

# The Policy of The City of Tegal Government in The Implementation of The Development of The City Walk of Malioboro Viewing from The Aspect of Dignity Justice

Edi Purwanto, Imawan Sugiharto, Moh. Khamim  
{Edpur757@gmail.com}

Magister of Law, Universitas Pancaskti Tegal, Indonesia

**Abstract.** State goals implemented in the regional scope are a form of embodiment in the welfare of the community whose implementation is based on regional autonomy. Cities and regencies are autonomous regions, where cities and regencies have full authority and freedom to develop and implement regional policies based on their regional potential and the aspirations of their own people, this is regulated in law number 23 of 2014 concerning regional government. The method used in this research is a philosophical approach method that reviews legal issues from the ideal value, with observation and interview data collection methods as well as literature review and data analysis methods, namely inductively carried out by translating various sources related to the research topic, so that conclusions are obtained in accordance with the research objectives formulated. The problem that will be discussed in this article is what is the legal basis for the Tegal City Government in determining the policy for the development of the Malioboro City Walk in Tegal City and how is the relevance of the development of the Malioboro city walk in Tegal City in relation to social justice for the community?

**Keywords:** City Walk, Dignity Justice, Malioboro Viewing

## 1. Introduction

State goals implemented in the regional scope are a form of embodiment in the welfare of the community whose implementation is based on regional autonomy. Public services is one of the entry points for the Republic of Indonesia to achieve the big dream towards a country whose ability to run good governance. [1] Regional autonomy is the right, authority, and obligation of autonomous regions to regulate and manage their own government affairs and the interests of local communities in the system of the Unitary State of the Republic of Indonesia, the mention of which is in Article 1 paragraph (6) of the general provisions of Law Number 23 of 2014. Cities and regencies are autonomous regions, where cities and regencies have full authority and freedom to develop and implement regional policies based on their regional potential and the aspirations of their own people, this is regulated in law number 23 of 2014 concerning regional government.

The policy in determining the development of the City Walk Malioboro organized by the Tegal City government is an effort to improve public services by providing city public open spaces whose main function is to develop commercial and retail areas in an effort to revive the urban center area. Policies in development must include interests that are not only a form of implementing regional autonomy, but also a form of welfare for the community and social justice,

a consideration for the government in realizing goals and interests that lead to social justice development welfare for the community [2].

Development planning must be able to describe and show projections of economic activity and land use in the area in the future, and the location can be used for various activities, the determination of certain activities at the location must provide maximum added value to the community, the determination of the location must ensure special harmony, harmony between sectors, optimizing investment, creating efficiency in life and ensuring environmental sustainability [3].

Optimization is a process in which the goal is to achieve an ideal result or optimization. In other words, optimization can be interpreted as a form of optimizing things that already exist, or designing and making something optimally. Problems that have arisen and are even happening within the scope of the government and the people of Tegal City related to the construction of the Malioboro city walk create issues and views that are spread among the people of Tegal City, especially in the Ahmad Yani road area itself which is basically a dense and productive area in various fields. So, the problems are What is the legal basis for the Tegal City Government in determining the City Walk Malioboro Development policy in Tegal City? and What is the relevance of the development of the city walk Malioboro, Tegal City in relation to social justice for the community?

## **2. Method**

The type of research that will be carried out by the researcher is field research that uses primary data as the main data. With data sources obtained through observation and interviews.

A philosophical approach that examines legal issues from the ideal value that should be. With this philosophical approach, the researcher hopes to be able to examine the legal issues/legal policies that are taken or set by the Tegal city government in the construction of the City Walk Malioboro, Tegal City, whether they have considered the benefits ideally and should, as well as taking into account the laws that regulate it.

## **3. Discussion**

### **3.1. Legal Basis for the Tegal City Government in implementing the Malioboro City Walk Development policy.**

Policy making in a legal product which involves the welfare of a local community, of course the government must pay attention to the basics and foundations in policy making. [4]The basis and basis in this case are laws and other regulations that make a local government policy valid as a legal product. Law number 23 of 2014 concerning regional government is one of the legal umbrellas in the implementation of regional autonomy.

Regional autonomy is the authority, rights and obligations of autonomous regions for the implementation of regulating and managing their own government affairs and the interests of regional communities in accordance with the regulations contained in the legislation. The essence

of regional autonomy is an effort to empower the region to make regional decisions more freely and responsibly to manage their own resources in accordance with the interests, priorities and potential of the region itself. The policy for the development of the city walk of Malioboro, Tegal City is based on the law :

1. The development of the City Walk Malioboro in Tegal City is a form of policy taken by the Tegal City government, the scope of which has been regulated in the Tegal City Regional Regulation. Article 4 of the Regional Regulation of the City of Tegal Number 4 of 2012 states that the policy on the spatial structure of the city area includes:
  - a. improvement of city service centers that strengthen regional-scale trade, service and industrial activities;
  - b. development of city service centers; and
  - c. improving the quality and service coverage of the public facilities infrastructure system.

The strategy for improving city service centers that strengthen regional-scale trade, service and industrial activities as referred to in Article 4 letter a includes:

- a. developing ring roads between cities;
- b. determine the hierarchical structure of the service center system on a regular basis;
- c. develop regional-scale trade centers;
- d. develop coastal tourism activities;
- e. develop meeting service activities and exhibition services;
- f. develop non-polluting industrial activities;
- g. develop seaport services as regional gateways;
- h. develop regional public transport terminals and urban public transport; and
- i. develop a goods terminal that synergizes with sea ports.

Article 8 also regulates policies and strategies for strategic areas, which include:

- a. Increasing and developing the function of defense and security areas within the framework of national security;
- b. Preserving the environment and increasing the function of area protection;
- c. development and improvement of regional functions in economic development; and
- d. preservation and enhancement of social and cultural values.

The strategy for developing and enhancing regional functions in economic development as referred to in Article 8 letter (c) includes:

- a. develop regional infrastructure for the development of trade and service activities by;
- b. trade and service activities are developed by revitalizing the old city's trading area.
- c. Trade and Service Areas in the City of Tegal have been regulated in Article 51 of Regional Regulation Number 4 of 2012

Article 70 of the Regional Regulation of the City of Tegal Number 4 of 2012 concerning the spatial plan of the City of Tegal for the years 2011-2031 states that the control of space utilization is carried out to realize spatial order through:

- a. General provisions of zoning regulations
- b. Permissions
- c. Provisions for the provision of incentives and disincentives, and
- d. Imposition of sanctions

### **3.2. The relevance of the development of the City Walk Malioboro, Tegal City in relation to social justice for the community.**

Social justice and socialism are often considered the same, but basically there are fundamental differences. Socialism is brotherly togetherness, while social justice is concerned with treating human rights. Despite these differences, both of them have the same goal, namely to achieve mutual prosperity, but the common prosperity in social justice is nothing but to achieve a just and prosperous society, spiritually and materially. Irwan Soleman, Social Justice as a Constitutional Mandate.

Justice can be well understood, if people agree that everyone in society has something that must be respected, and cannot be violated or attacked even if the welfare of the community cannot be used as an excuse to ignore it. That's why justice can be well known because it is justice that rejects a situation, when the loss of freedom or independence possessed by a number of people can be justified if there is a better object that can be enjoyed jointly by others. Justice is known from the fact that there are no circumstances in which a few people can be sacrificed as long as a large number of other people accept and enjoy the benefits of the sacrifices of a few. In a just society, in matters regulated by applicable laws and regulations, the same freedoms of citizens cannot be contested.

The theory of dignified justice investigates the characteristics of knowledge about the legal system based on Pancasila and the ways in which it is formed and acquired [5]. In the thought process, a number of observations on legal materials were carried out by combining various approaches in legal research methods [6]. Pancasila is the basic attitude in the development of a dignified justice legal system. It was stated that the Indonesian legal system does not absolutely adhere to the statute law system, nor does it absolutely adhere to the common law system, although many support the opinion that the judge-made law system upholds the dignity of Halim as an institution or law-making institution, through a process that This is called legal discovery [7].

Dignified justice theory observes, classifies, examines, falsifies and justifies various legal rules and principles that exist, and apply within a legal system. The theory of dignified justice also observes, analyzes and discovers as well as assesses and justifies the existence of laws that not only regulate the rules in the life of the nation and state or society, but this theory also observes individuals, especially humans, the Indonesian people. a philosophical thought it can be observed that this thought conforms to its fundamental or radical character; the theory of dignified justice has a basis for approaching law philosophically. The theory of justice, has an appeal to understand the law of wisdom; This philosophy means loving wisdom.

The word or concept of philosophy has the equivalent of a word with the same meaning as the Greek language, namely philosophia; Philo/Philos/Philen. Which means love/Lovers Loving and Sophia or wisdom and wisdom according to the law. Pay attention to the phrase according to the law. This means according to applicable law. People are not only wise, but wisdom, in the science of law, must be in accordance with applicable laws. Wisdom and wisdom must obey the

law (the *lage lata*). That is, by the theory of dignified justice, the law becomes the central point or focal point in the study, as well as the construction, deconstruction or reconstruction process of thinking about law and society in depth. The theory of dignified justice examines the roots, to the essence of various legal issues. As a legal philosophy, the theory of dignified justice has a high abstraction value, which is an umbrella theory (*drand theory*) but can also function as a middle range theory or applied theory [8].

The theory of dignified justice, upholding positive law solves the problems of everyday people and society from a legal perspective, down to the deepest essence, the essence that transcends sensory knowledge. Fair social structures greatly affect the implementation of social justice. Because of social injustice, a lot of it is caused by injustice done by the social structure. Efforts for social justice are carried out through the struggle to improve social structures that have not been fair. Social justice means justice that applies in society in all areas of life, both material and spiritual. In this regard, justice applies to all Indonesian people without any distinction between officials and ordinary people. The concept of social justice is the key to justice aspect of humanity.

The concept of social justice contains the same human rights, in this case the requirements for the implementation of social justice are as follows:

1. All citizens are obliged to act fairly, because social justice can be achieved if each individual acts and develops a fair attitude towards others;
2. All humans have the right to have human values, so they are also entitled to everything related to the necessities of life.

The meaning of the Embodiment of Justice and Social Justice in the rule of law is more focused on the realization by distributing the needs of the community. This distribution is not always related to physical but also non-physical, including: goods, services, business capital, position, social roles, authority, power, opportunities and others that have value for human life. The essence of justice includes:

1. give to everyone what should be received;
2. to give to every person who according to the basic rules in interpersonal relations to the whole, both material and spiritual, the law is his right;
3. the benevolence of giving the result of which it has been a part;
4. provide something that can satisfy people's needs;
5. personal equality;
6. granting independence to individuals to pursue their prosperity;
7. giving everyone the opportunity to seek the truth;
8. give something worthily.

The breadth and abstraction of the concept of justice, the mapping of the character or characteristics of justice, is as follows: Whereas the concept of justice has a pluralistic-radical character, there is no universal law on justice. This has been stated by Michael Walzer. Justice must be the creation of a political community, and its judgment based on that given from within the community itself. It is irrational to say that society with a hierarchical type is unfair, because the distribution of social needs does not take place according to the principle of equality.

Equality and freedom are the cornerstones of legal practice, and cannot be separated from certain ideologies, namely the ideology of liberalism or neoliberalism. In the context of

international law, economics in the concept of equality considers the economic background of the State to be the same. So that countries with different economies are considered to have an equal position. Equality before the law describes legal subjects as individuals who have an equal position in the social world, which in the view of western philosophy is called egalitarian. The concept of equality before the law, is the uniformity of what is actually not uniform. Uniformity will only benefit the strong social groups and weaken the lower classes.

In fact, social justice according to the 1945 Constitution of the Republic of Indonesia carries the understanding of people with differences which therefore need to be assumed to be equal or equal, not the credo of egalitarianism (understanding of society without differences and therefore everyone is equal without exception). The basic meaning of the creed of equality in the context of the Indonesian state is the teaching not to equate something different and not to force equality to overcome differences. Social justice must be defined by the attitude to treat the same and treat different things differently.

Social justice in Article 33 of the 1945 Constitution of the Republic of Indonesia before the amendment and after the amendment underwent a shift. Prior to the amendments to the 1945 Constitution of the Republic of Indonesia, social justice was defined as the meaning of a socialist economic system or, more accurately, Indonesian socialism. Meanwhile, after being amended, the meaning of social justice in the economic sector is more directed to the meaning of Indonesian Neosocialism because of the addition of paragraph (4) to Article 33 of the 1945 Constitution of the Republic of Indonesia. In paragraph (4), new principles of the economic system have been introduced. liberal is not communal like democracy, efficiency, independence and so on which often marginalizes the spirit of togetherness as the essence of social justice.

Social justice demands that humans live properly in society. The implementation of development needs to rely on and realize justice and propriety. The term human decency can also be referred to as reasonable or proportional propriety. The provisions of Article 33 of the 1945 Constitution of the Republic of Indonesia tend to reveal that social justice is more dominant in its relation to economic justice. The essential principle that is interdependent in the concept of economic justice, Louis Kelso and Mortimer Adler states as follows:

1. The principle of participation, that everyone is free to participate to provide input into the economic process to build a common life. The opportunity to obtain rights to both private property and to engage in productive work should be shared by everyone. This principle cannot guarantee results is the same as will be obtained. The principle of participation is only access for all to be able to participate in the production process, whether workers or owners. While the distribution principle is related to results, about the output obtained from the economic system for each person (worker) and for each capital (owner). Through the pattern of distribution of personal wealth in a free and open market, distributive justice is automatically linked and must be balanced with justice.
2. The principle of distribution is about the results, the outputs obtained from the economic system and every capital. Through the pattern of distribution of private wealth in a free and open market, distributive justice is automatically linked and must be balanced with participatory justice, and income becomes related to participation in the production process. The free

and open market is considered to be the most objective and democratic means in determining the price of wages and fair profits. However, without the role of the state as a controller, distortions in a free market system will create injustice in itself.

3. This principle of harmony is an indispensable counterweight to overcoming distortions in both input and output of the economy and making necessary corrections to restore a just and balanced economic order for all (justice for all).

Social justice is always associated with a goal that is none other than the welfare of society. As it is understood that social justice in the state of Pancasila law is related to the distribution of resources to create prosperity for low-income groups or people who are socio-economically weak [9]. The purpose of social justice is the formation of a just, orderly and orderly society, with everyone getting the opportunity to live a decent life so as to create general welfare. General welfare means that the human rights of every citizen are recognized and respected and that the availability of goods and services for the necessities of life is affordable by the people's purchasing power. The embodiment of justice and social justice in our country is the main, basic, complex and broad-dimensional element [10].

Justice is the will and ideals of every person and individual, which should be accepted. The Constitutional mandate emphasizes that social justice always aims to realize or create social welfare for all Indonesian people [11]. The embodiment of social justice aspires to equal distribution of resources so that economically weak communities can be lifted, eradicated from poverty and so that socio-economic inequalities in society can be reduced. Still in the same frame of mind about the importance of social justice, Frederickson revealed that the issue of social justice occupies an important position in public policy making. As a development process, it is better if public (economic) policy makes social justice an important value or basis in the weighting of values used, because social justice (social equity) can be used [12].

Therefore, in making and implementing a policy, especially economic policy, the government must be able to pay attention to the value of social justice in every decision and action taken, so that it does not harm the community, and there is no inequality in society due to injustice in the distribution and allocation of resources. Social justice for all Indonesian people is the ideals of the Indonesian State and Nation as stated in Article 5 of the Pancasila. Of course, there is political, social, cultural, economic justice as well as in all aspects of the life of every Indonesian people, and which is no less important, namely a sense of security, meaning that there is no longer any arbitrariness of policy makers towards society.

Justice is known from the fact that there are no circumstances in which some people can be sacrificed as long as a large number of others accept and enjoy the benefits of the sacrifices of a few. In a just society, in this case regulated by applicable laws and regulations, the same freedoms of citizens cannot be contested.

#### **4. Conclusion**

The implementation of the construction of the City Walk Malioboro, Tegal City is regulated in Article 4 of the Regional Regulation of the City of Tegal Number 4 of 2012. The implementation of the City Walk Malioboro development which is precisely carried out on Jalan

Ahmad Yani is a form of authority which basically aims for the welfare of the community, development that is driven in the economic sector is a breakthrough in improving the welfare of society. Equitable development efforts are also a goal that should be emphasized in the implementation of the City Walk Malioboro, Tegal City.

The purpose of social justice is the formation of a just, orderly and orderly society, where everyone has the opportunity to build a decent life so as to create general welfare. General welfare means that the human rights of every citizen are recognized and respected and that the availability of goods and services for the necessities of life is affordable by the people's purchasing power. The embodiment of social justice is behavior to give to others what is their right for the realization of a just and prosperous society.

### References

- [1] Sakir S, Habibullah A. Quality of Healthcare Services in the Tengger Tribe Community of Ranu Pane Village. *Journal of Governance and Public Policy* 2019;6. <https://doi.org/10.18196/jgpp.61104>.
- [2] Eddhie P. Peran Pemerintah dalam Menangani kerusakan infrastruktur berbasis Hukum Progresif. Tegal: Badan Penerbit Universitas Pancasakti Tegal; 2018.
- [3] Aprilia T, Andini KS, Nugraha PGP, Totok M. *Pembangunan Berbasis Masyarakat*. Surakarta: Alfabeta; 2014.
- [4] Thohari. *Dasar-Dasar Politik Hukum*. Jakarta: Raja Grafindo Persada; 2006.
- [5] Teguh P. *Hukum dan Teori hukum Perspektif teori keadilan bermartabat*. Bandung: Nusamedia; 2020.
- [6] Peter MM. *Penelitian Hukum*. Surabaya: Prenada Media Group; 2005.
- [7] Soetami Siti. *Pengantar Tata Hukum Indonesia*. Bandung: PT. Eresco; 1992.
- [8] Darji D, Shidarta. *Pokok-Pokok Filsafat Hukum, Apa dan Bagaimana Filsafat Hukum Indonesia*. Jakarta: Gramedia Pustaka Utama; 2008.
- [9] Edi S. *Negara Kesejahteraan Sosial Indonesia: Antara Hasrat dan Jerat Globalisasi Neoliberal*. 2010.
- [10] Marbun SF. *Dimensi-Dimensi Pemikiran Hukum Administrasi Negara*. Yogyakarta: UII Press; 2001.
- [11] Asshiddiqie J. *Konstitusi & Konstitusionalisme Indonesia*. Jakarta Timur: Sinar Grafika; 2010.
- [12] Patarai MI. *Kebijakan Publik Daerah Posisi dan Dimensinya dalam Perspektif Desentralisasi Kebijakan*. Makassar: De La Macca; 2020.