
IMPLEMENTATION OF LOCAL REGULATION NO. 11/2012 ON ROAD AND RIVER BOUNDARY LINES REGARDING THE EFFECTIVENESS OF SANCTIONS

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ABSTRACT

This study examines the application of Regional Regulation No. 11/2012 on road and river boundary lines and evaluates the effectiveness of its sanctions in Cirebon Regency, Indonesia. The issue of illegal buildings violating road and river borders remains prevalent, mainly along Jalan Pilang. This research analyzes how effectively the regulation and its sanctions are implemented to curb these violations. The study employs an empirical juridical approach, using primary and secondary data from field research, document reviews, and interviews. The findings reveal that enforcing sanctions under Regional Regulation No. 11/2012 could be more effective, with numerous illegal structures still encroaching on regulated boundaries. Although supported by legal provisions, the local Government's enforcement efforts face challenges due to community non-compliance and insufficient enforcement mechanisms. The results highlight the need for more vigorous regulatory enforcement and public awareness to uphold spatial planning laws. This study contributes to understanding the complexities of spatial regulations and provides recommendations for enhancing legal compliance in local governance.

INTRODUCTION

Regulations concerning road and river boundaries are crucial to spatial planning, particularly in urban and rural areas. In Indonesia, the Government has implemented various regional rules to manage spatial planning to ensure orderly and structured land use, including Regional Regulation (Perda) No. 11 of 2012, which regulates road and river boundaries. This regulation aims to preserve the environment, ensure safety, and prevent illegal land use in protected areas such as riverbanks and roadsides. However, despite the regulation being enforced for several years, its implementation and the effectiveness of sanction enforcement still need to be questioned, particularly regarding law enforcement and public awareness (Pratama, 2019).

At a global level, issues related to land use management and controlling areas around rivers and roads have been introduced previously. Many countries face similar challenges, especially in balancing infrastructure development needs with environmental conservation. Worldwide, ineffective spatial planning policies often lead to environmental damage, such as river erosion, flooding, and decreased water quality, caused by illegal construction along riverbanks and roadsides (Hartono, 2020). This issue is also relevant in Indonesia, particularly in rapidly growing urban areas, where land pressure increases with Population growth and urbanization (Ridwan, 2020).

Specifically, the implementation of Perda No. 11/2012 faces several challenges in practice. One of the main issues is the need for more monitoring and law enforcement of violations related to road and river boundaries. Although administrative and criminal sanctions are outlined in the regulation, many violations are not strictly enforced (Purwanto, 2020). For example, illegal construction along riverbanks or roadsides frequently occurs due to a lack of public awareness and weak enforcement by authorities (Putri, 2019). Poor coordination between various Government agencies also hampers the effective implementation of the regulation (Kurniawan, 2018).

Previous studies have shown that the effectiveness of a policy often depends on several factors, such as public awareness, the effectiveness of law enforcement, and interagency coordination. A study (Supriyadi, 2017) on law enforcement in spatial planning revealed that more vigorous sanction enforcement is one of the main obstacles to maintaining orderly spatial planning in Indonesia. A similar study (Kurniawan, 2018) indicated that public awareness regarding spatial planning regulations could be higher, leading to frequent violations. This is also supported by findings from (Andayani, 2019), which stated that inconsistent sanction enforcement usually weakens the impact of regulations.

The urgency of this research is particularly significant given the rapid pace of development in Indonesia, especially in urban areas. Regulations governing road and river boundaries must be effectively implemented to prevent adverse environmental and societal impacts (Mahfud, 2021). Furthermore, this research is vital to reassess the sanctions' effectiveness and explore the barriers to their enforcement (Setyawan, 2021). This study can also serve as a foundation for evaluation and recommendations for local governments to improve the effectiveness of Perda No. 11/2012 (Bappenas, 2019).

This research brings several novel contributions, including an in-depth analysis of the factors influencing sanction effectiveness and an evaluation of the implementation of Perda No. 11/2012 in the current context. Additionally, this research focuses on aspects of law enforcement that should be more noticed in previous studies (Ananda, 2020). This research aims to evaluate the implementation of Perda No. 11/2012 on road and river boundaries, focusing on the sanctions' effectiveness. It also seeks to identify the factors hindering the enforcement of sanctions and to provide strategic recommendations to improve the effectiveness of law enforcement related to this regulation (Wibisono, 2020).

This study is expected to provide both theoretical and practical benefits. Theoretically, it will contribute to the literature on spatial planning policies and implementing regulations in Indonesia (Arifin, 2018). Practically, it can offer recommendations for local governments to enhance the effectiveness of sanctions and law enforcement regarding violations of road and river boundaries and raise public awareness of the importance of maintaining orderly and regulated spatial planning (Kementerian P.U.P.R., 2021).

METHOD RESEARCH

This research employs an empirical juridical approach, analyzing existing regulations and their implementation in the field. This approach was selected to explore legal issues arising from violations of regional regulations regarding road and river boundaries and how relevant authorities enforce these regulations in the study area. Additionally, this approach allows the researcher to gain direct insight into the roles of various actors involved in law enforcement and the community's perception of the applicable regulations.

This study was conducted in Cirebon Regency, specifically along Jalan Pilang, Kedawung District, where significant road and river boundary regulations violations have been reported, as outlined in Regional Regulation No. 11 of 2012. This location was chosen due to the widespread violations of these boundaries, particularly with the construction of

commercial buildings that infringe upon the road and river setback limits. The situation in this area provides a relevant case for examining the effectiveness of the regulation's implementation and the impact of these violations on public safety, especially road safety and river conservation.

The research was conducted over six months, from January to June 2024. This timeframe was chosen to ensure that the study captures variations in community activity at the research site, including commercial activities that may fluctuate depending on the season and other factors. Additionally, this period allows sufficient time for field observations, interviews with relevant stakeholders, and secondary data collection from Government documents.

The research addresses several critical legal, social, and environmental aspects. From a legal standpoint, the study examines the legal foundations of Regional Regulation No. 11 of 2012, including how the regulation was designed and enforced in practice. The social aspect focuses on the community's perception of the regulation—whether they know the impacts of boundary violations on safety and the environment and how these violations affect the interaction between the Government and the community. The environmental aspect focuses on the effects of river boundary violations on the river's ecosystem and surrounding infrastructure, notably pollution and flood risks.

The Population of this study consists of all commercial and non-commercial buildings along Jalan Pilang and its vicinity, which are identified as violating Regional Regulation No. 11 of 2012 on road and river boundaries. The study uses purposive sampling to select its sample from this Population. The sample includes 30 commercial establishments (such as shops and restaurants) and non-commercial buildings (residences). The sample selection is based on the severity of the violations, specifically those buildings closest to or infringing upon the road and river boundary lines.

Additionally, the research sample includes ten respondents from local Government officials, the Department of Public Works and Spatial Planning (P.U.P.R.), and Satpol PP (Civil et al. Unit) responsible for enforcing regional regulations. Local community members who live or run businesses along Jalan Pilang are also included in the sample to gain their perspectives on enforcing these regulations. The research instruments used in this study include in-depth interviews, field observations, and documentation.

In-depth interviews were conducted with Government officials responsible for enforcing regional regulations, including P.U.P.R. and Satpol PP staff. These interviews aimed to gather information on the enforcement process, the challenges faced in implementing sanctions, and their views on the effectiveness of the existing regulations; field observations were employed to directly observe the condition of buildings along Jalan Pilang, specifically how they infringe upon the designated boundary lines. The observations also noted the impacts of these violations on road and river conditions, especially concerning traffic safety and environmental degradation. Documentation involved collecting secondary data from official documents, such as road and river maps, reports on boundary violations issued by the local Government, and enforcement reports by Satpol PP. These documents were used to corroborate findings from the interviews and field observations.

The data collected from interviews, observations, and documentation were analyzed using a descriptive qualitative approach. Interview data were analyzed through coding to identify key themes that emerged from the respondents' perspectives. Observation data were visually analyzed to identify patterns of violations along Jalan Pilang, while documentation data were used to verify the information gathered through interviews and observations.

RESULTS AND DISCUSSION

Cirebon Regency in West Java Province is very concerned with road regulation. Therefore, Cirebon District Regional Regulation No. 11/2012 regulates roads focusing on road boundary lines. The regulation sets standards for road and river boundary lines. The influence of the times, such as globalization, on the needs of human life is very diverse, especially in the economic field, where people try to improve their quality of life. Based on this, many people act as business actors to open businesses in certain places to achieve the desired standard of living. The Government, in this case, as the holder of control over the rules and regulations determined, has the right to issue a policy in the form of legal aspects that can support people's lives in the economic field, one of which is by giving a permit to the community in establishing a building field.

Permits are part of administrative law in the form of decisions that establish regulations on control based on the requirements and procedures stipulated by the applicable laws and regulations. In the same way, road boundary lines and river boundary lines have a very close relationship with land permits located in their area. Such permits are written decisions that are part of the state administration or best hiking, issued for judicial purposes, and can be used as evidence in court. The provisions of road boundary lines and river boundary lines that are applied throughout Cirebon Regency are by regional regulation number 11 of 2012 Article 4 and Article 13 related to road boundaries and river boundaries, including The Road Frontage Line on Collector Roads is not less than 7.5 (seven point five meters) measured from the edge of the road body, The boundary line of an embanked river in urban areas is 3 (three) meters on the outside along the foot of the dam.

By regulating the function of roads and river boundary lines with various agencies and institutions responsible for the land around the road, the Government pays special attention to regulating road and river boundary lines. The Ministry of Public Works and Spatial Planning (P.U.P.R.) is one of the institutions responsible for regulating building permits through the Building Construction Permit (I.M.B.) by taking into account the principles of transparency, accountability, conditionality, and balance of rights and obligations (Jayanti & Suteki, 2020). Regional Regulation No. 11/2012 states that it is a violation to construct buildings outside the boundaries of roads and rivers, especially on Jalan Pilang in Cirebon Regency. Based on the regulation, buildings, whether for economic purposes or private residences, must meet administrative and technical requirements by their function. However, in reality, most of the buildings in question do not have I.M.B. permits. The influence of times such as globalization on people's life needs is very diverse, especially economically. Thus, business people strive to develop or expand their businesses to create a good economic climate. Based on this, the background of why the conditions on Jalan Pilang directly intersect with the boundaries of the road boundary line and the river boundary line is that violations occur.

Article 57 of Cirebon Regency Regional Regulation No. 11/2012 contains sanctions for those who violate by erecting buildings in the space of road boundary lines and river boundary lines, where it is stated that "anyone who violates the provisions of the Sempadan Line, both roads and rivers, may be subject to sanctions in the form of administrative sanctions in the form of a maximum fine of Rp.50, 000,000.00 (fifty million rupiah) with the threat of criminal sanctions of confinement for a maximum of 6 (six) months". Pilang highway is a link between the city of Cirebon and Cirebon Regency, which is daily traveled by vehicles with 4 to 6 wheels with a maximum speed of 40 (forty) km/hour. Regional Regulation No. 11/2012 Article 5 and Article 14 on the spatial arrangement of road boundary lines meet the criteria as mentioned, namely: Article 5 letter b "at least 15 (fifteen) meters from the left and right edges of the riverbed along the river channel, in the event that the river depth is more than 3 (three) meters", Article 14 letter a "For primary local roads A, with

RUMIJA, a minimum of 20 (twenty) meters, the road boundary line is not less than 6 (six) meters measured from the edge of the road body;" (Cirebon, 2023.).

The formation of the environment and community behavior in the Kedawung sub-district will be influenced by regulations, especially regional regulation number 11/2012. M Friedman argues that the legal system includes substance, law, and legal Culture. Law enforcement officials apply written and unwritten laws at various levels, resulting in legal Culture in law enforcement. The current situation influences these three things: the gradual influence of globalization and modernity on people's lives in various fields, including the economy. Social control, or social control, is needed to achieve an ideal situation where rules apply to events in society (*das sollen und sein*) (C.S.A. Teddy Lesmana, SH, 2022)—in line with the regional autonomy policy of Cirebon Regency related to the regulation of Road and River Frontage Lines regulated in local regulation number 11 of 2012 concerning Road and River Frontage Lines.

Pilang Road, located in Cirebon Regency, is included in the primary local road area that connects the city of Cirebon and Cirebon Regency, both local activity centers and regional activity centers. Therefore, in maintaining and preserving protected areas on river and road boundaries, the Government must be in line as stipulated in the P.U.P.R. ministerial regulation No. 28/PRT/M/2015 and Cirebon Regency Regional Regulation No. 11/2012. However, there is an increase in activities carried out by the community around Jalan Pilang that utilize road and river borders to erect buildings such as shophouses and business premises from upstream to downstream. According to Law No. 28 of 2002 on Building, the function of the building must be by the designation of the location as stipulated in the local regulation on the district/city spatial plan. The regional Government determines the function of the building and grants permission to build or renovate the building, which requires reviewing the design and monitoring the implementation of the construction to remain according to local regulations. Most people around Jalan Pilang build buildings on the road and river boundary lines without fulfilling the administrative and technical requirements set by Local Regulation No. 11/2012 on road and river boundary lines. Therefore, shophouse buildings erected on the road and river boundary lines are considered unlicensed buildings because they do not meet the requirements set by the regulation.

Constructing buildings still in the Road Border Line and River border space anywhere, especially in the Cirebon Regency area, violates the Cirebon Regency Regional Regulation Number 11 of 2012. Based on this regulation, every building must meet administrative and technical requirements per its function. The building in question can be a building that is a residence/residence of the community or a place of economic activity that does not have a permit. By river boundary and road boundary regulations, people are not allowed to build buildings in the form of residences or places of economic activity. (Jayanti & Suteki, 2020). Based on the results of interviews with staff of the Cirebon Regency Public Works and Spatial Planning Office with informant Mr. Hendi, the results were obtained, namely:

In general, arrangements related to the Road Boundary Line and River Boundary Line in Cirebon Regency are by Regional Regulation No. 11 of 2012 concerning the Road Boundary Line and River Boundary Line. In this case, the P.U.P.R. Office performs its duties by monitoring and giving warnings against violations related to the Road and River Boundaries and following up with assistance from the Civil Service Police Unit (Satpol PP). The P.U.P.R. Office also makes warnings based on the applicable P.E.R.D.A. to minimize the obstruction of development and road quality when violating the Sempadan Line. (Interview 16 May 2024). If you look from the opposite perspective, in this case, the community, the results of interviews with the community around the Jalan Pilang area are obtained, namely: Many local people do not understand the function of the boundary line, so

they do not care when erecting a building, starting from shop houses and warung, whether it violates a road section or not. (Interview 18 May 2024).

CONCLUSION

In detail, Cirebon Regency Regional Regulation No. 11/2012 regulates the road boundary lines and river boundary lines on all roads in Cirebon Regency. In practice, there are several discrepancies in the effectiveness of sanctions for road and river boundary line violations, especially in Jalan Pilang, Kedawung District. This is a violation of Article 3 and Article 14 of Regional Regulation Number 11 of 2012 concerning Road and River Boundary Lines, which can be subject to sanctions in the form of building control accompanied by an acceptable fee by the rules stated in Article 57 of Regional Regulation Number 11 of 2012. In an ideal situation, the purpose of establishing a new rule is to fully apply it in society, making the situation and conditions better than before the rule came into effect. However, this condition takes a long time because many factors affect the effectiveness of enacting a rule, such as the Legal Substance, Legal Product, and Legal Culture factors that align with Friedman's theory of legal taps.

REFERENCES

- Ananda, R., & Sutiyono, A. (2020). Watershed Management Policy Implementation in Indonesia: Challenges and Opportunities. *Journal of Public Policy*, 112–128.
- Andayani, T. (2019). Spatial Law Enforcement in Indonesia: A Case Study of Development in Watersheds. *Journal of Environmental Law*, pp. 55–70.
- Arifin, Z. (2018). Evaluation of Spatial Planning Policies on Watershed Protection in Indonesia. *Journal of Spatial Planning*, pp. 210–225.
- Bappenas. (2019). *Annual Report: Evaluation of the Implementation of Regional Spatial Planning Policies in Indonesia*. Bappenas.
- Cirebon, J. K. (2023.). *Border Line: Regional Regulation: J.D.I.H. Cirebon Regency*. JDIH Cirebon Regency. <https://jdih.cirebonkab.go.id/peraturan/detail/613>
- C.S.A. Teddy Lesmana, SH, MH. (2022). *Lawrence Meir Friedman's Thoughts; The Legal System in the Perspective of Social Sciences*. Nusa Putra University. <https://nusaputra.ac.id/article/pokok-pokok-pikiran-lawrence-meir-friedman-sistem-hukum-dalam-perspektif-ilmu-sosial/>
- Hartono, D. (2020). Environmental Law Enforcement in the Protection of Urban Watersheds. *Journal of Law*, pp. 156–172.
- Jayanti, O., & Suteki, S. (2020). The Working Law of Building Erection on the Boundary Line of the Babon River. *Canon of Legal Journals*, 22(2), 379–393.
- Ministry of P.U.P.R. (2021). *Guidelines for Spatial Planning and Watershed Management*. Ministry of Public Works and Public Housing, https://sda.pu.go.id/assets/files/2021_RPSD A%20WS%20Batang%20Natal_Batang%20Batahan.pdf.
- Kurniawan, I. (2018). The Effectiveness of Regional Spatial Planning Policies in Preventing Environmental Damage. *Journal of Policy Studies*, 88–105.

- Mahfud, M. D. (2021). Study on the Implementation of Administrative Sanctions in Spatial Law Enforcement. *Journal of Constitutional Law*, 34–52.
- Pratama, S. (2019). Implementing Spatial Planning Policies and Their Impact on Environmental Quality in Urban Areas. *Journal of Sustainable Development*, pp. 67–84.
- Purwanto, H. (2020). Law Enforcement against Spatial Planning Violations in Watershed Areas. *Journal of Law Enforcement*, pp. 95–108.
- Putri, R. (2019). The Role of Local Governments in Enforcement of Sanctions for River Spatial Planning Violations. *Journal of Regional Government*, pp. 23–40.
- Ridwan, M. (2020). Factors Hindering Law Enforcement in Watershed Management in Indonesia. *Environmental Journal*, pp. 115–130.
- Setyawan, T, & Kurniawan, F. (2021). Evaluation of Regional Spatial Planning Policies and the Effectiveness of Sanctions Against Violations in River Protection Areas. *Journal of Urban Planning*, 233–249.
- Supriyadi, A. (2017). Law Enforcement and Spatial Planning Policy: A Case Study of Handling Development Violations in River Areas. *Journal of Law and Policy*, 121–138.
- Wibisono, A. (2020). Watershed Management in Indonesia: Between Policy and Implementation. *Journal of Natural Resources Management*, pp. 200–218.

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