

ARRANGEMENT OF GREEN OPEN SPACES IN THE CITIES
(Regulation of the Minister of Home Affairs No. 1/2007 dated January 11, 2007)

WITH THE BLESSINGS OF THE ONE ALMIGHTY GOD

THE MINISTER OF HOME AFFAIRS,

Considering:

- a. that, development and growth of cities accompanied by rapid changes of function of land has caused environmental damages that may lessen supportiveness of land in supporting the lives of people in the cities so it is necessary to attempt to maintain and enhance quality of environment by making available sufficient green open spaces;
- b. that, based on the considerations as meant in paragraph a, it is necessary to stipulate Regulation of the Minister of Home Affairs on Arrangement of Green Open Spaces in the Cities;

In view of:

1. Law No. 5/1990 on Conservation of Biological Natural Resources and their Ecosystem (Statute Book of 1990 No. 49, Supplement to Statute Book No. 3419);
2. Law No. 5/1992 on Cultural Preserve Articles (Statute Book of 1992 No. 27, Supplement to Statute Book No. 3470);
3. Law No. 24/1992 on Spatial Arrangement (Statute Book of 1992 No. 115, Supplement to Statute Book No. 3501);
4. Law No. 23/1997 on Environmental Treatment (Statute Book of 1997 No. 68, Supplement to Statute Book No. 3699);
5. Law No. 41/1999 on Forestry (Statute Book of 1999 No. 167, Supplement to Statute Book No. 3888) as already amended by Law No. 19/2004 on Stipulation of Government Regulation in lieu of Law No. 41/1999 on Forestry to Become Law (Statute Book of 2004 No. 67, Supplement to Statute Book No. 4401);
6. Law No. 32/2004 on Regional Administration (Statute Book of 2004 No. 125, Supplement to Statute Book No. 4437) as already amended by Law No. 8/2005 on Stipulation of Government Regulation in lieu of Law No. 3/2005 on Amendment to Law No. 32/2004 on Regional Administration to become Law (Statute Book of 2004 No. 108, Supplement to Statute Book No. 4548);
7. Government Regulation No. 69/1996 on Performance of Rights and Obligations and Form and Procedure of Participation of Society in Spatial Arrangement (Statute Book of 1996 No. 104, Supplement to Statute Book No. 3660);
8. Government Regulation No. 47/1997 on National Spatial Arrangement Plan (Statute Book of 1997 No. 96, Supplement to Statute Book No. 3721);
9. Government Regulation No. 63/2002 on City Forest (Statute Book of 2002 No. 119, Supplement to Statute Book No. 4242);
10. Government Regulation No. 79/2005 on Guidelines to Development and Supervision of Operation of Regional Administration (Statute Book of 2005 No. 165, Supplement to Statute Book No. 4593);
11. Presidential Decree No. 32/1990 on Management of Protected Areas;
12. Regulation of the Minister of Home Affairs No. 2/1987 on Guidelines to Arrangement of City Plan;
13. Regulation of the Minister of Home Affairs No. 4/1996 on Guidelines to Change of Utilization of Land in the Cities;
14. Decree of the Minister of Home Affairs No. 147/2004 on Guidelines to Coordination for Regional Special Arrangement;

D E C I D E S :

To stipulate:

REGULATION OF THE MINISTER OF HOME AFFAIRS ON
ARRANGEMENT OF GREEN OPEN SPACES IN THE
CITIES.

CHAPTER I
GENERAL PROVISIONS

Article 1

In this Regulation:

1. Open Space refers to spaces in the cities or in larger areas, whether in form of areas or in form of areas that stretch along/lanes which are open and are basically without buildings.
2. Green Open Space in the City, which is hereinafter called RTHKP, refers to part of open space in a city grown by plants to support ecological, social, cultural, economic benefits, and for esthetics.
3. City Area refers to an area where the main activity is non-agricultural with structure of function as residential area, centre and distribution of government services, social services, and economic activities.
4. Arrangement of RTHKP refers to processes of planning, utilization, and control of RTHKP.
5. Vegetation refers to all plants that cover land surface.
6. Specific Plant of Region refers to types of plants that specifically grow and become identity of a region.
7. Active Recreation refers to a hobby dominated by physical activities and direct participation in the activities, such as sports and other games that require physical movements.
8. Passive Recreation refers to a hobby which is more oriented toward calmness and relaxation for mental and emotional stimulation, and not dominated by physical movement or direct participation in games or sports.
9. Ecosystem Function is process, transfer, and distribution of energy and material among components of ecosystem (communities of plants, animals, and other organisms) and functional interaction among them and, with the environment, whether in form of land ecosystem, water ecosystem, transitory ecosystem, or natural and artificial ecosystem.
10. Germ Plasma refers to substance contained in living creatures, and is the source of generative characteristics that could be benefited and developed to create types of plants or animals and micro organisms.
11. Micro Climate refers to the existence of the local ecosystem that affects local humidity and rainfall so temperature becomes controllable, including sun radiation and wind speed.
12. Bio-geography refers to a condition of layer of earth surface or relief of earth surface in form of material characteristics of earth surface, whether rocks/land or its structured, geomorphic processes and spatial arrangements and the living aspects inside.
13. Structure of City Space refers to structures of residential centres of system of network of infrastructure and facilities in the cities to support social economic activities of the society, which hierarchically has functional relationship.
14. Ecology refers to reciprocal relationship between group of organisms and its environment.
15. Coast/River Line refers to a certain area along the coast or on the left right side of the river that has important benefit to maintain conservation of functions of coast/river.
16. Road Median refers to a space provided on the middle part of the road to divide road by direction in order to protect free space beside the traffic lane.
17. Pedestrian refers to an area intended for pedestrians.

18. Local Tradition refers to traditional intelligence, creativity, innovation, and knowledge of the local community in form of ecological characteristics in treating and conserving ecosystem/resources of the surrounding natural environment or in form of social characteristics in form of social arrangement that *creates harmonious and dynamic lives of the society* that has been handed down from generations and has shown benefits acceptable by the society in building civilization.

19. Public RTHKP refers to RTHKP where the procurement and maintenance thereof are the responsibility of the Regental/Municipal Government.

20. Private RTHKP refers to RTHKP where the procurement and maintenance thereof are the responsibility of private party/institution, individual person, and society, controlled by license for utilization of space issued by Regental/Municipal Government, and by Provincial Government for DKI Jakarta Province.

21. Incentive refers to reward given to government institutions, social organizations, non-governmental institutions, private parties/institutions, or individual persons for successful achievement in arrangement of RTHKP.

CHAPTER II

PURPOSES, FUNCTIONS, AND BENEFITS

Article 2

Purposes of arrangement of RTHKP:

- a. To maintain harmony and balance of ecosystem in the cities;
- b. To create balance between natural environment and artificial environment in the cities; and
- c. To improve quality of environment in the cities to be in healthy, beautiful, clean, and comfortable condition.

Article 3

Functions of RTHKP:

- a. Protecting existence of protected areas in the cities;

- b. Controlling pollution and damages of soil, water, and air;
- c. Place of protection of germ plasma and biological resources;
- d. Controlling water arrangement; and
- e. Esthetic aspects of the cities.

Article 4

Benefits of RTHKP:

- a. As a means to reflect regional identity;
- b. As a means of research, education, and elucidation;
- c. As a means for active and passive recreations and social interactions;
- d. To improve economic value of land in the cities;
- e. To develop price and to improve regional prestige;
- f. As a means of social activities for children, teenagers, adults, and old people;
- g. As a space of evacuation in emergency situations;
- h. To improve micro climate; and
- i. To increase oxygen reserve in the cities.

CHAPTER III

ESTABLISHMENT AND TYPE OF RTHKP

Article 5

- (1) Establishment of RTHKP is adapted to landscape based on bio-geographical aspect and structure of spaces in the cities and for esthetics.
- (2) Establishment of RTHKP as meant in paragraph (1) reflects local natural and/or cultural characteristics that have ecological, historical, panoramic values which are specific with level of technology application.

Article 6

RTHKP comprises of:

- a. City garden;
- b. Natural tourist garden;
- c. Recreation garden;
- d. Garden in housing and residential areas;
- e. Garden in office and commercial building areas;
- f. Botanical forest garden;
- g. City forest;
- h. Protected forest;

- i. Landscape areas such as mountains, hills, mountain slopes, and valleys;
- j. Natural preserve;
- k. Botanical garden;
- l. Zoos;
- m. Public cemetery;
- n. Sports field;
- o. Areas for holding ceremonies;
- p. Open parking space;
- q. Agricultural areas in the
- r. Areas under high voltage (SUTT and SUTET);
- s. Areas along the river, coast, building, lakes, and swamps;
- t. Road protecting lane, road median, railway tracks, gas pipes, and pedestrian lanes;
- u. Green areas and lanes;
- v. Buffer zones in airports; and
- w. Roof garden.

CHAPTER IV ARRANGEMENT OF RTHKP

Part One Arrangement Article 7

Arrangement of RTHKP includes planning, utilization, and control of RTHKP.

Part Two Planning Article 8

- (1) RTHKP is part inseparable from provincial and regental/municipal spatial arrangement plan.
- (2) RTHKP is contained in Detailed Spatial Arrangement Plan of City Areas based on a scale of at least 1:5000.

Article 9

- (1) Ideal size of RTHKP is at least 20% of total size of the city.
- (2) The size of RTHKP as meant in paragraph (1) comprises of public and private RTHKP.
- (3) The size of Public RTHKP as meant in paragraph (1) the procurement of which is the responsibility of the

regental/municipal government carried out gradually in accordance with capability of each region.

- (4) Private RTHKP as meant in paragraph (2) the procurement of which is the responsibility of private party/institution, person, and society controlled by license for utilization of spaces issued by Regental/Municipal Government, and by Provincial Government for DKI Jakarta Province.

Article 10

- (1) Planning of development of RTHKP as meant in Article 9 paragraphs (3) and (4) involves development operators.
- (2) Planning of development of RTHKP includes type, location, size, target of achievement of size, finances needed, target of time of operation, and technical design.

Article 11

- (1) Planning of development of RTHKP as meant in Article 10 is further described in plan of development of RTHKP and stipulated by Regental/Municipal Regulation, and by Provincial Regulation for DKI Jakarta Province, and by Qanun Aceh for Aceh Administration, and by Regental/Municipal Qanun for Aceh Regency/Municipality.
- (2) Planning of development of RTHKP as meant in paragraph (1) is contained in Long-Term Regional Development Plan (RPDPD), Medium-Term Regional Development Plan (RPJMD), and Regional Government Operational Plan (RKPD).

Part Three Utilization Article 12

- (1) Utilization of RTHKP comprises of new development activities, maintenance, and protection of green open spaces.
- (2) Utilization of public RTHKP is managed by Regional Government with the involvement of development operators.

- (3) The function of public RTHKP may not be changed.
- (4) Utilization of Public RTHKP as meant in paragraph (2) can be cooperated with third party or between regional governments.
- (5) Utilization of private RTHKP is managed by individual person or corporate body/institution in accordance with the laws.
- (6) Utilization of RTHKP is enhanced by introducing local tradition in arrangement of spaces and construction of garden that reflects local culture.

Article 13

- (1) Utilization of RTHKP as meant in Article 12 paragraphs (2) and (5) is developed by planting kinds of vegetation adapted to the ecosystem and specific plants of the region.
- (2) Vegetation as meant in paragraph (1) is adapted to form and characteristic and purposes, namely:
 - a. Botanical, which is a mixture of small-sized trees, medium-sized trees, large-sized trees, half-tree clumps, clumps, bushes, and plants that cover soil/land surface;
 - b. Architectural, which is heterogeneity of forms of round branches, spreading branches, triangle-form branches, column-form branches, pillar-form branches, umbrella-form and twisting branches, and branches having exotic value based on color of flowers, color of leaves, fruits, stem texture, branch structure; and
 - c. Plants that are developed and do not harm human beings and in accordance with esthetic values.

Part Four Control

Article 14

- (1) Scope of control of RTHKP:
 - a. Target of achievement of minimum size;
 - b. Function and benefit;
 - c. Size and location; and

- d. Suitability of specification of construction to technical design.

- (2) Control of RTHKP as meant in paragraph (1) is carried out by licensing, monitoring, reporting, and publishing.

- (3) Tree cutting in public RTHKP area is strictly restricted and must be with license of the Regional Head.

CHAPTER V

PARTICIPATION OF SOCIETY

Article 15

- (1) Arrangement of RTHKP involves participation of society, private, corporate body/institution, and/or individual person.
- (2) Participation of society as meant in paragraph (1) begins from development of vision and mission, planning, utilization, and control.
- (3) Participation of society as meant in paragraph (1) may be done in process of making of decision regarding arrangement of RTHKP, partnership in management, contribution of opinion, financing, or manpower for operation of work.

CHAPTER VI

REPORTING

Article 16

- (1) The Regent/Mayor reports arrangement of RTHKP to the Governor at least once in a year and any time if necessary.
- (2) The Governor reports the arrangement of RTHKP as meant in paragraph (1) to the Minister of Home Affairs at least once in a year and any time if necessary.

CHAPTER VII

DEVELOPMENT AND SUPERVISION

Article 17

- (1) The Regent/Mayor performs development and supervision of arrangement of RTHKP.

(2) The Governor coordinates development and supervision of arrangement of Regental/Municipal RTHKP.

(3) The Governor of DKI Jakarta performs development and supervision of arrangement of RTHKP.

Article 18

The Minister of Home Affairs coordinates development and supervision of arrangement of RTHKP nationally.

Article 19

(1) The Governor may give incentive to the Regental/Municipal Government who has successfully arranged RTHKP.

(2) The Regent/Mayor may give incentive to arranger of private RTHKP who has successfully improved quality and quantity in accordance with purposes of RTHKP.

(3) The Governor of DKI Jakarta may give incentive to operator of private RTHKP who has successfully improved quality and quantity in accordance with purposes of RTHKP.

(4) Mechanism, criteria, form, type, and procedure of giving of incentive as meant in paragraphs (2) and (3) are further stipulated by Regional Head.

CHAPTER VIII

FUNDING

Article 20

(1) Finances for arrangement of Provincial RTHKP come from Regional Revenue and Expenditure Budget of Province, participation of non-governmental society and/or private and other valid sources and non-binding sources of fund.

(2) Finances for arrangement of Regental/Municipal RTHKP come from Regional Revenue and Expenditure Budget of Regency/Municipality, participation of non-governmental society and/or private and other valid and non-binding sources of fund.

CHAPTER XI

CLOSING PROVISIONS

Article 21

On the date this Regulation comes into force, Instruction of the Minister of Home Affairs No. 14/1988 on Arrangement of Open Green Spaces in the Cities and the attachments are revoked and declared *Inaplicable*.

Article 22

This Regulation comes into force as from the date it is stipulated.

Stipulated in Jakarta

On January 11, 2007

THE MINISTER OF HOME AFFAIRS

Sgd

H. MOH. MA'RUF, SE

====(E)=====