

## CIREBON REGENCY REGIONAL GOVERNMENT POLICY ON THE IMPLEMENTATION OF PUBLIC CEMETERIES REVIEWED FROM LAW NUMBER 23 OF 2024 ON REGIONAL GOVERNMENT

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**Abstract:** The Cirebon Regency government policy regarding the implementation of public cemeteries (TPU) aims to improve services to the community in the field of burial by considering religious, socio-cultural, and welfare aspects. The Cirebon Regency government policy regarding the implementation of public cemeteries (TPU) aims to improve services to the community in the field of burial by considering religious, socio-cultural, and welfare aspects. The purpose of this study is to analyze the extent to which the policy meets the principles stipulated in the law and its impact on funeral services for the community. The implementation of public cemeteries is one of the important aspects of public services that must be regulated by the local government. Cirebon Regency, as one of the developing regions, has established a special policy regarding the implementation of TPU through Cirebon Regency Regional Regulation Number 6 of 2020. This study aims to examine the policy by referring to Law No. 23 of 2024 concerning Regional Government, which provides general guidelines for local governments in regulating various public services.

**Keywords:** Policy, Public Cemetery, Local Governmen

## I. INTRODUCTION

A Public Cemetery (TPU) is an area of land reserved for the purposes of burial of remains for any person without prejudice to religion or religion. group, the management of which is carried out by the Regional Government of the Regional Government of Cirebon or the Central Government of the Republic of Indonesia. Public cemeteries function as green spaces, water catchment areas and city lungs. Funeral services include burial services in burial plots and corpse transportation services.

Parks or cemeteries that exist are generally scattered in villages, but their conditions are partly not well organized so that they seem chaotic, some even have difficulty in developing or expanding them so that some bury the bodies of family members in their yards. This is because the placement of the cemetery location was not preceded by good planning. In addition, there is no clear institution appointed to handle cemeteries related to cemetery maintenance and reorganization of cemeteries so that many graves look dirty and disorganized.

According to Law Number 23 of 2014 concerning Regional Government as amended several times, most recently by Law Number 9 of 2015 concerning the Second Amendment to Law Number 23 of 2014 concerning Regional Government, planning, utilization, and supervision of spatial planning as well as the provision of public facilities and infrastructure are mandatory matters that must be carried out by the Regional Government. One of the public facilities and infrastructure is the cemetery which is part of the spatial planning.

With the thought of the writer's thinking, the writer tries to understand how to fully understand the condition of the person and the situation, service range, capacity, receptionreaction, as well as problems that exist in all TPUs in Cirebon Regency, so that it can be an input for the Cirebon Regency government, the public and the private sector in efforts to improve services and performance. Implementation of TPU is based on city spatial planning principles and the birth of regional government policy regulations for districts Cirebon in TPU localization in Regency Cirebon.

## II. RESEARCH METHOD

The publication of the *Juridis Normatif* is carried out using the metode of the *Juridis Normatif*, is a regulation or the publication of the law using the literature or data of the serials that contain the legal materials of the primer, secunder, and tersier, both in the form of laws and regulations as well as research results, assessment results and other references.

The use of the normative legal research approach is because it analyzes the legal substance that leads to the legal system, so that it is inseparable from the normative-analytical mertode which is based on laws and regulations as a primary legal material (Soemantri, 1981). The data collection technique carried out in this study is a data collection technique in the following ways:

- a. Literature Research (Lirbrary Rerserarch) or called document study. Document Study, namely the collection of legal materials which is carried out through the search of legal documents and supporting minutes. Data in the form of laws and regulations, books, scientific works and articles related to this research.
- b. Interview which is a technique of collecting data that is carried out by means of direct questions and answers to the parties concerned with the rights of the local community in accordance with the individual's personal interest.

### III. RESULT AND DISCUSSION

#### A. Scope of Regulation, Reach and Direction of Regulation in Regional Regulations Concerning the Implementation of Public Cemeteries in Cirebon Regency

In the perspective of its normative structure, the foundation has a position above the norm, or immediate norm. Thus, the values contained in these principles should be a guide in setting norms. In other words, the setting of mandatory norms refers to the principles that have been applied. In this regard, the scope, substance, and direction of laws and regulations cannot be separated from the principles that underlie them. The principles can be traced from the values that live in the society that have become part of the life of the community concerned, and can also be traced to various theories, ideas, and concepts related to regulatory materials.

The preparation of Regional Regulation Number 6 of 2020 concerning Funeral Maintenance must pay attention to the underlying principles and principles, as described in Law Number 12 of 2011 concerning the Establishment of Laws and Regulations.

The Principles of Good Legislative Regulation, which theoretically include the Principles of Forming Good Laws and Regulations that are formal and the principles of the Formation of Laws and Regulations that are inherently materialistic.

Regional Regulation Number 6 of 2020 regarding the Implementation of Funerals in the Jurisdiction of Cirebon Regency consists of:

1. not to be a little bit in the dense wilayah;
2. to improve the use of fertile and productive land;
3. to pay attention to the serration and harmony of the hidup;
4. preventing soil destruction and hidup bends;
5. Preventing the use of land that is exaggeration.

Regional Regulation Number 6 of 2020 concerning the Implementation of Funerals is one of the legal remedies to provide a legal basis and procedure for the Cirebon Regency government in giving approval to the application of a person or legal entity who applies for a land use permit for the management or organization of funerals in Cirebon Regency.

The practice of organizing funerals in Cirebon Regency is found in the Cirebon Regency government like in other cities/districts. The number of Cirebon Regency Government lands managed by the Village Government is due to the existence of the land that is not optimized or utilized by the Cirebon Regency Government.

The policy solution that can be offered in Regional Regulation Number 6 of 2020 concerning the Implementation of Funerals is that the Cirebon Regency Regional Government collects data on land assets owned by the Cirebon Regency Government for land acquisition for Public Cemeteries (TPU), because so far the Cirebon Regency Government has not owned TPU land.

Collect data on the assets of the Cirebon Regency Government, especially regarding Regional Government Land and State Land that can be used and managed by the Cirebon Regency Government. In addition, the Cirebon Regency Government can also collect data on the number of TPUs and Non-Public Cemeteries (TPBU) and Special Cemeteries (TPK) managed by legal entities, foundations and individuals in the Cirebon Regency area.

By conducting an inventory of active and inactive TPUs, as well as TPKs, both those that have cultural value or local content in the context of being a figure or a hero in each region and or those of local heroism as regulated in the applicable laws and regulations. The regional government has a social responsibility to hold TPU land, now there is land to make a commercial cemetery in Berber District which is being worked on by the private sector with a correct licensing process and even seems forced, so that the management only pockets a business license without a permit to hold a funeral, In addition, the management did not pay

attention to the local Environmental Impact Analysis, so that the land could be closed and handed over to the Cirebon Regency Government whose allocation was for TPU.

Based on its proximity to other land-use elements, the cemetery location should be used as optimally as possible in order to realize the spatial function of the city as a whole. This is important to do considering that cemeteries also have the potential to improve the quality of the city's living environment (for example, as a green open space for the lungs of the city), create beauty and maintain the city's historical/cultural values (in conjunction with cemeteries that can function as city parks/monuments), and have the potential to maintain the integrity of the function of an area/city activity (in conjunction with cemeteries that can function as a buffer for areas/activities that require protection from the influence of other areas/activities that are contrary to their functions).

In this case, it is also exacerbated, with many housing developers who are minimal and even do not provide social facilities, such as TPU. For developers, from a commercial point of view, the provision of TPU is a fact that actually harms developers because it lowers the selling price.

According to Law Number 23 of 2014 concerning Regional Government Regulations, this has been amended several times, most recently with Law Number 9 of 2015 concerning the Second Amendment to Law Number 23 of 2014 concerning Regional Government Regulation, planning, utilization and supervision of spatial planning as well as the maintenance of public facilities and infrastructure, are mandatory affairs that must be carried out by the Government of Defense. Regional. One of the public facilities and infrastructure is a cemetery which is part of the spatial layout.

In the context of urban spatial planning, regulations on the location of cemeteries should take into account the size of the city and the division of urban zones. The first thing that should be done is that considering that the location of burials in a city zone will be of great significance/function depending on the size of the city. also becomes r rbe r da. Apart from that, these arrangements were made to facilitate location development. Serious cemeteries occur due to the increasing trend of the size of a city and the change in the structural character of a city in a regional zone existing city.

According to Government Regulation No. 9 of 1987, public burial grounds can be considered at the TPU level as burial areas that can be controlled by the authorities. regional government and is available for the general public who need it. TPU is within the supervision, management and management of the regional government of the regional government of the Republic of Indonesia. The use of TPU land for graves is grouped based on the religion professed by the deceased person. Then, the size of the land for the grave will be a maximum of 2.50 x 1.50 m with a depth of at least 1.50 m from the ground surface.

In connection with the concept of funeral management, then Ger orge R. Terry they stated that management includes fourbasic functions, which are often abbreviated to POAC, are:

1. Planning (management is related to planning activities/functions);
2. Organizing (organizing existing resources);
3. Actuate the program (actuate the program to the task);
4. Controlling (controlling and directing work in order to achieve goals).

Each component must be arranged according to the various arrangements existing on the components including the meaning of area, shape, size, spacing, surface material and other. This is the only thing that needs to be paid attention to because with a good loose facility, TPU can be optimized as one of the building blocks for open space facilities. greenery that can be used as well as for burial purposes (social services), but also for

recreational places to eliminate the mystical impression that the community has been feeling in addition.

The Regional Government must also develop and pay attention to the existence of displaced people who have died and where they will be buried, regardless of where they want to bury or bury displaced people whose origins are unknown. For this reason, the Regional Government of Cirebon Regency must look at the TPU managed by the Regional Government, so that if something like this happens, abandoned people can be buried in the TPU managed by the Regional Government.

Burial grounds are also burial plots, which are plots of land that are set aside for graves. General funerals (everyone can go to the cemetery there) and special ones, for example religious burials, private burials family visits, heroes' graves, and so on.

Public cemeteries are one of the social facilities that function as burial places for people who have passed away. Public cemeteries also serve other functions such as open spaces, water catchment areas, and city lungs. Other burial plots are used for burial places, generally they are tiled along the edge of the land for the built space and the remaining remains are planted into various plants. Funeral services for burial services and funeral services for burial plots and corpse transportation services.

Management and arrangement of the place A good burial is also a respect and appreciation for the services of those who have left this world. including the ancestors who preceded us. With the sound of the air, visitors and visitors as well as families will feel continue to be with the people they love who have passed away and will continue to think of the spiritual connection with their spirits through a neatly arranged and clean grave.

Likewise, the issue of Public Cemeteries (TPU) is an inseparable part of the government's form of public services to the community. Maintaining a good burial location is a respect for those who have passed away from this world, including belonging to their families. precedes the area and also often serves as an attractive tourist destination for pilgrims.

A legislative regulation is formed by the state with the hope that it will be accepted and obeyed by the entire community in a conscious way without exception. It is the hope of the government that every legal regulation must pay attention to the way in which the law is implemented similar to the social and social networks of a developing society. If this kind of understanding is not heeded, then the effectiveness of the enforcement of a law and regulation is clearly very doubtful.

Implication Regional Regulation Number 6 of 2020 concerning the Judicial Administration of Cemeteries as one of the elements of regional legal products is the existence of its determination, administration and enactment must contain legal principles in general. Based on other social principles, the natural nature of legal principles is that they respect general methods and have regulations. Concrete responsibility in the form of world-wide sanctions for violations of the law.

Because Regional Regulation Number 6 of 2020 concerning the Implementation of Funerals is one of the legal products, in order to be binding on the general public and have effectiveness in terms of the elimination of sanctions, in its formation it must pay attention to several juridical requirements. Requirements like this can be used as the juridical basis of a law and regulation. The juridical requirements referred to here are (Manan, 1992):

1. Made or formed by the organ which becomes the authorized. This means that a legislative regulation must be made by a position or body that has authority over it. If the requirements of this law are not ignored then it becomes a legal regulation that is void under the law (*van rechtswegenietig*). We consider that it never existed and that all its consequences are legally null and void.



2. The existence of appropriate regulations takes the form of legislative regulations with the material content that will be regulated. Appropriate The form gener of the law can be a reason for promulgating the legislation in question.
3. There is a procedure and procedure for the establishment that has been determined. The establishment of a legislative regulation must go through a procedure and procedure that has been determined.

It is not permissible to deal with legislative regulations that are higher in level. According to the theory, legislative regulations contain legal norms that are hierarchical in nature. The meaning is that a higher level legal regulation is a grundnorm (basic norm) for a lower level legal regulation. ti r his appointment. Therefore, these chapters of legislative regulations which are lower in level cannot violate the legal rules contained in the legislative regulations. -invitations with higher levels.

The legal basis is a consideration or reason that illustrates that the regulation is formed to overcome legal problems or to address legal gaps by developing existing rules, which will be changed, or which will be revoked in order to guarantee legal certainty and a sense of justice in society. The legal basis concerns legal issues related to the substance or material that is regulated so that it does not need to be formed into new Legislation.

There are a number of legal issues, including regulations that are out of date, regulations that are not in harmony or overlap with each other, types of regulations which is lower than the Law so that its enforceability is weak, The regulations already exist but are inadequate, or the regulations do not exist at all.

Juridically, that Regional Regulation Number 6 of 2020 concerning the Implementation of Funerals which is currently in effect in Cirebon Regency has regulated the Implementation of Funerals, there needs to be a strong commitment from the organizers, namely the Cirebon Regency Government. The targets that will be realized in this Regional Regulation are: The location of the area is in accordance with the RTRW/RDTRK;

1. There is a public burial park by the Regional Government to serve people from all groups who need burial places;
2. The non-public cemetery is well-arranged and equipped with road and walkway facilities (corridors) to facilitate access for both tourists and visitors;
3. Becomes the basis for Regional Governments to undertake Retribution Of Cemetery Services to increase Regional Original Income;
4. Maintain the administration and functions of funeral services in the community in accordance with religion and beliefs;
5. The realization of legal certainty;
6. The realization of a burial place that is suitable to maintain cultural harmony, neatness and beauty.

The scope of the draft regional regulations on the Implementation of Funerals, including:

TPU which is managed by the Regional Government or by the Village Government; TPBU which is managed by foundations, social organizations/religious organizations; and

1. TPK.

Direction of regulation in this Regional Regulation the function of civil service and funeral services in the community in accordance with the religion and beliefs of the community. The scope of the material basically includes:

1. General provisions contain academic formulations regarding the meaning of terms, and phrases;
2. Material that will be disturbed; According to the funeral arrangements, include :
  - a. General Terms and Conditions

- b. Object cemetery ;
- c. per group;
- d. Funeral management and service services
- e. Krematorium and funeral
- f. Dismantling and removal of graves/graves
- g. Time limit for use of cemetery land
- h. Licensing
- i. Prohibition
- j. Maintanance
- k. Community Engagement
- l. Sanctions Admitration and Fund
- m. Provisions of Clearance to the determination of the fund;
- n. criminal provisions;
- o. Reliability of Rally
- p. The closing order

**B. The Cirebon Regency Regional Government's policy on the management of TPU in Cirebon Regency is reviewed from Law Number 23 of 2014 concerning Regional Government**

In order to promote development activities,like As a result of the increase in population and forces, the quality of life is environmental, it is necessary to make a lot of capital on the land of the because of this Efforts must be made to ensure that land use is carried out in a way that ensures greater productivity and efficiency. related to the use of land for burial sites in the area, attention must be paid to religious and social aspects. Culture must also pay attention to the principles of land use and utilization.

With the view of the above policy solutions to the implication of the new system that will be regulated in the Draft Regional Regulations means that we can develop several aspects under as follows:

- 1. Regional Financial Aspect
- 2. Regional Government Aspects
- 3. Community Aspect
- 4. Economy Aspect

The Regional Regulation on the Implementation of Funerals in the Cirebon Regency Region intends to provide the basis for funeral services by the local government as well as provide an Integrated Public Cemetery so that the Funeral Service Levy is collected by the local government which means that the Original Regional Revenue of Cirebon Regency can be increased.

Basically, the material aspects in PP No. 9 of 1987 and Kemendagri Regulation No. 26 of 1989 consist of 4 parts, namely:

- 1. Designation, appointment, and assignment of rights to land for burial purposes.
- 2. Management of public burial places (TPU), non-public burial places (TPBU), and special burial places.
- 3. Crematorium and mortuary arrangements.
- 4. Arrangements for movement of grave sites.

From the four aspects of the material above, then the main points of the rules that are related to this research are the following:

- 1. What is meant by a burial site in the burial site is a public burial place (TPU), namely the area of land that is located on will be for the needs of burial places for deceased persons for all people without distinction of religion and class, the management of

which will be carried out by First Level Regional Government Regulation or Regional Government Regulation (PP No. 9 of 1987 Article 1a).

2. Whereas in the designation and regulation of the location of the burial site (it is carried out still in accordance with the Regional Government Regulation of the Regional Government of the First Level Ir Ir under the national coordination Governor) must be based on the Regional Development Plan, and/or the City Planning Plan with regional The lords (cr terrira a) are as follows (PP No. 9 of 1987 Article 2 paragraph 3):
  - a. Not located in a densely populated area;
  - b. Avoid using fertile soil ;
  - c. Pay attention to environmental harmony and harmony;
  - d. Prevent the destruction of land and the living environment;
  - e. Preventing overuse of land;
  - f. The area of land used for the Public Cemetery (TPU) has the status of Right of Use and has been used for burial purposes (PP No. 9 of 1987 Article 3 paragraph 1).
3. If there is a public cemetery (TPU) which is deemed not to be in accordance with the City Ordinance, it will thus become an obstacle to the quality of life. environment, in a gradual manner efforts are made to move it to a location that is adjusted to the Development Plan Regional and Urban Planning Plans. And it is possible that the grave files contained herein may be used for social and/or religious purposes (PP No. 9 of 1987 Article 12 Paragraphs 1 and 3 ).
4. To overcome the shortage of resources in land for burial needs in new settlement locations, the Regional Government can regulate regulations further requirements for house developer to require in the land which will later become a public cemetery (Regional Ministerial Decree No. 26 of 1989 Article 19).
5. The use of land for the burial of a person's remains, both at the funeral of the deceased at a Public Cemetery and at a Non-Public Cemetery is determined to be no more than 21/2 (two sets) meters x 11/2 (one and a half) meters with a minimum depth of 11/2 (one and a half) meters
6. The management of public cemeteries that are located in the city is carried out by the Pemerintah Daerah which is based on the Regulation of the Tingkat II Region, and the Special Region of the Capital City of Jakarta is carried out by the Pemerintah Special Region of the Capital City of Jakarta.
7. The Village Public Cemetery is carried out by the Village Government based on the relevant Level II Regional Regulation.
8. If there is a public burial place, a non-public burial place, a crematory, and a burial place for remains that are not considered in accordance with City Planning, so as not to become an obstacle to improving the quality of the environment, in a gradual manner Efforts are made to move it to a certain locationr location which is adjusted to the Regional Development Plan and City Planning Plan and also takes into account the provisions in Article 2 paragraph (3) .

In accordance with Public Works Ministerial Regulations Number: 05/PRT/M/2008 concerning Guidelines for Public Works and Public Use of Open Spaces For services in RTH areas for cemeteries, the requirements for burials are as follows:

- a. grave size 1 m x 2 m;
- b. the distance between one grave and another is approximately 0.5 m;
- c. It is not permissible for the grave tiles to be repaired;
- d. the cemetery is divided into several blocks, the area and number of each block is adjusted to the condition of the cemetery and the location;



- e. the boundary between the burial blocks is in the form of a strip of 150-200 cm with a canopy tree on one of the towers;
- f. the outer boundary of the cemetery consists of a hedge or a combination of an artificial fence with a hedge, or with protective trees;
- g. hierarchal space for cemeteries includes cemeteries without relics, 70% of the total area of burial plots with three levels of relics, vegetation 80 % of the area of the green space. The vergetasir cemetery is also to improve
- h. Nervement in the RTH area is based on the number of residents for the environmental unit with a population of 120,000 people in the RTH area in the form of a cemetery with the location locations are scattered.
- i. The vegetation criteria for RTH are as follows:
  1. If the root stem enters the ground, it will not damage the construction of the building;
  2. Stems are not strong, do not break easily and do not become heavy;
  3. The fish may have economic value, or produce fruit that can be consumed directly;
  4. The header is quite shady and compact, but not too dark;
  5. Resistant to pests and diseases;
  6. Long-time;
  7. It can be in the form of a large, medium or small tree to suit the needs of the space;
  8. It is possible is a plant that attracts birds.

The condition of cemetery land in Cirebon Regency by compiling data on the number of deaths and available burial land in all village areas shows an imbalance between the number of deaths and the need for available cemetery land. The data obtained that the cemetery condition does not use the standardization of the size of the grave plot in accordance with the Regulation of the Minister of Public Works and Public Works, so the overall result is that the area of TPU in Cirebon Regency is 8,854,691 m<sup>2</sup>. From an average death rate of 1,070 per year, the number based on the management of death certificates at the population and civil records office was 29,700 people from 2020 to 2021 in Cirebon Regency. Because many do not take care of the deed of maturity, it is estimated that the number of farmers is large and still has the availability of land for the next 10 years if there is a rayonization system.

#### IV.CONCLUSION

Regional Regulation Number 6 of 2020 regarding the Implementation of Funerals is one of the legal remedies to provide a legal basis and procedure for the Cirebon Regency government in providing consent to the application of a person or legal entity who applies for a land use permit for the management or implementation of cemeteries in Cirebon Regency. The practice of organizing cemeteries in Cirebon Regency is found in the Cirebon Regency Government, which does not yet have TPU land managed by the Cirebon Regency Government like in other cities/districts.

The Regional Government must develop and pay attention to the existence of displaced people who have died and where they will be buried, regardless of where they want to bury or bury displaced people whose origins are unknown. If this happens, displaced people can be buried in TPU according to the Regional Government. The policy solution that can be offered in Regional Regulation Number 6 of 2020 concerns the Governmental Administration of Cemeteries in the form of Regional Government Regulation of the Regency of Cirebon for the purpose of carrying out registration of land assets that are owned by the Republic of

Indonesia. Cirebon District Headquarters is used to procure land for the Public Cemetery (TPU), because for a long time the Cirebon District Government has not had any land left in the TPU area.

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