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JAKARTA URBANIZATION CONTROL IN HUMAN RIGHTS PERSPECTIVE

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Abstract

Jakarta is one of the areas with high urbanization number and its impacts, so it requires Local Government to control the urbanization to minimize its negative impacts. On the other hand, the rights to freedom of movement and residence throughout the territory of Indonesia are guaranteed by the Law. So, this study becomes important to know how the efforts of Jakarta Provincial Government to control the urbanization as seen in human rights perspective. This study uses a qualitative approach and descriptive method. This paper argues that the urbanization control by Jakarta Local Government with orderly administration approach is not effective to control the urbanization and only created constraints of people movement and this policy violates the right to freedom movement and residence. It further suggests that the orderly administration approach should be replaced by the human rights approach in controlling the urbanization in Jakarta if it is to seek better policy.

Keywords: Urbanization, Policy, Human Rights

I. INTRODUCTION

An equality of development is one of the problems in Indonesia, the inequality of progress between one region with another is very wide as a result of the development of the New Order style of centralism. Uneven development will result in differences in access to social facilities, living standards, employment opportunities, and income among communities. This inequality makes the more advanced areas a magnet for people living in less developed areas of development (less advanced).

The gap between a very limited area and a more hopeful area can be a driving and triggering factor of the process of migrating from one place to another to live and settle. The process of migrating from one area to another is commonly referred to as migration.

The general term for population movement in demographics is the population mobility or more specifically the territorial mobility that usually implies spatial, physical, or geographical

motion. These include the permanent population moving dimensions of the population and non-permanent dimensions. Migration is the dimension of permanent population movement, while the non-permanent population motion consists of circulation and commutation (Rusli, 1996).

One form of migration is the migration of the population from the rural area (village) to the urban area (city) and the process of migration is called urbanization. The dynamic of urbanization in Indonesia shows the same sustained tendency with other parts of the World. At present, the average urban population growth is about 2 - 2.5 times faster than the national average population growth. With an average national population growth of about 1.5% per year, urbanization growth in Indonesia ranges from 3.0% - 3.5% per year (Santoso, 2006).

The rise of urbanization in Indonesia is caused mainly by the overly striking socioeconomic gap between rural and urban areas occurred due to development policies focused on big cities (centralized). Rural livelihoods that depend on



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Table 1.
5 (five) Provinces with Highest Per Capita GRDP at Current Market Prices (Thousand Rupiah)

Province	2014	2015
Jakarta	174,706.01	194,875.22
East Kalimantan	157,215.42	146,460.70
Riau Islands	94,731.96	103,031.63
Riau	109,783.33	102,828.70
North Kalimantan	96,363.22	97,858.41

Source: (Statistics Indonesia (BPS), n.d.)

agriculture and are heavily influenced by seasonal changes with limited facilities and knowledge are confronted with the city's all-around life with its industry, adequate educational facilities, and more varied vacancies. As a result, people tend to choose to live in cities with much more adequate living facilities than living in villages.

The uneven distribution of villages and cities will cause various social life problems. The abandoned village of potential power eventually grew worse, while cities flooded with migrants became overpopulated, leading to complex problems such as slums, homeless people, and crime.

Surya (2012) said that in principle, urbanization is greatly influenced by the urbanists' desire for the purpose of improving their livelihoods more feasible than the industry and due to the modernization that occurred in Makassar. This condition is characterized by the development of strategic economic functional areas in the suburbs.

Meanwhile, the study of Saputra & Rahayu (2015) conducted in Central Java states that the relationship between urbanization level and the level of regional inequality in Pantura region of Central Java is directly proportional, which means if the urbanization level is high then the level of regional inequality is also high. The similar thing occurred in the city of Semarang and Kabupaten Rembang.

In different contexts and locations, Sasongko & Wahyuni (2013) state that the relationship of brotherhood, friendship, and neighborliness is an important factor that influences the process of migration from one region to another. In this case, migrant residents who first live in the destination area of migration become a source of information for relatives, friends, and neighbors who still live in the area of origin.

One of the areas in Indonesia experiencing the problem of urbanization is Jakarta. Jakarta is one

of the most visited areas by urban communities, not only because Jakarta is the capital city of the country and the fastest growing economic center compared to other regions in Indonesia, but also because Jakarta promises a better life compared to other regions.

One indicator that shows the economic progress of a region is to see the value of Gross Regional Domestic Product (GRDP). The Central Statistics Agency data shows that Jakarta has the highest GDP in Indonesia.

Similar to the value of GRDP, the size of the Regional Minimum Wage (UMR) of Jakarta Province is also ranked highest in Indonesia.

The above GRDP and UMR data indicate that Jakarta offers a hope of achieving a better standard of living than other regions. Hairul (2012) states that migrants migrate from their home regions to destinations because they see the level of Gross Regional Domestic Product (PDRB) and Regional Minimum Wage (UMR) of Jakarta is relatively larger than their origin.

The data above shows the growing population of Jakarta every year. This increase in population is influenced by birth rates and recorded urbanization figures (urban people who have changed their residence documents to citizens of Jakarta). Meanwhile, the urban people who do not change their citizenship document but have long lived in Jakarta are not included in this figure. If this is left continuously, then various problems will arise.

Harahap (2013) describes the impact of urbanization as follows: The increasingly uncontrolled urban conditions resulting from excessive urbanization have created new problems such as increased crime due to poverty, massive unemployment, slum upgrading, and so on. Therefore, urbanization will be seen as the determining factor for a city to develop, both physically and socially.

Table 2.
Population Data of Jakarta Province

Year	Population	Population Density (per km ²)
2010	9,607,800	14,518
2011	9,752,100	14,724
2012	9,862,100	14,890
2013	9,969,900	15,053
2014	10,075,300	15,234
2015	10,177,900	15,367

Source: (Badan Pusat Statistik Provinsi DKI Jakarta, 2016), Retrieved April 21, 2016.

Sholahuddin (2014) conducted a study of spatial urbanization and its effects on changes in spatial structures in residential areas. This study proves that the existence of a campus/university (ISI Yogyakarta in Panggunharjo, Sewon, Bantul), brings spatial impact to the environment. A large number of immigrant students from various regions in Indonesia caused residents around the campus to use some of their homes for student needs facilities. The dwelling house doubles as a privacy dwelling (safe and comfortable) and also as a public and open place of business. This phenomenon leads to changes in the structure of space in the dwelling.

Meanwhile, Jalil (2005) states that Urbanization in Indonesia is not followed by employment growth. This causes urbanization to provide its own pattern of growing polluted density, uncontrolled housing, and the lack of public facilities such as clean water, electrical energy, transport, poor drainage, unpacked waste, and poor health services.

Several previous studies suggest that urbanization has a negative impact if it is not controlled and is not balanced with appropriate development policies. But basically, the development policy directed to balance the level of urbanization requires a very large cost, especially the development of supporting infrastructure and the provision of employment. In addition, development policies that seem to facilitate the arrival of migrant populations will further exacerbate the degree of regional inequality. Urbanization control, in the previous literature review, is viewed using the perspective of development policy, the demographic issue of a region, and socio-culture, not in the view of human rights, whereas population migration and urbanization control are strongly linked to the right to freedom of movement and to choose shelter throughout the territory NKRI.

The 1945 Constitution, Article 28E, contains a clause that: "Everyone has the right to convert to religion and to worship according to his religion, to choose education and teaching, to choose a job, to choose citizenship, to choose a place of residence in the territory of the state and to leave it, and to be entitled to return." Law No. 39 of 1999 on Human Rights, Article 27 states that: "Every Indonesian citizen has the right to freely move, migrate, and reside within the territory of the Republic of Indonesia." The two clauses seem to be a contradiction in the effort of controlling the flow of urbanization to the Province of Jakarta.

This study seeks to see urbanization control in the human rights perspective amid the issues that arise between the imperative of urbanization control efforts in Jakarta and the rights to freedom of movement and residence for Indonesian citizens. As a global phenomenon, the problem of urbanization is also felt by other countries. Good urbanization control practices have been implemented in China. This article will also briefly discuss the practice as a good learning that it will answer how should these efforts of urbanization control is done so as not to violate human rights, especially the rights to freedom of movement and residence in all parts of Indonesia

The results of the study are expected to provide benefits for policy makers in formulating and implementing policies of urbanization control with human rights perspective so that the government can fulfill its obligation in respecting, protecting, and fulfilling the human rights of its citizens.

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II. METHOD

In this scientific paper, the author uses a qualitative approach with descriptive writing method. The process of collecting data and information is done by studying literature and tracing legislation related to the issues to be studied in this scientific paper.

Furthermore, the data and information that have been collected, including the policy of Jakarta Provincial Government in the control of urbanization, are analyzed and compared with human rights instruments to build argumentation of the vacuum of human rights approach in urbanization control effort in Jakarta.

III. RESULTS AND DISCUSSION

A. Urbanization Phenomena

Urbanization is closely related to population changes that ultimately affect significantly the development of a region. Concerning the phenomenon of urbanization, Shen (2000) in his journal suggests that:

Urbanization has been a remarkable social phenomenon in the 19th and 20th centuries which has transformed the spatial and social configurations of human society. Only 3% of the world population lived in urban areas in the year 1800. One hundred years later, in 1900, 13.6% lived in places with 5,000

or more population. By the year 1996, 46% of the world population lived in urban areas, with a total population of over 2.5 billion. Now, two-thirds of the urban population are found in developing regions. The urbanization process will continue in the 21st century, especially in developing countries.

Meanwhile, Krausse (1979) who conducted research on the economic conditions of urban communities in Jakarta, argues that:

One of the most dramatic events in recent decades has been the migration of rural peasant populations to the cities of Southeast Asia. Rural to urban movements have also been responsible for Indonesia's soaring rate of urban growth, especially in the larger cities. Jakarta, with a present population of nearly six million, is now the most important recipient of the newly urbanizing population.

Both try to reveal that urbanization is one of the interesting and important phenomena to be reviewed and discussed in understanding the characteristics and fluctuations of the population in a region other than fertility and mortality. These three factors (urbanization, fertility, and mortality) have always been fundamental in every demography process and demographic discourse.

Urbanization is one form of migration or movement from one place to another to settle and with a specific purpose. The term population movement or migration is defined by Said Rusli as a geographical, spatial, or territorial movement of the population between geographic units involving the conversion of residence from the place of origin to the destination. A person is said to have migrated if he has moved permanently or relatively permanently (for a minimum period of time), by traveling a minimum distance or moving from one geographic unit to another. The direction of population movement, which is generally identified as four directions of movement of the population, is from village to village, from village to town, from town to village, and from town to town (Rusli, 1996).

There are two definitions of urbanization; first, urbanization means the process of urbanization, i.e. the process of development or urbanization of a region (village). Secondly, urbanization means the displacement or shift of urban resident (urban ward migration) (Leibeo, 2004). If viewed from the aspect of the development of the city itself, the two terms of urbanization are different though they are still in the same scope. Urbanization in the sense of urbanization process more emphasis on the process of development of society. Meanwhile, the concept of urbanization in the sense of population movement emphasize more to the process of population shifts, which is actually also a result of the development

itself.

The movement of villagers to cities is the result of negative factors from rural areas and the positive factors that the city has. The causes of this urbanization in various countries are quite different but generally speaking it is due to spatial imbalances (Bintarto, 1986). A research agency on leading rural-urban migration after two decades of research found much evidence that the majority of the population migrated for economic reasons. When people are asked about the reasons for their move, it is always better prospects for the urban economy as the reason (Gilbert & Gugler, 1996).

Malau (2013), suggests a negative impact that may result from urbanization. This rapid population growth resulted in a number of problems in urban areas, one of which is the emergence of slum settlements or slum areas that are slums and irregular areas that exist in urban areas. Slum area dwellers are a group of people who come from the village to the city in order to change their destiny. They do not have the necessary skills and levels of education to work in the industrial sector in urban areas, thus eventually entering the informal sector. As a result, they are in a poor economic life because they only have a low income but have to deal with the high cost of living in the city.

Urbanization also has a positive effect in various sectors of life, as proposed by SW (2004), including:

1. In the economic sector, the economic structure becomes more varied, new businesses, transportation, trade, and so forth will emerge.
2. The development of entrepreneurs appears to be widespread.
3. Physical expansion of the city towards the edge of the city.
4. The rise in land prices.

On the other hand, Suharso (2014) argues that if urbanization is handled well by the government, it is a resource that can affect a development in the city better and faster, but if not handled properly then it will be the burden of the city, either physical, social, or economic.

Urbanization can have both positive and negative impacts; many literature reviews have discussed the positive and negative impacts of population migration from rural areas to urban areas. Clearly, the studies of the literature agree that the urbanization process must be controlled so as not to over-occur and cause too many negative impacts. Therefore, urbanization case in Jakarta should get special handling from Jakarta Provincial Government for controlling efforts. Meanwhile, the rights of every human being to move and choose a place of dwelling is one of the human rights which need to be respected and protected

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quality education and skills who are still trying to compete in the city Jakarta even though they do not have permanent jobs, so it can cause new problems in the field of social, economic, cultural, security, environment, employment, health, education, and so forth. Therefore, urbanization control is one focus in GDPKP Jakarta. The high level of urbanization in Jakarta must be addressed by a policy that establishes: (1) that people coming to Jakarta must have job security; (2) that people coming to Jakarta should have shelter; (3) that people coming to Jakarta must have good quality human resources (Attachment to Regulation of Governor of Jakarta Number 212 of 2015 on Grand Design of Population Quantity Control Year 2010-2035).

GDPKP Jakarta clearly states that urbanization in the sense of migration from villages to Jakarta is still a problem that affects new issues in the social, economic, cultural, security, environment, employment, education and so on. The urbanization control by Jakarta Provincial Government as stated in GDPKP still uses a practical approach to overcoming urbanization, which requires that people coming to Jakarta should have job security, shelter, and/ good human resource quality. The three characteristics determined by the Government of Jakarta have canceled the principle of freedom of movement as if a person outside the 3 characteristics must not come to Jakarta. Measurement standards are in the determination of when these characteristics are also floating, especially on the third point where people coming to Jakarta must have a good quality of human resources. This makes GDPKP DKI will be very difficult to implement, so in addition to canceling the principle of freedom of movement, the policy also will not be able to stem the flow of urbanization to Jakarta.

If we look at the regulations referred to in the preparation of GDPKP Jakarta, namely Presidential Regulation Number 153 of 2014 on the Grand Design of Population Development, Article 2 states that: "Population Development using a human rights approach as the main principle to achieve fair rules." Governor Regulation Number 212 of 2012 fails to interpret the human rights approach listed in Article 2 of Presidential Regulation Number 153 of 2014 on the Grand Design of Population Development.

The criteria set out in GDPKP Jakarta also do not meet the principle of non-discrimination. Emphasize distinctions to specific groups based on job security, ownership of residence, and good quality of human resources. This criterion is not friendly for vulnerable groups such as the urban poor, people with mental disability, the elderly, and so on. Access to Jakarta is not inclusive for all. Urbanization control should not be done with space restrictions. Because basically the development of a city must be based on the principles of human

rights and the principle of non-discrimination as what has been disclosed by the United Nations High Commission on Human Rights, as follows:

GDPKP's non-stewardship of human rights principles is also reflected in its implementation. If we go further, urbanization control as outlined in GDPKP Jakarta can be implemented pragmatically through the enforcement of the Regional Regulation concerning population administration through Citizenship Judicial Operation, based on the law on the Provincial Regulation of DKI Jakarta Number 2 of 2011 on Population Registration and Civil Registration and Provincial Regulation of DKI Jakarta Number 8 of 2007 on Public Order. In the Public Order regulation is stated that every person intending to stay and settle in Jakarta Province must fulfill the requirements of population administration as stipulated in the provisions of the legislation. The requirements are:

1. Have a clear identity;
2. Bring a relocation letter from the area of origin;
3. Have a Police Note Certificate (SKCK) from the area of origin;
4. Have skills and expertise;
5. Has a residence and job security guarantee;
6. Taking care of the population administration at the Department of Population and Civil Registration through Kelurahan no later than 14 (fourteen) days after arrival;

The Public Order Local Regulation and Dukcapil Registration Local Regulation are complementary, the basic concept of the two Regional Regulations is each person must report his visit to Jakarta more than 1 x 24 hours to the local RT (Local Regulation Number 8 of 2007 regarding Public Order, Article 57, Paragraph (1). And must report every demographic event (Local Regulation Number 2 of 2011 on Population Registration and Civil Registration, Article 3). Then the state, in this case, the Jakarta Provincial Government, is obliged to follow up the report by documenting and must give the documentation result in the form of residence document to the complainant. The right of every person to obtain the residence document is regulated in Article 2 of Jakarta Provincial Regulation Number 2 of 2011 on Population Registration and Civil Registration.

Although in the legislation it is mentioned that the population document is the right of the population, but this rule is an active tool that demands the activeness of its citizens in fulfilling the requirements of population documentation. The enforcement of Public Order Regulation and Dukcapil Registration is done through the mechanism of Judicial Operation as a law enforcement tool in the region. Through the Citizenship Judicial Operation (OYK) or Citizenship Development Operation (OBK)

minor penalties, and repatriation to their home regions rather than being granted their right to obtain documents of population.

Jakarta Governor Regulation Number 212 of 2015 on Jakarta Population Quantity Control (GDPKP) 2010-2035 failed to interpret the principles of human rights contained in Article 2 of Presidential Regulation 153 of 2014 on the Grand Design of Population Development. GDPKP Jakarta set certain criteria to be met for people who will come to Jakarta. This criterion discriminates against those who do not have guaranteed jobs, housing, and quality human resources because they cannot move to Jakarta. This criterion is also unfriendly to vulnerable groups such as urban poor, mentally disabled, elderly, and other vulnerable groups. The policy points in GDPKP also do not have clear standards of job security, shelter, and quality of human resources, as well as not or not yet found the implementing regulations. The objective of preventing social problems arising from urbanization cannot be achieved by limiting the right of freedom of movement to Jakarta.

Under the Covenant on Civil and Political Rights, as well as the General Comment of Civil and Political Rights Number 27 on the Right to Freedom of Movement, the negative impacts of the urbanization process cannot be justified in limiting the right to freedom of movement. Whereas the enforcement of the regional regulation concerning the administrative order to realize public order is justifiable, however, this approach should not violate the principles of free movement and the choice of shelter for legal citizens in the territory of the territory of the Republic of Indonesia.

Based on the conclusions described above, the author tries to formulate some suggestions that can be an additional alternative in making efforts to control urbanization with human rights perspective.

1. Urbanization control should be carried out by the Provincial Government of Jakarta, but not by using an orderly approach to population administration and restricting or closing Jakarta for migrants. The administration's orderly approach is not able to control urbanization in Jakarta; therefore, it should not be used as the main strategy, but only as a complement. That it is important to uphold the orderly administration of population, but not as a solution in controlling urbanization.
2. Adopt an urbanization control strategy in China by establishing minimum standards of residence that can be used or rented, and impose sanctions on landlords or renting a residence if it violates, making it easier for law enforcement to crack down. In addition, it does not give permission or moratorium on permission to establish residential apartments.

This moratorium will indirectly reduce the number of immigrants but does not limit the rights to freedom of movement and to choose shelter.

3. Collecting data on beggars and homeless people in Jakarta to be recorded in their home areas, then, in cooperation with local governments, send urban groups without skills to conduct transmigration programs to relatively undeveloped areas.
4. Expanding centers of economic growth, equitable distribution of public facilities and social facilities, and the development of transportation facilities outside the Province of Jakarta by cooperating with other Regional Governments and or the Central Government.

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