business success among women entrepreneurs. Ahmad et al. (2010) have found eight competency domains, namely strategic, commitment, conceptual, opportunity, organizing and leading, relationship, personal, and technical competencies which are the most relevant and context-specific domains of entrepreneurs' entrepreneurial competencies.

Hence, this study examined every domain of the entrepreneurial competencies to investigate whether each of the competencies would directly affect the women micro-entrepreneurs business success. The investigation is based on the following hypothesis:

- H1: Strategic competency is significantly and positively related to business success among women micro-entrepreneurs.
- H2: Commitment competency is significantly and positively related to business success among women micro-entrepreneurs.
- H3: Conceptual competency is significantly and positively related to business success among women micro-entrepreneurs.
- H4: Opportunity competency is significantly and positively related to business success among women micro-entrepreneurs

3. Research Method and Materials

The research method used is a non-doctrinal research method or empirical research using descriptive research characteristics. The approach used is a qualitative approach. The types of data used are primary and secondary data. Primary data collection techniques are through interviews with related parties to research problems that occur, while secondary data is through literature study in the form of official documents or books.

4. Results and Discussion

4.1. *Implementation of Surakarta City Regional Regulation Number 7 of 2023 concerning the Implementation of Housing and Settlement Areas*

Surakarta City Regional Regulation Number 7 of 2023 concerning the Implementation of Housing and Residential Areas is a Regional Regulation made by the Surakarta City Government to realize the implementation of housing and residential areas by providing assistance and convenience, especially for low-income people and is a guideline in the



implementation of housing and residential areas in Surakarta City with adequate infrastructure, facilities and public utilities.

Surakarta City Regional Regulation Number 7 of 2023 concerning the Implementation of Housing and Settlement Areas requires implementation. Implementation is the action or implementation of a plan that has been carefully formulated in order to achieve certain goals. Implementation is carried out in order to understand the implementation process of a policy based on regional regulations which are made to regulate according to regional needs and competencies. This includes the implementation of Surakarta City Regional Regulation Number 7 of 2023 concerning the Implementation of Housing and Settlement Areas. This regional regulation is a derivative of Government Regulation Number 12 of 2021 concerning Amendments to Government Regulation Number 14 of 2016 concerning the Implementation of Housing and Settlement Areas which is more technical in nature and adapts to the regulations above .

The policy regarding the management of housing and residential areas is based primarily on the 1945 Constitution of the Republic of Indonesia. This is stated in Article 28 H paragraph (1) which states that every person has the right to live in physical and spiritual prosperity, to have a place to live and to have an environment. live a good and healthy life and have the right to receive health services. The government is responsible for managing housing and residential areas.

Housing and Settlement Areas are protected by Legislative Regulations and between regulations and regulations there is harmony in objectives and interrelated factors. The regional government in administering housing and settlements has many duties and authorities as stated in Surakarta City Regional Regulation Number 7 of 2023 concerning the Implementation of Housing and Settlement Areas. In this regional regulation, there are various articles which are mandates from the regional government to local governments in managing housing and residential areas.

Article 57 of Surakarta City Regional Regulation Number 7 of 2023 concerning the Implementation of Housing and Settlement Areas and Article 58 of Surakarta City Regional Regulation Number 7 of 2023 concerning the Implementation of Housing and Settlement Areas discusses housing control. Housing control is a form of housing and residential area management carried out at the planning, development and utilization stages. The regional government forms or appoints regional apparatus in charge of housing and residential areas to carry out housing control. This housing control is carried out, among other things, in the form of coordination carried out through the Housing and Settlement Area Development Working Group or POKJA PKP in order to formulate and implement policies, strategies and programs in the housing and residential area sector which require coordination, monitoring and evaluation by recording achievements. performance of implementation of housing and residential area activity programs by several related village officials.

The regional government in handling uninhabitable houses (RTLH) has two methods, namely new construction and quality improvement. New development is development that is rebuilt from scratch or can be interpreted as development with a new arrangement, but with a limited budget, namely for one house the construction of a new house is 50 million, funded from Special Allocation Funds or DAK. Special Allocation Funds or DAK are funds sourced from APBN revenues allocated to certain regions with the aim of helping fund special activities which are regional affairs and in accordance with national priorities. Improving the quality of housing is carried out by the regional government, especially the Housing and Settlement Area Service as stated in Article 47 paragraph (1).

Providing Housing and Settlement Areas for Low-Income Communities (MBR) is an obligation for local governments to meet housing needs for MBR. Regional governments are obliged to facilitate the construction and acquisition of houses through a gradual and sustainable housing development planning program.

This is in accordance with what is stated in Article 54 of Law Number 1 of 2011 concerning Housing and Settlement Areas. Article 6 of this regional regulation also explains that in providing housing for MBR, the regional government can provide facilitation for the planning, construction and utilization of housing.

The regional government, in an effort to improve the quality of slum housing and slum settlements, establishes policies, strategies and treatment patterns that are humane, cultural, just and economical in accordance with Article 121 paragraph (1). Based on interviews with the settlement sector, the humane handling pattern is in the form of the *ngeuwongke concept uwong*. This concept is the concept of arranging housing and settlements in the city of Surakarta, which means arranging without displacing and taking a social approach to the community, which does not necessarily mean just arranging and moving, but with an approach to the affected communities so that social conflict does not occur. This social approach is carried out until the affected parties agree to be moved and after being moved they get a new place to live. This has been accomplished by building a house where the compensation is around 55 thousand m² for those who have a Surakarta KTP but if they don't have a Surakarta KTP they are only given pocket money. For example, in the Tirtonadi residential area, before the dam, there were still many settlements, then they were moved to houses outside of Solo and given compensation, whereas in the slum settlements, they were temporarily moved to Healthy Instant Houses or RISA, which is a temporary residence for residents whose affected areas are being reorganized. However, this RISA is limited and residents are given a rent of 5 million and each looks for their own temporary housing.

The problem that occurs when settlements are arranged is that there are residents who do not want to be moved because they have lived in the settlement for years, for example the settlement at the Mojo cemetery. Until now, efforts have been made to socialize and approach the residents of the settlements concerned and have been given replacement money, but because the concept brought to the Department of Housing, Settlement Areas and Land does not want conflict, so to date there has been no agreement between the two parties.

The availability of land for the purpose of providing housing and improving the quality of slum housing and slum settlements is the responsibility of the regional government and the Department of Housing, Settlement Areas and Land in accordance with article 135 paragraph (1). In order to fulfill community settlement certainty, the Surakarta City Government provides property rights certificates to residents affected by settlement development arrangements. One of the residents affected by this settlement arrangement is a resident of the Mojo Village Settlement, Pasar Kliwon District with the address Block E1.-222 Arrangement Area. Based on an interview with the resident's representative, namely Mrs. Wati, the legality of ownership or certificate will be granted in 2020 and then the settlement will be reorganized and redeveloped, where previously the settlement was an illegal settlement. The construction and arrangement is divided into two stages, namely stage I in 2021-2022 and stage II in 2022-2023. During the structuring and construction period, local residents were given severance pay for contracting amounting to 5 million and funds for the development were collaboratively funded by the Central Government, namely the Special Allocation Fund and the Provincial Government. In the construction and arrangement of housing and RTLH residential areas, the government only provides stimulant funds for house construction. If there is a lack of funds in improving the quality or construction of a new RTLH, then it will be supplemented with non-governmental funds. This is also stated in Article 132 paragraph (3) which states that management can be facilitated by the Regional Government to increase community self-sufficiency in managing housing and livable settlements. This management consists of forming community self-help groups and maintenance and repairs

The formation of Community Self-Help Groups in Article 133 paragraph (1) is an effort to optimize the community's role in managing livable and sustainable housing and settlements

and to optimize the community's role in improving the quality of slum housing and slum settlements. The costs incurred by Community Self-Help Groups come from the community itself and can be obtained through the contribution of each person. Based on interviews with Mrs. Wati from the Mojo Settlement and Mr. Kalis from the Types Settlement that was affected by the development, the Community Self-Help Group in the settlement is a clean water and sanitation KSM that uses a Waste Water Treatment Plant or what is called a communal IPAL and pays a monthly fee of IDR. 5000.00 for maintenance and credit top-up, while community self-sufficiency takes the form of adding a canopy in the yard or adding a sink, renovating the walls, doors, windows and ventilation of the house without changing the basic structure of the house.

Article 92 of Surakarta City Regional Regulation Number 7 of 2023 concerning the Implementation of Housing and Settlement Areas explains that prevention of the growth and development of housing and slum settlements is carried out through supervision and control or community empowerment. Supervision of control over the growth and development of slum housing is carried out by means of monitoring, evaluation and reporting.

Prevention of the growth and development of housing and slum settlements, apart from monitoring and controlling, is also carried out by stakeholders in the housing sector and residential areas through assistance and information services.

4.2. Analysis of the Implementation of Surakarta City Regional Regulation Number 7 of 2023 on the Fulfillment of Rights to Housing and Settlement Areas in the City of Surakarta

Housing and residential areas have an important role that is of concern to the state. Fulfillment of the right to housing and residential areas has been recognized and protected by international human rights legal instruments, namely the Universal Declaration of Human Rights (UDHR). On December 10, 1948, the General Assembly of the United Nations (UN) proclaimed the Universal Declaration of Human Rights which contains the main points of human rights and basic freedoms which are intended as a general reference in achieving for all people and nations the guarantee of recognition of respect for their rights. universal and effective basic rights and freedoms . Article 25 paragraph (1) of the General Declaration of Human Rights (UDHR) states that every person has the right to a standard of living that ensures health and well-being for himself and his family, including food, clothing, housing and health care as well as necessary social services and is entitled to guarantee when unemployed, suffering from illness, disability, becoming a widow, reaching old age or having difficulty finding another job due to circumstances beyond one's control. This is in accordance with the policy foundation in the 1945 Constitution of the Republic of Indonesia in Article 28 H paragraph (1), namely that every person has the right to live in physical and spiritual prosperity, to have a place to live, and to have a good and healthy living environment and the right to receive services. health.

The right to housing is also protected and clearly explained as contained in the International Covenant on Economic, Social and Cultural Rights (KIHESB). The International Covenant was ratified at the United Nations General Assembly session on December 16 1966. The Indonesian nation is part of the international community which respects, appreciates and upholds the principles and objectives of the United Nations Charter and the Universal Declaration of Human Rights. Indonesia's attitude in promoting and protecting human rights and the commitment of the Indonesian people as part of the international community to promote and protect human rights means it is necessary to ratify the main international instruments regarding human rights, especially *the International Covenant. on Economic , Social and Cultural Rights* (International Covenant on Economic, Social and Cultural Rights) and *the International Covenant on Civil and Political Rights* (International Covenant on Civil and Political Rights). Economic, Social and Cultural Rights (KIHESB) was legalized and ratified in Law

Number 11 of 2005 concerning Ratification of the *International Covenant on Economic, Social, and Cultural Rights* (*International Covenant on Economic, Social and Cultural Rights*).

- a. Article 11 paragraph (1) of this Covenant states that party states recognize the right of every person to an adequate standard of living for himself and his family, including food, clothing, housing, and to the continuous improvement of living conditions. With the existence of this covenant, it is necessary to provide general comments regarding the articles, especially the Articles of the *International Covenant on Economic, Social and Cultural Rights*. In 2009, Komnas HAM published the book *General Comments on the International Covenant on Civil and Political Rights and Economic, Social and Cultural Rights*, which aims to make the public, especially officials, better understand human rights as a whole and not see them in pieces, let alone just reading from an article of a law. invite. In General Comment Number 4 *The Right to Adequate Housing* (Article 11 paragraph (1) of the *International Covenant on Economic, Social and Cultural Rights*) has regulated in detail the indicators for the right to adequate housing for the community. These indicators are the tools of analysis related to the implementation of Surakarta City Regional Regulation Number 7 of 2023 concerning *Housing and Settlement Areas*. These indicators are guaranteed *Legality of Ownership, Availability of various services, materials, facilities and infrastructure (facilities and infrastructure), Affordability (cost), livability, accessibility, location and cultural suitability*.

housing cooperation, ownership of rights, and temporary residence. In addition, each individual must have a sufficient level of tenure to ensure legal protection against forced eviction and other threats. The limited budget of the Surakarta City government is inversely proportional to the housing needs in the City of Surakarta, so efforts must be made to collaborate with the Provincial Government and the Central Government in dealing with unrealized housing needs. The availability of materials, facilities and infrastructure (facilities and infrastructure) are important components in a house that is considered suitable. Personal or household costs related to housing should not threaten the attainment and satisfaction of other basic needs to a certain degree. Steps must be taken and necessary to ensure housing costs are in line with people's income levels and provide housing subsidies for those who do not have affordable housing.

A suitable residence must be able to provide its occupants with adequate space and protect them from extreme weather conditions such as cold, damp, heat, rain and wind as well as threats to health and physical dangers of the building or vectors of disease. Inadequate housing and less than perfect living conditions are always associated with high rates of death and morbidity. Adequate housing must be available to all individuals who are entitled to it. Vulnerable groups such as the elderly, children, people with disabilities, physical disabilities, end-stage or HIV sufferers, people with mental disabilities, victims of natural disasters, residents of disaster-prone areas, and others must ensure that their living environment is prioritized.

The government has the responsibility to develop policies that strengthen every individual's right to safe, decent housing and the right to access land as part of that right. Decent housing must be located in a location that is easy to reach for work, health services, schools, children's health centers and other public facilities.

Based on these indicators, the fulfillment of rights to housing and areas has been fulfilled but is not yet optimal. There are obstacles in fulfilling the right to housing and residential areas in the City of Surakarta, namely the limited land in the City of Surakarta which causes the fulfillment of the right to housing based on the indicators mentioned above to still not be optimal. There are still illegal settlements, one of which is the Mojo cemetery area in Jebres, while land in Surakarta City is becoming increasingly scarce, which is causing land prices to rise, so that low-income people cannot afford to buy land. The government should be able to carry out evictions and

demolitions and then move residents of these illegal settlements. However, limited land means the government is still thinking about where to move it because the concept brought is *ngeuwongke uwong* who do not immediately evict, but also think about where to move them. These development efforts only apply to residents who can show a Surakarta KTP and if there are residents who do not have a Surakarta KTP the government cannot help. Apart from that, the limited budget of the Surakarta City Government is also an obstacle experienced by the Department of Housing, Settlement Areas and Land.

The budget spent is very limited and there are still settlements that have been built which require additional adequate facilities such as public facilities, meeting buildings or facilities for places of worship. The addition of these facilities can be aspired to through the Building Plan Deliberation or Musrenbang which is coordinated by the Surakarta City BAPPEDA with the process going through the stages of environmental musrenbang, namely local RT or RW, sub-district musrenbang, sub-district musrenbang, and finally city musrenbang. This is a *bottom-up system* that involves the community to express aspirations regarding problems that occur in their place. The Surakarta City Government can plan to create a Mayor's Regulation that regulates budget changes so that the budgets issued can be more structured and can meet the need for housing and residential areas because so far there is still no Mayor's Regulation that regulates this matter. Apart from that, it is also necessary to pay attention to the lack of awareness among residents regarding the growth and development of slum housing so that slum housing does not occur again, such as throwing rubbish in its proper place, maintaining the cleanliness of the home environment, especially when washing dishes if there is oil because using IPAL sanitation which can clog pipes. and filters inside the IPAL.

5. Conclusion

Regional Regulation Number 7 of 2023 concerning the Implementation of Housing and Settlement Areas is implemented through the construction and arrangement of housing and residential areas in Uninhabitable Homes (RTLH), the implementation of housing and areas for Low Income Communities (MBR) in the form of ease of obtaining houses and availability of land in housing management, as well as improving the quality of housing and slum settlements which intersects with the management of community self-help groups. Implementation of Regional Regulation Number 7 of 2023 concerning the Implementation of Housing and Settlement Areas reflects the fulfillment of the right to housing and settlements based on housing indicators, the right to a decent residence based on General Comment Number 4 The Right to a Adequate Residence (Article 11 paragraph (1) International Covenant on Economic, Social and Cultural Rights) namely guarantees of legality of ownership, availability of various services, affordability (cost), habitability, accessibility, location and cultural suitability as proven through the construction and arrangement of housing and residential areas to make them habitable in the Mojo Settlement and Types Settlement which guarantees the legality of ownership in these settlements and provides various accessible services and easy-to-reach locations for public facilities. The implementation of Regional Regulation Number 7 of 2023 concerning the Implementation of Housing and Settlement Areas has not fully reflected the fulfillment of the rights to housing and residential areas as evidenced by the fact that there are still illegal settlements whose legality of ownership is still not guaranteed.

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