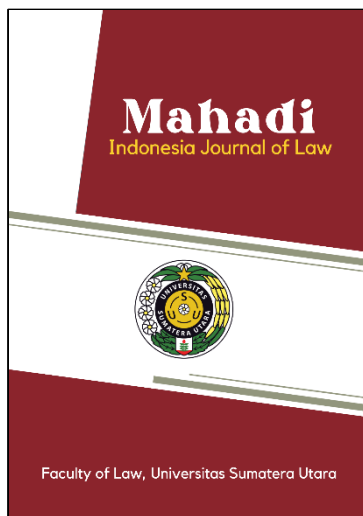




Harmonisation Of Regulations About a Reasonable Agreement and Actions To Achieve Sustainable Development Alignment Of Goals

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Abstract:

The achievement of basic rights related to adequate housing is one of the goals of Indonesia's full commitment to realizing sustainable development. This study aims to harmonize regulations regarding reasonable agreements and actions to achieve fitness for sustainable development goals. This study will concentrate on examining the harmonization of the actual contents of regulations by using a concept approach and legal methods, taking into account the importance of relevant laws to support these development goals. Defining what constitutes a viable and sustainable organization is the first step in the discussion. The next section provides an overview of how the definition of "decent and sustainable housing" is used to form the substance of laws and regulations related to adequate housing. These definitions have been established. In accordance with SDGs Goal 11, the substance of legislation related to adequate housing is determined by the research findings that can be produced.

Keywords: : Right to suitable housing, SDGS 11, Rules

INTRODUCTION

Even though national development has been successful in eliminating poverty, slum settlements in metropolitan areas continue to be a prominent issue. Slum settlements appear in numerous Indonesian cities as a result of a variety of circumstances and each of these elements calls for rule-based solutions and sensible public policies.¹

Due to the pandemic's capacity to plunge individuals into poverty, which has lasted for almost three years, urban residents' ability to get quality housing has also been hampered. In order to deal with the problem brought on by the epidemic, several government support programmes have been implemented. There are still numerous indications of adequate housing that are not satisfied, despite the fact that the community is generally able to adapt and survive.²

As part of the Goal 11 SDGs,³ Indonesia has set a goal to achieve decent and sustainable settlements. One of the fundamental necessities of all people, particularly urban poor people, is decent housing. Because shelter is a location where people go to do their everyday activities, adequate housing will have a direct influence on other fundamental rights.⁴ All attempts to

¹ Putri, K., Ridlo, M. A., & Widyasamratri, H. (2023). Literature Study: Strategies for Handling Slums in Urban Areas. *Journal of Spatial Studies*, 3(1), p.26

² Satrio, M. Il., & Mu'awanah, A. S. (2021). Community Resilience in Slums Based on Socio-Economic Aspects in Salatiga Village, Salatiga City. *Village-Urban Journal*, 3(1), p.36–48.

³ Goals for Sustainable Development (SDGs), also known as Sustainable Development Goals (TPB). The phrases SDGs and SDGs shall be used interchangeably in this essay.

⁴ Firdaus, F. (2016). Fulfillment of the Right on Adequate Housing to the Urban Poor in Human Rights

contact SDG were hampered by the virus, but everyone is working to recover. In this situation, it is necessary to reevaluate how well rules correspond with the pursuit of aim 11.

Analysing the alignment of regulations from the perspectives of both substance and execution will be more beneficial. In order to spur the development of research that focuses on implementation aspects, this study will concentrate on the first component, content.

WRITING METHOD

In order to define decent and sustainable settlements, this study focuses on the task of identifying and evaluating the alignment of the rules' substantive alignment using both a conceptual approach and a statutory method.⁵ Following the identification of these meanings, it will be examined to see if they are reflected in the actual text of the laws and regulations pertaining to decent and sustainable housing.

RESULTS AND DISCUSSION

If a settlement promotes features of participation, mobility, and health, it is deemed practical and sustainable. A home with adequate space, access to clean water, and basic sanitation will promote the health of its residents. Settlements must also be connected to public transit systems so that people may go about their everyday lives both inside and outside the house. The provisions of legislation pertaining to housing carry this connotation. From a governance perspective, legislation and regulations whose content is in line with the aims and indicators of the 11 SDGs goals have assisted Indonesia's efforts to realise affordable housing.

Decent and Sustainable Settlement: What It Means

Using the right signs, one may determine if a location is viable for habitation.⁶ Numerous academics and international organisations have developed indices for appropriate housing. For the definition of decent and sustainable housing, there are components and technical needs within each of these indicators that need to be briefly and succinctly defined.

If we base our conclusions on the metadata for the Bappenas : Indicator and United Nations (IUN)⁷ publications, we can say that the idea of sustainable cities and settlements includes affordable housing in metropolitan areas. As a result, issues regarding urban settlements and cities are inextricably linked.

A home must provide for a healthy lifestyle for its occupants, including good air circulation, enough cleanliness, and enough sunshine, in order to be considered practical. A decent home must assist its residents' mobility in addition to their health. Public transport facilities must be accessible to residential areas. The ability of the residents to realise themselves outside the home is made possible by the residence's connectivity to public transit services. The inexpensive pricing is an additional crucial factor. Affordably priced, or in other words accessible to the urban population, must be required for adequate housing that promotes the health and mobility of its occupants. The three technical prerequisites for livable housing—security, health, and comfort—are all met by this definition⁸.

According to Doxiadis in Widiawati (2022) the five components of a house—nature, people, society, containers, and networks—must all be present for it to be considered practical. Two instances of initiatives to meet the aforementioned requirements may be provided; they

Perspective. Jurnal HAM, 7(2), p. 67.

⁵ Cryer, R., Herve, T., Sokhi-Bulley, B., & Bohm, A. (2011). Research Methodologies in EU and International Law. OXFORD AND PORTLAND, p.76

⁶ Ministry of National Development Planning/Bappenas. (2020). Metadata of Indicators for Indonesia's Sustainable Development Goals (SDGs) Environmental Development Pillars (A. Rudiyanto (ed.)). Deputy for Maritime Affairs and Natural Resources, Ministry of National Development Planning/BAPPENAS

⁷ Bappenas adalah Badan Perencanaan Pembangunan Nasional (BPPN) is Bappenas : Indicator and United Nations (IUN)

⁸ Widiawati, K. (2022). Indicators of Uninhabitable Houses in Regional Development Planning in Central Java Province. Journal of Widya Praja, Vol. 2(No. 1), p. 98

are in Pontianak City and Karanganyar Regency⁹

Numerous perspectives, including social, philosophical, health, legal, physical, and energy perspectives, can be used to determine what constitutes a habitable home. Building a drainage network, a solid waste network, a clean water network, and a road network are all necessary for providing suitable settlement assistance in Karanganyar Regency. Support in Pontianak City is concentrated on expanding and maintaining the road system.

According to the law, a government's duty to ensure that people have adequate housing is one of its responsibilities (Firdaus, 2016; PUPR & Bank, 2023). Housing rights are an essential component of economic, social, and cultural freedoms. The right to housing is a requirement for people to continuously enhance their quality of life, according to Article 11 of the International Covenant of Economic, Social, and Cultural Rights.

At the federal level, Indonesia oversees public housing through the Directorate General of Public Works and Housing Infrastructure Financing of the Ministry of Public Works and Public Housing (Kementerian PUPR). Laws, governmental rules, presidential regulations, and ministerial regulations all serve as the legal foundation for activity pertaining to public housing.

According to the decentralisation concept, regional governments, including city governments, are also responsible for ensuring that everyone has access to adequate housing, which is typically the responsibility, principal, and function of a housing and settlement area agency. Local governments utilise the aforementioned laws and regulations in addition to those made by the regional government and the regional people's representative council. Local governments have implemented a number of programmes to fulfil housing responsibilities. However, there are a number of challenges, with data consistency being one of the biggest ¹⁰.

In the framework of public law, elements of community engagement are also highly important in addition to appropriate support provided by law and public policy. Elvira Putri and Martanto (n.d.) argue that communities must be included in the planning and formulation of policies that affect affordable housing and urban regions. A situation where the community is not involved in housing decisions is one in which the government gives rental apartments with decent sanitation, but the community rejects them because the rent is too high, the apartments are too far away, and the amenities are inadequate.

Therefore, three factors—decent housing, pleasant housing, and community involvement—can be used to define a location as livable. As listed in the table below, these three factors are backed by laws and regulations and contain further information:

Table : Targets, Indicator, add Regulations

Aspect	Information	Targets and Indicators in Goal 11		Regulations
		Targets	Indicator	
Decent Settlement	Not seedy: - Proper sanitation - Availability of clean drinking water - Spacious enough Affordable prices	11.1	11.1.1.a	<ol style="list-style-type: none"> 1. Law Number 1 of 2011 concerning Housing and Residential Areas 2. Government Regulation Number 14 of 2016 concerning Implementation of Housing and Residential Areas and the changes 3. Presidential Regulation Number 15 of 2015 concerning the Ministry of Public Works and Public Housing 4. Regulation of the Minister of Public Works and Public Housing Number 14/PRT/M/2018 of 2018

⁹ Purnama, I., Sulistyarini, & Sugiarto, A. (2021). Identification of the Livability Level of Settlements in Kelurahan Dalam Bugis Based on Aspects of Environmental Road Conditions. *Equatorial Journal of Education and Learning*, 10(12), p 45

¹⁰ PUPR, K., & Bank, W. (2023). Provision of Safe, Decent & Affordable Housing in Indonesia, p. 34

Comfortable Settlements Society participation	Integrated with public transportation Planning and managing settlements in the city involves community involvement.	11.2	11.2.1 (a)	1. Law Number 22 of 2009 concerning Road Traffic and Transportation
		11.a	11.2.1 (b) 11.a.1.a	1. Law Number 32 of 2009 concerning Environmental Protection and Management 2. Law Number 23 of 2014 concerning Regional Government and its amendments

Achievement of the Sustainable Development Goals and the Right to A Habitable Home



Sumber Gambar: Habitat for Humanity. (2021). *Housing and the Sustainable Development Goals: The Transformational Impact of Housing*, p.8.

The next description establishes the connection between the realisation of the right to livable housing and the entirety of the TPB once the definition of decent and sustainable housing has been given and this definition has been designated as a right. Since all of the SDGs' goals are interconnected, this needs to be quickly stated¹¹

One of Goal 11's objectives is to make livable housing more readily available. According to the illustration on the side, there are three degrees of contribution to the provision of habitable housing to the SDGs as a whole: integrated, direct, and indirect.¹²

Having livable housing available implies that it is also possible to achieve other goals, such as eradicating poverty (Goal 1), creating healthy and prosperous communities (Goal 3), promoting gender equality (Goal 5), making clean water accessible (Goal 6), building sustainable cities and communities (Goal 11), and raising awareness of climate change (Goal 13). Directly refers to how having access to adequate housing directly affects the realisation of economic rights (Goals 8, 9, and 10), responsible consumption (Goal 12), and access to justice,

¹¹ General Assembly, U. (2015). UN GA Resolution A/RES/70/1 Transforming our world: the 2030 Agenda for Sustainable Development, p. 53

¹² Habitat for Humanity. (2021). *Housing and the Sustainable Development Goals: The Transformational Impact of Housing*. https://www.habitat.org/sites/default/files/documents/Solid-Ground-SDG_booklet-update-2021.pdf

which is made possible via cooperation and partnership (Goals 16, and 17). While indirect indicates that the accessibility to livable housing has an impact on and is connected to the provision of adequate food security (Goal 2) and high-quality education (Goal 4).

Both the public and private sectors always base the whole process of upholding these rights on the relevant laws and regulations. As a result, the laws and regulations used to guarantee the provision of appropriate and sustainable housing essentially have a synergistic relationship with other laws and regulations used to accomplish SDGs.

2. Control over the Exercise of the Right to Adequate Housing

Governance aspects regarding the fulfillment of the right to adequate and sustainable housing are basically ensuring that the right to housing is fulfilled in everyday life (Marks, 2014). This governance section is the place to elaborate on how (how/how) the government realizes the substance of the rules (what) that has been described in the previous section. The two regional regulations used in this sub-section are Pontianak City Regional Regulation Number 11 of 2016 concerning Prevention and Improving the Quality of Slum Housing and Slums, and Surabaya City Regional Regulation Number 4 of 2018 concerning Prevention and Improving the Quality of Slum Housing and Settlements .

Rights and Responsibilities of Central and Regional Governments

As was already mentioned, the Ministry of PUPR serves as the Central Government's executor in matters relating to public housing, while the Housing and Settlement Area Office serves as the Central Government's executor in the regions. The separation of responsibilities between tiers of government in the housing sector will be demonstrated in this part using two Regional (City) Governments, Pontianak City Government and Surabaya City Government. The two municipal administrations were picked because Elvira Putri & Martanto (n.d.) and Purnama et al. (2021) both provide evidence of these cities' attempts to build appropriate housing for their citizens.

The Surabaya City Government together with the DPRD have promulgated Surabaya City Regional Regulation Number 4 of 2018 concerning Prevention and Quality Improvement of Slum Housing and Slums. The substance and objectives to be achieved through these regional regulations are in line with the meaning of decent and sustainable settlements mentioned above. The regional regulation has 43 other laws and regulations, including those described in the table in the previous section, which are used as the legal basis (remembering).

Through the mechanisms of enhancing settlement quality, limiting the establishment of slum settlements, and community involvement, these regional policies are implemented. Permits and technical standards are employed as improvement and prevention instruments, while monitoring, evaluation, and reporting are used as improvement and prevention methods. The mayor's regulation, which applies to all tasks involving the agency, regulates the organisational structure as task executors. The regional legislation also incorporates a penalty system, specifically administrative sanctions and criminal sanctions, in an effort to be proactive.

In contrast, Pontianak City Regional Regulation Number 11 of 2016 covering Prevention and Quality Improvement of Slum Housing and Slums was also published by the Pontianak City Government and the DPRD. The "remember" part of this regional rule lists an additional 8 laws and regulations. This contains both Government Regulation Number 14 of 2016 about Implementation of Housing and Residential Areas and Law Number 1 of 2011 concerning Housing and Residential Areas.

The Regional Government employs licencing tools, technical standards, and functional feasibility to implement preventive and enhance the standard of the home environment. The state revenue and expenditure budget, regional revenue and expenditure budgets, as well as other sources of funding whose acquisition complies with legislative rules, provide funding for these operations. Officers executing environmental quality prevention and improvement within

the Pontianak City Government are connected regional apparatuses whose tasks and activities are related to housing issues, same like the regional government of the city of Surabaya.

Workplace cooperation between the central and regional governments

The municipal administration is at the forefront of developing public policies with relation to good and long-lasting settlements in metropolitan regions. At a worldwide level, cities are playing an increasingly important and prominent role. Undoubtedly, the local government can function at its best if it keeps in touch with the federal government and is backed by accurate data ¹³.

The two ways in which the central and regional governments collaborate are through collaboration and coordination. The local government works in conjunction with the community and two other groups, namely businesses and the community. The enterprises under question are both state-owned and privately held, as well as regionally and locally owned. In terms of the community, participation might come from either private citizens or public organisations.

Coordination with the national government follows coordination with the provincial government in matters pertaining to tiered settlements. Coordination can take the form of aligning policies, rules, and regulations that are solely founded on the decentralisation concept, which has spread the powers, obligations, and responsibilities of each level of government. Spatial and regional planning, which will be closely tied to issues of land and places, is the distribution of authority that has to be highlighted the most. The substance of the legislation can generate synergies across levels of government in terms of authority and operational procedures to provide suitable homes for the community.

CONCLUSION

Three factors—decent settlements, comfortable settlements, and community involvement—can be used to understand what is meant by decent and sustainable settlements. There are no slum conditions, and the costs are reasonable. Community participation refers to the engagement of the community in the formulation of settlement policies, whereas comfortable settlements emphasise facilitating the mobility of its residents. The content of Indonesia's housing laws and regulations contains all of these definitions. In light of the foregoing, it can be said that rules and regulations pertaining to decent housing are in line with efforts to realise the 11 SDGs, particularly for the aim of availability of livable homes. Empirical study with quantitative data that assesses the availability, quality, and public opinion about decent housing, pleasant living, and community engagement must be added to conclusions on the alignment of the laws' content with goal 11. These are the suggestions made by this article for more study in order to draw thorough conclusions on how to align regulations with the objectives of the 11 SDGs.

REFERENCE

- Arjoon, S., Turriago-Hoyos, A. and Thoene, U., 2018. Virtuousness and the common good as a conceptual framework for harmonizing the goals of the individual, organizations, and the economy. *Journal of Business Ethics*, 147, pp.143-163.
- Cryer, R., Herve, T., Sokhi-Bulley, B., & Bohm, A. (2011). *Research Methodologies in EU and International Law*. OXFORD AND PORTLAND.
- Du Plessis, A. (2017). The readiness of South African law and policy for the pursuit of Sustainable Development Goal 11. *Law, Democracy & Development*, 21(1).
- du Plessis, A. (2022). SDG 11: Make Cities and Human Settlements Inclusive, Safe, Resilient and Sustainable. In J. Ebbeson & E. Hey (Eds.), *The Cambridge Handbook of the Sustainable Development Goals and*

¹³ Du Plessis, A. (2017). The readiness of South African law and policy for the pursuit of Sustainable Development Goal 11. *Law, Democracy & Development*, 21(1), p. 24

- International Law Development Goals and International Law (pp. 281–303). Cambridge University Press.
- Elvira Putri, R., & Martanto, U. (n.d.). Fulfillment of the Right to Livable Housing for Victims of the Medokan Semampir Eviction in Surabaya City Based on Right To The City. *Journal of Indonesian Politics*, 7(2).
- Firdaus, F. (2016). Fulfillment of the Right on Adequate Housing to the Urban Poor in Human Rights Perspective. *Jurnal HAM*, 7(2).
- General Assembly, U. (2015). UN GA Resolution A/RES/70/1 Transforming our world: the 2030 Agenda for Sustainable Development.
- Government Regulation Number 14 of 2016 concerning Implementation of Housing and Residential Areas
- Habitat for Humanity. (2021). Housing and the Sustainable Development Goals: The Transformational Impact of Housing. https://www.habitat.org/sites/default/files/documents/Solid-Ground-SDG_booklet-update-2021.pdf
- International Covenant on Economic, Social and Cultural Rights
- Karapetrovic, S., 2003. Musings on integrated management systems. *Measuring business excellence*, 7(1), pp.4-13.
- Krisandriyana, M., Astut, W., & Rini, E. F. (2019). Factors Influencing the Existence of Slum Areas in Surakarta. *Journal of Urban and Settlement Regional Planning*, 1(1).
- Kutty, A.A., Abdella, G.M., Kucukvar, M., Onat, N.C. and Bulu, M., 2020. A system thinking approach for harmonizing smart and sustainable city initiatives with United Nations sustainable development goals. *Sustainable Development*, 28(5), pp.1347-1365.
- Marks, S. P. (2014). Human Rights: A Brief Introduction. Harvard University.
- Ministry of National Development Planning/Bappenas. (2020). Metadata of Indicators for Indonesia's Sustainable Development Goals (SDGs) Environmental Development Pillars (A. Rudiyanto (ed.)). Deputy for Maritime Affairs and Natural Resources, Ministry of National Development Planning/BAPPENAS.
- Pontianak City Regional Regulation Number 11 of 2016 Concerning the Prevention and Quality Improvement of Slum Housing and Slums
- Presidential Regulation Number 15 of 2015 concerning the Ministry of Public Works and Public Housing
- PUPR, K., & Bank, W. (2023). Provision of Safe, Decent & Affordable Housing in Indonesia.
- Purnama, I., Sulistyarini, & Sugiarto, A. (2021). Identification of the Livability Level of Settlements in Kelurahan Dalam Bugis Based on Aspects of Environmental Road Conditions. *Equatorial Journal of Education and Learning*, 10(12).
- Putri, K., Ridlo, M. A., & Widyasamratri, H. (2023). Literature Study: Strategies for Handling Slums in Urban Areas. *Journal of Spatial Studies*, 3(1).
- Regional Regulation of the City of Surabaya Number 4 of 2018 Concerning the Prevention and Quality Improvement of Slum Housing and Slums
- Regulation of the Minister of Public Works and Public Housing Number 14/PRT/M/2018 of 2018
- Rogerson, A., 2005. Aid harmonisation and alignment: Bridging the gaps between reality and the Paris reform agenda. *Development policy review*, 23(5), pp.531-552.
- Said, A. and Chuenpagdee, R., 2019. Aligning the sustainable development goals to the small-scale fisheries guidelines: A case for EU fisheries governance. *Marine Policy*, 107, p.103599.
- Waha, C., & Sondakh, J. (2014). Fulfillment of the Right to Adequate Housing for the Poor in Urban Areas (A Study in the Perspective of Human Rights). *Journal of LPPM in the Field of EcoSosBudKum*, 1(2).
- Satrio, M. Il., & Mu'awanah, A. S. (2021). Community Resilience in Slums Based on Socio-Economic Aspects in Salatiga Village, Salatiga City. *Village-Urban Journal*, 3(1), 36–48.
- Tolliver, C., Keeley, A.R. and Managi, S., 2019. Green bonds for the Paris agreement and sustainable development goals. *Environmental Research Letters*, 14(6), p.064009.
- UNGA Economic and Social Council. (2022). A/76/639–E/2022/10: Progress in the Implementation of the New Urban Agenda.
- United Nations. (2018). Tracking Progress Towards Inclusive, Safe, Resilient and Sustainable Cities and Human Settlements SDG 11 SYNTHESIS REPORT HIGH LEVEL POLITICAL FORUM 2018.
- Widiawati, K. (2022). Indicators of Uninhabitable Houses in Regional Development Planning in Central Java Province. *Journal of Widya Praja*, Vol. 2(No. 1).
- Wijayanti, D. P., & Jani Rahayu, Murtanti Utomo, R. P. (n.d.). Achievement of Realization of Livable Residential Environment in the Context of the Community-Based Settlement Environment Arrangement Program (Plpbk) in Karanganyar Regency