GOVERNMENTALITY: CASES OF *THE RAYJA* HOTEL CONFLICT CONSTRUCTION PERMIT, BUMIAJI SUB-DISTRICT, BATU

Friska Ayu O, Mardiyono, Andy Fefta Wijaya
Public Administration, Faculty of Administrative Science – University of Brawijaya
Email: friska.ub@gmail.com

Abstract: Governance concept implies a shift in the role of the government, private sector and community, so that it necessary synergy in the implementation of the government. Community involvement in policy formulation needed to build the quality of local government. In reality, this ideal has not been able to be implemented in developing countries, in particular Indonesia. In Batu City, there is resistance against the construction of hotel residents who opposed *the Rayja* Local Regulation no. 7 of 2011 on Spatial Planning state that *Sumber Gemulo* is a protected area. Differences in knowledge caused a power space on each of the actors, in particular the Government. Space power it seeks to create a discourse by the main actor, Mayor. A series of regulatory practices that occur as a strategy of "disciplining" and "tourism city" as a discourse. It also has affected to create a new claims and governmentality among actors. This research used explanatory - case study method. To minimize bias in the classification of the actor then analyzes that support this research is Narrative Policy Analysis (NPA). This research was conducted in Batu City, East Java Province. The results of this study prove that the government is in the process of giving the IMB Hotel Rayja is not regulatory governance practices.

Keywords: Governmentality; Sumber Umbul Gemulo; Narrative Policy Analysis

BACKGROUND

The shifting role of stakeholders in governance concept requires a synergy between government, private sector and community in government enforcement. Lalolo Krina (2003: p. 1-2) described a shift in the role of government, private sector, and civil society. Previously, the governments have strong control in governance (regulating and dictating in government enforcement) then shifted as facilitators. The role of the private sectors reduced the government authorities because it was impeded the expansion of business activity, then shifted to be government partner so that realizes the importance of regulations that protect the public. In otherwise, the role of society that previously placed as beneficiaries then begin to realize his position as stakeholders that should also serve as a subject. But Robinson said it difficult to implemented in developing countries because "the reformation of public sector was also affected by experimental policy of organisations which were from Organisation for Economic Co-operation and Development (OECD), so the paradigm tend to a traditional public administration (UNDP: 2015, p.4).

Community involvement is being a specific concern in this research. Some cases regarding the lack of synergy between government, private sector and local community in the implementation of the last two years. In 2012, the beginning of communities rejection towards the development of The Rayja Hotel which opposed Local Regulation No. 7 of 2011 article 38 letter B on the Spatial Plan which be Water Resources of Umbul Gemulo as a conservation area. The case lasted until 2014, based on the Malang Court Verdict which won by the communities. There are two cases in 2014, the first is community rejection in Kendeng Mountain area on the factory mining, and construction by PT. Semen Indonesia in Rembang, Central Java because of the EIA (AMDAL)

document never submitted to the community (local resident). Second, the rejection of the Banga bay reclamation plan by the residents of Bali because it is considered to increase the risk of ecological disaster in South Bali. The third cases above are a representation of local enforcement that should be concern in the environmental sector.

Case in Batu interesting to further examine in considering the problems of water, which that is essential. The interaction process between actors can be mapped based on the chronology of conflict since January 2012 until June 2015. Each actor has a different perspective the articulating this case. Government intends to create the tourism city of Batu/ *Kota Wisata Batu (KWB)* complete with one of the existing infrastructure; one of them is the hotel construction. Private Sector tries to participate in the tourism area and is sure to provide mutual benefits for developers, communities and government. And community itself, divided into pro and cons to see this case. Pro community support their construction while cons community rejecting it. The refusal meant is the urgency of water needed on affected communities to agricultural irrigation.

Based on case above, interesting to examine using governmentality. Foucault (1978:89) defines governmentality as art of government *(the art of government),* "*....It needs to seen in terms of something which it was trying to define in its specificity, namely an art of government*". But it is widely, this concept defined not only limited to politic of the country but idea the government which includes various an effort to perform control and are valid for various object, from the control of a burden to control biopolitik population. The indicators to categorize of governmentality are power and knowledge. Knowledge is an indicator that has reciprocity with power. Power according to Foucault always actualized through knowledge, and knowledge has the effect of power. Therefore, it is interesting to examine the case above using governmentality.

Research Question:
1. What was the chronology of conflict *the Rayja* construction and how is it solved?
2. How does power and knowledge produce discourse occur in *the Rayja* Hotel construction?

THEORITICAL FRAMEWORK

Public Policy

The establishment the concept of public policy since the term public and private preceding the nineteenth centuries, was Public Administration *general theory of public policy*. This understanding based statement Hendry (2004: 29) "*…. A recuring locus of public administration is the government bureaucracy.*" And Dye in Islamy (2004:18) Argues that public policy "*....is whatever governments choose to do or not to do*". This opinion be encouraged Shafritz and Russell (2005:42) said, *"Thus all public administration is inherently an instrument of policy-whether that instrument plays well, poorly, or not al all. Any policy is a decision. A public policy is whatever a government decides to do or not to do."* Hendry (2004:305) own have views *public policy is what public administrators implement, so it is sensible to begin our section on implementation with a discussion of how public policy is perceived, analyzed and understood.* On the other side, Lasswell in Laster and Stewart (2000:4) define *public policy as "a projected program of goals, values and practices."* According various definition of public policy that policy is the locus of Public Administration. Where the definition of various experts concluded that public policy related to of to the process government activities which is potential to lead best interest in the lives of the community widely, whether it is policy or problems public, public affairs, *etc.*

Governmentality and Indicators

Governmentality also known as an understanding of power and knowledge. Power here does not mean that the government arbitrary or authoritarian for the people of but through domination the government in realizing self dicipline. While knowledge, not only limited to political institutions where power limited to a hierarchy and top down of the state but power here includes the form of social control in an institution discipline such as schools, the hospital, family, etc. So that power can manifested himself in positive from knowledge and discourse were internalized by individuals who directs behavior population certainly allow individual to rule themselves (governing of self). The position of the community in governmentality reference where power returning to be a central and their members playing a availability own, this Foucault take a form of government neoliberalism at the time. In the course of g*overmentality* Foucault (1978: 102-103) defines over 3 (three) things, some of them are:

1. The ensemble formed by the institutions, procedures, analyses and reflections, the calculations and tactics that allow the exercise of this very specific albeit complex form of power, which has as its target population, as its principal form of knowledge political economy, and as its essential technical means apparatuses of security.

2. The tendency which, over a long period and throughout the West, has steadily led towards the pre-eminence over all other forms (sovereignty, discipline, etc) of this type of power which may be termed government, resulting, on the one hand, in formation of a whole series of specific governmental apparatuses, and, on the other, in the development of a whole complex of savoirs.

3. The process, or rather the result of the process, through which the state of justice of the Middle Ages, transformed into the administrative state during the fifteenth and sixteenth centuries, gradually becomes 'governmentalized'.

RESEARCH METHOD

This research used case study explanatory method. A case study research identified one or several case studies (single or multiple cases). Yin (2006, p.5) argues "….the case study can be exploratory, descriptive, or explanatory". Explanatory is an attempt presents data that includes the effect causing relations and explain how things or events that occur. The focuses of this research are:

1. Description of conflict chronology *the Rayja* construction and alternative solution had been done.

   a. CONFLICT CHRONOLOGY OF *THE RAYJA* HOTEL CONSTRUCTION SINCE 2011 UNTIL JUNE 2015
      - Stories (Government and Private Sector Perspective)
      - Counter Stories (Cons Community Perspective)

   b. THE ALTERNATIVE SOLUTIONS HAD BEEN TAKEN SINCE 2012 UNTIL JUNE 2015.
      - Stories (Government Perspective)
      - Counter Stories (Cons Community Perspective)

2. Identification of power and knowledge in producing discourse at the case *the Rayja* Hotel construction:
      - Stories Actors (Government and Private Sector)
      - Counter Stories (Cons Community)

This research was conducted in Batu City, East Java Province. Batu City is known as Tourism City in East Java. This condition gives an impact to environmental problem. And the site of this research in *Badan Lingkungan Hidup* (BLH), *Badan Perencanaan dan Pembangunan Daerah* (Bappeda), *Kantor Pelayanan Perijinan Terpadu* (KPPT) now becomes *Badan Penanaman Modal* (BPM).

RESEARCH RESULT

Description of Conflict Chronology the Rayja Construction and Alternative Solution had been done

a. **Conflict chronology of *the Rayja* Hotel construction since 2011 until June 2015**

    Metanarrative of the chronology of the case as follows:

-   January 2012. The process of licensing the Rayja Hotel has been met administratively where the recommendation of Bappeda, Land Appropriation Permit (IPPT), and Proceedings of the technical considerations of Land in the issuance of permits changes in land use, and dissemination to the public. In last January, PT. PSSM getting Building Permit / IMB Number. 180/75 / IMB / 422 208 of KPPT Batu City.

-   March 2012. After the publication of the IMB get reacted, because people refuse the construction if UKL-UPL without EIA. Moreover, the development gap which is very close to the location *Sumber Umbul Gemulo*. Cons community tries to communicate with the legislature, in order to halt the construction. Meanwhile, on the government side and the private sector, to continue the licensing process by submitting a draft revision UKL-UPL. Secondly, provision UKL-UPL recommendation was passed precisely in this month. Government Secretary of Batu give recommendation with number on 660/784/422 206/2012.

-   April 2012. Cons Community, still trying to conduct a hearing, to Legislative Council, but according to the community not find the answers to these problems. In the end, the efforts of interaction with the other actors do not provide synergies.

-   May 2012. The government (based argumentation private sector) that have applied research to the Environmental Research Center / PPLH Brawijaya University, Malang. Gemulo Springs Conservation Research conducted in May 7-21, 2012. On the other hand, people try to meet with the Mayor as an effort to further interaction. Finally mayor, promised to allocate budgets to buy land around Umbul Gemulo area as a conservation area.

-   June 2012. The implementation of mediation by the National Commission of Human Rights / Human Rights Commission on the reports from the public. Unfortunately, this mediation did not find results due to the absence of investors. Private sector parties accept the results of the study PPLH.

-   August 2012. The private sector should submit a revised permit and got a response within eleven days, with the number 180/550 / IMB / 422 208/2012.

-   November 2012. The government issued Disturbance Permit (HO) with number 530.08 / 118 / HO / 422 208/2012.

-   January 2013. The existence of the Government's efforts to provide the interaction space, the process of permitting construction of the hotel. And the government insists that the process that has been proposed the Rayja accordance with the procedure strengthened by the results of PPLH UB.

- Until June 2013. The Society seeks to find a middle ground of a third party, namely the Ombudsman and the Ministry of the Environment. Later efforts mediations are giving recommendations, outlines that complement the EIA process and deprive IMB.

b. The alternative solutions had been taken since 2012 until June 2015.

Alternative solutions to resolve t*he Rayja* Hotel construction based on factual stories and counter stories mentioned that the government's efforts to facilitate the mediation by the National Human Rights Commission, the Ombudsman and the Ministry of Environment between the private sector and the community. In the existing mediations, solutions not found. So the government offers another solution is to submit it to the Administrative Court/ PTUN.

However, in the process people have a reason to not press charges revocation to the Administrative Court. For the public, there a lot of Administrative Court decisions are detrimental to society and instead sided with the investors. The result of National Commission of Human Right/ *Komnas HAM*, Ombudsman and Ministry of Environment mediation gives recommendation to Government including:

a. National Commission of Human Right/ *Komnas HAM*
- Pulling IMB Number. 180/550 / IMB / 422 208/2012 dated August 13, 2012, IMB revision number. 180/75 / IMB / 422 208/2012 dated January 30, 2012 in the name of PT. PSSM;
- Stop the construction of The Rayja resort up with permissions obtained according to the rules applicable legislation;
- Provide a sanction to the Head Office of Integrated Licensing Services (KPPT) Batu accordance to the rules about legal obligations neglect in the process of IMB.
- Commission considers that the construction of the Rayja Cottage should be stopped because it has not complied with the procedures according to the rules applicable legislation.
- Komnas HAM recommended to Mayor batu to give hard punishment to The Rayja Hotel accordance with applicable law, if the parties The Rayja still conducting development activities hotel

b. Ministry of Environment
- To process and business development activities Rayja Batu Resort Hotel The documents are required to have an environmental impact analysis (EIA), not right only to document environmental management efforts and environmental monitoring efforts (UKL-UPL).
- Approved the temporary suspension of construction activities The Rayja Batu Resort Hotel, next to the person in charge of business development of it instructed to immediately prepare the EIA, in accordance with legislation.

c. Ombudsman
- Repeal IMB Number: 180/550 / IMB / 422/2012 dated August 13, 2012, the revised IMB No. 180/75 / IMB / 422 208/2012, dated January 30, 2012 in the name of PT. PSSM
- Stop the construction of resort/ hotel/ cottage The Rayja up with appropriate permissions obtained the applicable legislation;
- Giving sanction to the Head Office of Integrated Licensing Services (KPPT) Batu corresponding legislation applicable to kelalalian legal obligations in the process of IMB.

Identification of power and knowledge in producing discourse at the case the Rayja Hotel Construction

Power referred to in governmentality theory coined by Foucault that power that spreads everywhere ('power is omnipresent'), pervasive in the whole network of social relations which are not centered on the individual but to work, to operate in the construction of knowledge. Power is not a form of power that coerces or influences someone to follow the will of the owner of power.

In governmentality, knowledge is reached existing authority. Each stakeholder has a space power each. In the power space, things are no longer physically touch but a soul, mind, consciousness and the will of the individual. So that the behavior of individuals experienced a normalization of rationalization discourse created by the creator of the discourse as desired. So with the knowledge possessed by the creator of the discourse, it will create a space that power, not by coercion but by disciplining yourself to follow the will of the creator of the discourse. This The Rayja Hotels construction conflict, the author tries to outline the fact that occur with governmentality indicator. With the knowledge that each actor is trying to create space suitable power existing discourse.

Rationality Process: An Administration is legal and complete and Procedural

Knowledge used to create a power which then creates a space power. *The Rayja* construction permitting process has been procedural. Business licensing application documents have been filed, but based on the chronology of the case there are irregularities in the issuance of licenses so that people reject their development. Second, BAPPEDA gives recommendations regarding allotment of land in the area Bumiaji government perspective. It does not matter because it includes residential zone. Meanwhile, the community rests on *Sumber Umbul Gemulo* designation as a conservation area.

In explanation attachment statute, and explained that the results of the environmental impact assessment can be solved technically it is enough to UKL-UPL. In this part, indicated that their follow-licensing "forced" to appropriate due to the existing gap in a regulation. It is classified forms of Rationality.

According to Foucault, sees rationality as part of a reality that is characterized by permanent 'failure" of program. Rationality does not refer to transcendental reason, but historical practices; it does not imply a normative judgement, since it refers to social relations. A political rationality is not pure, neutral knowledge which simply "represents" governed reality (Lemke: 2000, p.7-8).

Domination: Socialization of Building Plan

Knowledge is a strategy to rationalize the policy, in particular the construction of Hotel The Rayja. Government tries to create dominance, so the goal is easy to be accepted. The amount of power relations will be easy to convince him. Foucault used it exactly to analyzed the connection between what he called technologies of the self and technologies of domination, the constitution of the subject and the formation of the state (Lemke: 2000, p.3).

Socialization is a "tool" that procedural yet easy to create the technologies of domination. Starting from technologies of self then Become technologies of domination. Government becomes socialization is one of the procedures that must be completed. Meaning of socialization for the government only limited structural administrative procedure. It's about who to include in the socialization process, people who are concerned. That socialization in view of the government include the power relations. So, would easily dominance will be created.

Discourse: Kota Wisata Batu (KWB) as a Discourse

Batu Citizen Tourism as the central of discourse, thus easily rationalization, domination and self-discipline itself. In this case study communities experiencing in government regulatory perspective is the pro. While the knowledge society has its own cons associated legal footing used. The process of classification societies cons here does not mean it's useless, because the story and the interaction between actors will be able to classify each of knowledge. Focus of governmentality analysis is limited to the government's perspective.

Governments "sell" KWB hence the need for infrastructure support. So, investors needed to realize that discourse. The case of the Rayja is one of the facts that exist, private sector / investor / developer PT. PSSM create a discourse on to manifest intent and real purpose. So that in itself will arrange themselves (self-discipline). Because of that power, According to Foucault does not force but rather spread out.

CONCLUSION

The case chronology of *the Rayja* construction based on three actors perspective are the Government, Private Sector and Cons Community that all three have a different perspective. Government and Private Sector have the same aspect of the chronology of the case, both focused on procedural aspects. However, community with the peculiarity of the permitting processes *the Rayja Hotel*. Second, the site of planned close to Gemulo springs. Identification of the chronology of the three actors on, found a different story. The Process of power and knowledge, in each actor has different perspective. There are two conclusions here, as follows: Rationality Prosess: An Administration is legal and complete, procedural; Domination:Socialization of Building Plan; and Discourse: Kota Wisata Batu (KWB) as a Discourse.

RECOMMENDATION

a. The scheduled hearing of the Regional Regulation on RTRW, even revisions the explanation on each chapter so as not miss experience perception. Actors involved in the case chronology based on permitting process in which regulate of the article there.

b. Make a study of permitting policy in Batu City. This aspect is the essence of the conflict, so that in each actor will be easy to use the existing gap.

c. Providing the space given to the public/ community to involved in formulating policies. Empowering or functioning of community to reduce resistance among stakeholders.

REFERENCES

Bungin, Burhan. 2010. *Penelitian Kualitatif: Komunikasi, Ekonomi, Kebijakan Publik, dan Ilmu Sosial Lainnya*. Jakarta: Kencana

Dean, Mitchell. 2010. *Governmentality: Power and Rule in Modern Society (2nd edition)*. London. Sage Publications Ltd.

Emzir. 2011. *Analisis Data: Metodologi Penelitian Kualitatif*. Jakarta: Rajawali Pers.

Foucault, M. 1991. *Governmentality, trans. Rosi Braidotti and revised by Colin Gordon, in Graham Burchell, Colin Gordon and Peter Miller (eds) The Foucault Effect: Studies in Governmentality*, pp. 87-104. Chicago, IL: University of Chicago Press.

Gordon, C. 1991. *Governmental Rationality: an introduction in Graham Burchell, Colin Gordon, and Peter Miller (eds) The Foucault Effect: Studies in Governmentality*, pp1-48. Chicago, IL: University of Chicago Press.

Hannah, Matthew G. 2000. Governmentality and the Mastery of Territory in Nineteenth-Century America. United Kingdom: Cambridge University Press. ISBN: 0 521 66949 9.

Islamy, M. Irfan. 2003. Dasar-Dasar Administrasi Publik dan Manajemen Publik. Malang (Modul Mata Kuliah, tidak dipublikasikan)

Ismail, Ghazl. *Water Conflict in Middle East. ijhssnet.com/journals/Vol_2_No_21.../2.pdf. Diakses tanggal 30 September 2014*

Jeffreys and Sigley. 2009. *Governmentality, Governance and China in China's Govermentalities: Governing Change, Changing Government*. (ed.) Elaine Jeffreys. Hoboken, New York. Routledge. ISBN: 9780203873724

Lalolo K.P, Loina. 2003. *Indikator dan Alat Ukur Prinsip Akuntabilitas, Transparansi dan Partisipasi*. Jakarta: Bappenas.

Lemke, Thomas. 2000. *Foucault, Governmentality, and Critique*. Presented at the Rethinking Marxism Conference, University of Amherst.

Li, Tania Murray. 2012. *The Will to Improve: Perencanaan, Kekuasaan, dan Pembangunan di Indonesia* (*trans*. Santoso dan Semedi), Jakarta Pusat: Marjin Kiri, PT. Wahana Aksi Kritika.

Pepin & Grestl. 2006. *The Paradox of Poverty Narratives: Educator Struggling with Children Left Behind*. Sage Publication: University of Vermount Vol. 20 No. 1.

Purnawan, Ivan. 2012. *Berbagi Pengetahuan Melestarikan Sumber Air Untuk Kehidupan*. Diakses pada tanggal 11 Agustus 2014. http://ivandesain.blogdetik.com/2012/12/24/berbagi-pengetahuan-lestarikan-sumber-air-untuk-kehidupan/#.U-gG0qOdSd4

Rodier, Julie. 2010. A Narrative Policy Analysis of the for Ontarians with Disabilities Act, 2005: Exploring Implementation in Municipal Recreation. University of Waterloo, Canada.

Sungai Brantas Hanya Sisakan 53 Mata Air. Kominfo Provinsi Jawa Timur. www.kominfo.jatimprov.go.id. *Diakses pada tanggal 6 November 2014.*

Stoker, Gerry. 1998. Governance as theory: five propositions, pp 17-28 UNESCO. USA. Blackwell Publishers. ISSJ 155/1998.

Kurniawan, Teguh. 2007. Pergeseran Paradigma Administrasi Publik: Dari Perilaku Model Klasik dan NPM ke Good Governance. Jurnal Ilmu Administrasi Negara, pp 52-70. ISSN. 1411-948X, Vol. 7, Januari 2007.

WALHI: Kerusakan Lingkungan di Malang Raya Mengkhawatirkan. www.gemulokotabatu.blogspot.com. *Diakses pada tanggal 6 November 2014*

Susilo, Rachmad Dwi K. 2013. Analisis dan Strategi Penanganan Konflik Lahan Konservasi 'Sumber Mata Air' Di Kota Batu, Jawa Timur.

Pierre J & Peter GB. 2005. Governing Complex Societies: Trajectories and Scenarios. London. Palgrave Macmillan Ltd.

Robinson, Mark. 2015. From Old Public Administration to the New Public Service: Implications for Public Sector Reform in Developing Countries. Singapore: UNDP: Global Centre for Public Service Excellence.

Kooiman J. 2008. Exploring the Concept of Governability. Journal of Comparative Policy Analysis: Research and Practice Volume 10. No. 2, 171-190, June 2008. Accessed at 25 February 2016.

Mayhew, Susan (ed). 2009. A Dictionary of Geography. Oxford University Press

--------- 2014. Umbul Gemulo. http://www.mongabay.co.id/tag/umbul-gemulo/. *Diakses pada tahun 2014 hingga 2016.*

UU No. 23 Tahun 2014 Tentang Pemerintahan Daerah

Local Regulation of Batu No. 7 of 2011 on Spatial Planning