

Bengkulu City Regional Spatial Planning Design in Realizing Sustainable Cities and Communities (Case Study of Tino Galo Hospital Construction)

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ABSTRACT

Spatial planning is an ongoing process and will continue to develop in accordance with the use of space and the carrying capacity of space by space users, as an effort to describe development implementation. The Regional Regulation concerning Regional Spatial Planning (RTRW) is a guideline for the Bengkulu city government in utilizing space in Bengkulu City. In Bengkulu City, the fact is that the use of this space is not in line with the existing regulations in the RTRW Regional Regulation. The construction of the Tino Galo Hospital (RSTG) in the Sungai Hitam terminal area of Bengkulu City is an example of development that is not in line with the Bengkulu City RTRW Regional Regulation. The construction of this RSTG leaves various problems, based on Article 48 letter C, the Tino Galo Hospital Area (RSTG) is a Type C terminal area located in Muara Bangkahulu District, RSTG is not explicitly included in the 2019-2023 Regional Medium Term Development Plan (RPJMD) of Bengkulu City, Bengkulu City Government also has a Regional General Hospital (RSUD) which also provides mother and child services. This research will examine the RSTG licensing procedures which have violated the spatial planning design of the Bengkulu city area which has the aim of realizing Sustainable Cities and Communities.

Keywords: *Communities; Spatial Planning Design; Sustainable Cities*

Introduction

The potential resources that exist in a region require regulations that will regulate regional spatial planning in an effort to realize harmonious, balanced and sustainable development in accordance with the capacity and carrying capacity of the Indonesian environment. Spatial planning is an ongoing process and will continue to develop in accordance with the use of space and the carrying capacity of space by space users, as an effort to describe development implementation. Spatial planning must be based on regional

spatial planning which is a continuous process that includes decisions or choices as alternative uses of resources to achieve specific goals in the future.¹

Article 3 of Law Number 26 of 2007 concerning Spatial Planning states that "The implementation of spatial planning aims to create national, regional space that is safe, comfortable, productive and sustainable based on archipelagic insight and national resilience, by realizing harmony between the natural and artificial environments, the realization of integration in the use of natural resources and artificial resources by paying attention to human resources." The embodiment of the law governing spatial planning is found in regional regulations, which further regulate spatial planning in the region. The Bengkulu City Regional Spatial Planning Plan is regulated in Regional Regulation Number 4 of 2021. Article 40 states that the division of residential areas is classified into Residential Areas, Trade and Services Areas, Office areas, Worship Areas, Educational Areas, Health Areas, Sports Areas, Transportation Areas, Water Resources Areas, and Informal Sector Areas. The manifestation of the transportation area is further regulated in Article 48, letter c number 3, which states that the Type C terminal area is in the Sungai Hitam area, Muara Bangkahulu District.

The Sungai Hitam terminal area has undergone conversion to be used as a location for the construction of the Tino Galo Hospital (RSTG) in Bengkulu City. Tino Galo Hospital is the dream of Bengkulu Mayor Helmi Hasan and Deputy Mayor Dedy Wahyudi to provide complete (best) services specifically for mothers and children. The Mayor and Deputy Mayor of Bengkulu want to glorify the women of Bengkulu City by presenting the best hospital in the world.² Referring to the Bengkulu City Regional Medium Term Development Plan (RPJMD), the program launched by the Bengkulu City Government is the Hospital Facilities and Infrastructure Improvement Program, with program performance indicators based on the number of buildings, medical equipment and medicines provided.³ Not explained further in the RPJMD of Bengkulu City, the program for improving hospital facilities and infrastructure is by adding and building another Regional General.

The borrowing of the Sungai Hitam terminal area to become the Tino Galo Hospital Building (RSTG) is one of the activities which starts from the provisions of Article 1 point 14 of Government Regulation Number 28 of 2020 concerning Amendments to Government Regulation Number 27 of 2014 concerning Management of State/Regional Property, which

¹ A. M. Yunus Wahid, *Pengantar hukum tata ruang*, ed. Maskun, Naswar, dan Achmad (Jakarta: Prenadamedia Group, 2014).

² ISB, "Rumah Sakit Tino Galo Terbaik di Dunia Hadir di Kota Bengkulu," *ISBCenter.com*, last modified 2022, <https://www.isbcenter.com/rumah-sakit-tino-galo-terbaik-di-dunia-hadir-di-kota-bengkulu/>.

³ Pemerintah Kota Bengkulu, "Rencana Pembangunan Jangka Menengah Daerah (RPJMD) Kota Bengkulu 2019-2023" (2019).

states "Build to Handover is the utilization of State/Regional Property in the form of land by another party by constructing buildings and facilities and their facilities, then utilized by the other party within a certain agreed period, to be then handed back the land along with buildings and facilities and their facilities after the end of the period." Apart from the building loan permit, there are several conditions that the Bengkulu City Government must meet to build the Tino Galo Hospital (RTSG).

Regional spatial planning in Bengkulu City should be done according to the provisions regulated in the RTRW Regional Regulation, but this Regional Regulation has yet to be implemented optimally. This is also inversely proportional to SDGs principle goal 11: Making cities sustainable means creating career and business opportunities, safe and affordable housing, and building a resilient society and economy. This involves investing in public transport, creating green public spaces, and improving urban planning and management in a participatory and inclusive way.⁴

Methods

This research aims to examine in depth the principles, philosophy and legal doctrine contained in the laws and regulations relating to the implementation of permits for the construction of the Tino Galo Hospital (RSTG) at the Sungai Hitam Terminal, Bengkulu City. This research began by taking an inventory of positive laws (legislation that regulates hospital construction licensing procedures) to then be reviewed and adapted to the implementation of licensing for the construction of the Tino Galo Hospital (RSTG).

Results and Analysis

1. Legislation Regulating Procedures for Granting Hospital Construction Permits

Article 25 of Law of the Republic of Indonesia Number 44 of 2009 concerning Hospitals states: "(1) Every hospital operator must have a permit. (2) Permits as intended in paragraph (1) consist of establishment and operational permits. (3) The building permit, as intended in paragraph (2), is granted for 2 (two) years and can be extended for 1 (one) year. (4) The operational permit, as intended in paragraph (2), is granted for 5 (five) years and can be extended again as long as the requirements are met. (5) The permit as intended in paragraph (2) is granted after fulfilling the requirements as regulated in this Law." Furthermore, this Law mandates that Article 28 states, "Ministerial Regulation regulates further provisions regarding licensing." As the Law orders, hospital licensing is further regulated by Ministerial Regulation. One of the hospital licensing

⁴ UNDP, "The Sustainable Development Goals," UNDP, last modified 2024, https://www-undp-org.translate.google/sustainable-development-goals?_x_tr_sl=en&_x_tr_tl=id&_x_tr_hl=id&_x_tr_pto=tc&_x_tr_hist=true.

regulations in Indonesia is regulated in the Regulation of the Minister of Health of the Republic of Indonesia Number 147/Menkes/Per/I/2010. The provisions of Article 2 explain, among other things, that a permit is a crucial instrument every hospital must have. This permit is classified into the following: Every hospital must have a hospital establishment permit and operational permit. The requirements for a permit to establish a hospital are further regulated in the attachment to Minister of Health Regulation 147/MENKES/PER/I/2010.

Article 1 point 4 Further regulations are found in the Regulation of the Minister of Health of the Republic of Indonesia Number 3 of 2020 concerning the Classification and Licensing of Hospitals. "Hospital Establishment Permit, from now on referred to as establishment permit, is a business permit issued by the OSS institution for and on behalf of the minister, governor or the regent/mayor after the hospital owner registers until before the implementation of health services by fulfilling the requirements and commitments." Article 1 point 4 Further regulations are found in the Regulation of the Minister of Health of the Republic of Indonesia Number 3 of 2020 concerning the Classification and Licensing of Hospitals. "Hospital Establishment Permit, from now on referred to as establishment permit, is a business permit issued by the OSS institution for and on behalf of the minister, governor or the regent/mayor after the hospital owner registers until before the implementation of health services by fulfilling the requirements and commitments." ⁵

2. Bengkulu City Regional Spatial Planning Design in Realizing Sustainable Cities and Communities in RSTG Development

The above sustainable city provisions align with the aim of urban spatial planning, namely to realize Bengkulu City as a centre for industry, education, trade and services, and sustainable national scale tourism based on disaster mitigation. ⁶ These provisions have the potential to transform Bengkulu City into a thriving hub. In an effort to realize the goal of sustainable spatial planning, the city of Bengkulu has several problems that must be resolved, including one of the problems faced in development activities and utilization of urban space. A hospital is a health service facility that carries out public health and first-level individual health efforts by prioritizing promotive and preventive efforts to achieve the highest level of public health in its work area. ⁷ Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia states, "Everyone has the right to live in physical and spiritual prosperity, to have a place to live, to have a good and healthy living environment, and to receive health services."

Tino Galo Mother and Child Hospital (RSIA) is a type C exceptional service unit for mothers and children in Jalan Budi Utomo, Beringin Raya, Muara Bangkahulu District, Bengkulu City. RSIA Tino Galo is a hospital owned by the Bengkulu City Government. It was founded on

⁵ *Ibid.*

⁶ *Peraturan Daerah Kota Bengkulu Nomor 4 Tahun 2021 Tentang Rencana Tata Ruang Wilayah Kota Bengkulu Tahun 2021-2024*

⁷ Else Anggreni, *Manajemen Pelayanan Rumah sakit dan Puskesmas* (Bandung: Media Sains Indonesia, 2022).

December 22, 2022, and coincides with Mother's Day. RSIA Bengkulu City is a place of community service, especially for mothers and children. RSIA is designed to provide exceptional health services to pregnant women, mothers giving birth, and newborn babies.⁸ RSIA also provides medical services from infancy to adolescence. The Tino Galo Mother and Child Hospital (RSIA) is located at the Sungai Hitam Terminal, Bengkulu City, where this location was initially designated as an area classified as a transportation area.

The conversion of the Black River Terminal Area of Bengkulu City to the Tino Galo Hospital (RSTG) leaves its problems, considering that the Black River Terminal Area is a Type C Terminal Area as stated in Article 48 of Regional Regulation Number 4 of 2021 concerning Bengkulu City Regional Spatial Planning. Regarding Health Areas, in Regional Regulation Number 4 of 2021 concerning Regional Spatial Planning for the City of Bengkulu, it is regulated in Article 46 "Health areas as intended in Article 40 letter f with an area of approximately 55 (fifty-five) hectares covering Teluk Segara District, Ratu District Agung, Ratu Samban District, Singgaran Pati District, Gading Cempaka District, Muara Bangkahulu District, Selebar District and Community Health Centers spread throughout the sub-districts." It's essential to recognize that the location of the Tino Galo Hospital (RSTG) is in conflict with the spatial planning design as stipulated in the Bengkulu City RTRW Regional Regulation. This conflict underscores the critical need for the Bengkulu City Government to prioritize sustainable city and community development. It's worth noting that the Sungai Hitam Terminal, before its conversion to a hospital, was often misused as a dimly lit shop by irresponsible individuals.⁹

"The RSTG permit conflicts with RTRW Regional Regulation Number 4 of 2021, so the Bengkulu City government, in utilizing the Sungai Hitam Terminal Area to become an RSTG, uses the theory of spatial utilization and shifting. "Therefore, the status of using RSTG in the Sungai Hitam Terminal Area is Rent-to-Use." Regarding borrowing and use, this refers to Regional Regulation Number 5 of 2020 concerning the Management of State/Regional Property of the City of Bengkulu. In this Article, 1 Paragraph (25) explains that: "Regional Property Management is all activities including needs planning and budgeting, procurement, use, utilization, transfer, destruction, deletion, administration, and guidance, supervision and control".

The following provision is also found in Article 1 number (29): "Utilization is the utilization of regional property that is not used for carrying out the tasks and functions of regional apparatus organizations and optimizing regional property without changing the ownership status." Article 81 explains "Forms of utilization of regional property in the form of: (a) Rent; (b) Lease; (c) KSP; (d) BGS or BSG, and (e) KSPI.

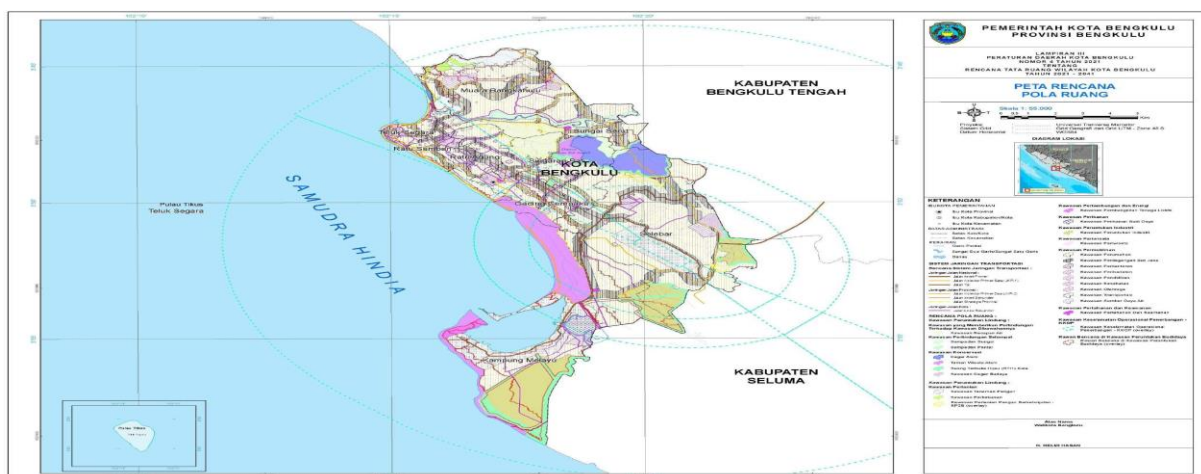
⁸ <https://rsiatinogalo.bengkulukota.go.id/tentang-kami/>.

⁹ "Warem Terminal Sungai Hitam Digusur Pemkot Bengkulu," *bengkuluone*, last modified 2018, <https://www.bengkuluone.co.id/warem-terminal-sungai-hitam-digusur-pemkot-bengkulu/>.

Meanwhile, borrowing and use is interpreted as "handing over the use of goods between the central government and the City Government or between Regional Governments within a certain period without receiving compensation and, after the period ends, handing them back to the Mayor." The provisions of Article 1 number 31 were then used as a basis by the Bengkulu City Government in utilizing the Black River Terminal Area. The borrowing and use of the Sungai Hitam terminal area from RSTG carried out by the Bengkulu City Government is only temporary and will be returned within a certain period as agreed based on existing rules and procedures. This is in line with the provisions on the loan-to-use period regulated in Article 155 paragraph (1): "The loan-to-use period for regional property is a maximum of 5 (five) years and can be extended 1 (one) time."

The Borrow and Use method, a key strategy employed by the Bengkulu City government for the construction of the RSTG, has been the basis for the conversion of the Sungai Hitam Terminal Area. This method, executed through a binding agreement, dictates the duration for which the existing buildings in the Sungai Hitam Terminal Area can be utilized. It's important to understand that any breach of this agreement will result in the relocation of the RSTG building from the Sungai Hitam Terminal Area, leading to a temporary halt in public services at the RSTG. This provides a clear understanding of the implications of the Borrow and Use method. In the Bengkulu City RTRW Regional Regulation, Article 8, which regulates the spatial planning of the Bengkulu City area, consists of: "(1) The spatial structure plan of the city area includes: a. Activity centre in the city area; and b. City infrastructure network system. "Furthermore, in paragraph (2), the spatial structure plan for the city area is described in the Bengkulu City Spatial Structure Plan Map with a level of accuracy of 1: 25,000 as stated in Appendix I, which is an inseparable part of this Regional Regulation."

Picture 1. Spatial Pattern Plan Map



Source: Attachment to the Bengkulu City RTRW Regional Regulation

considering that if it is violated, the leased use of the RSTG building in the Sungai Hitam Terminal Area will be moved. Then, public services in this RSTG will be temporarily stopped.

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