LAND INTERCROPPING SYSTEM AS A SOLUTION OF BALANCING SPATIAL PLACE FOR PUBLIC CEMETERY

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ABSTRACT

Man is born destined to die. Talking about death, of course, we will talk about the process to obtain the bodies until the funeral process. In Indonesia, we can find some kind of cemetery, among others, private cemeteries (family), a special funeral, or a public cemetery. Semarang, one of the major cities are located in Indonesia, have serious problems associated with the provision of land for a public cemetery. The population density which impact on the high number of public cemetery land demand is inversely related to the availability of existing burial grounds. Limited land demands a new concept that allows to bury the body vertically (stacked). Intercropping tomb is the tomb of the land used for the bodies of two or more in a family. Piled bodies in one grave is not a problem as long as it does not eradicate the bodies piling up honors from the body itself. But it can not be denied that the existence of intercropping systems is not fully known and understood by the people of the city of Semarang.

Keywords: rent, intercropping, public cemetery

BACKGROUND

Bergota, the largest Public Cemetery in the Semarang city, located in a strategic area in the middle of Semarang so that many local people who bury their family and relatives there (economic reasons and social prestige). Many people from outside Semarang city who want themselves or their families are buried in the Bergota cemetery (historical reasons). Overall, the broad of Bergota Public Cemetery own approximately ± 30 hectares.1

Space utilization of Public Cemetery Bergota cannot be implemented optimally due to several factors, among others, management (local government) are not active and effective, withdrawal of retribution less than the maximum even inclined prone to extortion, lack of traction prosecution of offenders, the number of illegal residential areas in the graveyard that build permanent houses.

Settlements in the Bergota cemetery make an activity which increasing aggravate the condition of the cemetery as well as adding new problems actually. As the increasing population in the graveyard Bergota with building a permanent or semi-permanent. Without realizing the increasing population and the existing buildings in the area of the cemetery, increasingly eroded the land of burial grounds. In addition there are many people who deliberately build a gravestone on the grave as a sign that is easy to remember. Of course this makes it increasingly chaotic arrangement of burial grounds, and impact to Bergota Public Cemetery in Semarang became overloaded.

Image Description of Situation Areal Density Residential Bergota

1DTKP (City Planning and Housing) Semarang source, Funeral Field on 2009. But, based on the observation, the cemetery is seen unorganized well.
Based on the history of Islam, the Prophet's suggestions to facilitate and provide assistance to the heirs was very much. For example an order to provide food to the heirs, take care of the bodies, bathing, carry and put it into the grave is to have virtue and reward which very great. Handling bodies conducted jointly with the spirit of getting a reward from Allah. This custom continues until hundreds years later and present, where in some rural areas and outbacks, the affairs of burial carried out together and a shared responsibility of society. No retribution funeral and the cost of renting the tomb. But by the change of social system, especially in urban areas, the maintenance of the bodies can no longer be done together with various causes. Development of various ideologies of materialism and capitalism that makes the community will determine everything with money.

Here came the various displacement of the values occurring in the community. This also applies in the funeral procession, the gravediggers at this time will not work if it is not paid. Similarly, the cemetery will not be treated and cared if it does not pay the funeral retribution. In some cases in big cities like Jakarta if a tomb is not paying the tomb rent retribution it will be laying or demolition of the tomb.

The land narrowing condition of cemeteries in the city of Semarang forced people should bury their relatives coincide. The limited vacant land in the cemetery area also caused the permanency grave (being gravestone). Regional Regulation No. 10 Year 2009 on the Implementation of Service And Retribution's Funeral in Semarang mention the term "Intercropping Tomb". Intercropping tomb is the tomb of the land used for the bodies of two or more in a family. Piled bodies in one grave is not a problem as long as it does not eradicate the bodies piling up honors from the body itself. Intercropping system can also save the land which diminishing. There is no prohibition piled bodies, but actually prohibited is permanency with concrete tomb which mostly occur in the community. This was due to ignorance of the community. Prohibition of grave permanency because later tombs are difficult to be demolished, while the land wants to be used by else (bodies). The other reason, if made permanent, can appear the assumption that the tomb is sacred and worshiped as a place of worship, which does not correspond with any of the teachings of religion, that religion Islam. But can not be denied that the tomb rental system and intercropping of tomb system in Bergota Public Cemetery is not fully known and understood by the people of Semarang. Therefore, this paper aims to obtain a description (visible image of) real and juridical analysis of the implementation of the land rent system, as well as the pattern of application of the system or the concept of intercropping burial land at Bergota Public Cemetery (TPU) Semarang.

Overview Of Rent
According to Big Indonesian Dictionary rent means the use of something to pay rent and hire means taking to pay the rent. Renting, as well as the sale and purchase and other agreements in general, is a consensual agreement. That is, valid and a agreement of achieved on the time of its constituent parts, both of the goods and prices. The parties involved in the tenancy agreement are:

- The lessee is the person or legal entity that leases or rents the goods or object to the other to enjoy the usefulness of the object to the tenant. The lessee of goods or objects should not be the owner of the object itself, but all the people on the basis of entitlement to move goods to the use of other people's hands. That is because in the rent that the tenant is not handed over to the ownership of an item but only the use or collect the results of the rented goods.

The lessee is the person or legal entity who hired items or objects from the lessor. Object items that can be rented by Hofmann and De Burger, which can be rented are goods bodied, but there are other opinions, according to Asser and Van Brekel and Vollmar, that is not only goods stature that can be leased object but rights can also be rented, this opinion is reinforced by the decision of the Hoge Raad on December 8, 1922 that considers the possibility of a right leasing to hunt animals / jachtrecht.

Settings of Public Cemetery (TPU) in Semarang
Cemetery is the area of land used for the burial place of the public, not a public cemetery, the burial place of lodging and the family cemetery. Public Cemetery is the area of land provided for the purpose of burial for all people regardless of religion and social class, they are managed by local governments or village government. Burial procedure for the organization include:

- Every person who dies must be reported to the Department.
- Each of the bodies to be buried in the cemetery, the heirs must obtain funeral permission from the Departement.
- To obtain a license must attach the terms as follows:

1. Certificate of Death from the local village chief;
2. Copy of ID card / identity heirs / applicant, and
3. Pay the cemetery retribution corresponding provisions applicable to the bodies buried in Public Cemetery (Semarang City Regional Regulation No. 10 of 2009)

4 Article 1 verse (9) Semarang Regional Regulation No.10 Year 2009
5 Indonesia Government Regulation No. 9 Year 1987
Research methods
The research approach which used is empirical juridical approach. Empirical juridical approach is done by examining the community as a subject from the object to be examined and then examined the data from the understanding or the things that happen in society is associated with the object of discussion rules on research. This type of research which used in this research that uses qualitative research. Data sources in the study is the source from which the data subject can be obtained. In this study, the author uses primary data sources or secondary data sources sekunder. Based from the approximation which used in obtaining the data, the data collection technique through interview, monitoring (observation), documentation.

Results and Discussion
Bergota Public Cemetery (TPU) are located between 36 and 110 ° East Longitude 110 ° 50, 2 ° 51 and 8 ° 20 South latitude with a height of 650- 750 meters above sea level. Based on Mayor Regulation No. 33 of 2008 dated December 24, 2008 Sub Department of Cemeteries merged into one with the Department of City Planning and Housing Semarang became Cemetery Field. And specifically for Bergota Public Cemetery (TPU) Semarang is represented by the Office of Technical Implementation Unit (DTKP) Funeral Region IV Office Sector Bergota Public Cemetery (TPU) Semarang located at Kyai Saleh street No. 57 Semarang.

Tomb Rent System in Bergota Public Cemetery (TPU) Semarang
Implementation of tomb rent in Bergota Public Cemetery (TPU) Semarang divided into a license to use the grave and the grave a message permission reserve.

1. Implementation of Land Use Permit Rental Tomb in Bergota Public Cemetery (TPU) Semarang
Implementation of permission to use the tomb rent in Bergota Public Cemetery (TPU) Semarang divided into two forms. That are in the form of administrative and non-administrative technically.

a. Administratively
Each of the bodies to be buried in the cemetery, the heir must get burial permit. After getting permission then the body may be buried in Bergota Public Cemetery (TPU) Semarang.

Based on the interviews with Didik Budijono, SH, M.Si as Head of the funeral service of Semarang, obtained information that on the requirement of obtaining a permit to bury our dead must fulfill prior administration. Here's administration that must be fulfilled by the applicant permission to use the tomb rent:
1. Certificate of Death from the local village chief;
2. Copy of ID card / identity heirs / applicant, and
3. Pay the cemetery retribution corresponding provisions applicable to the bodies buried in the Public Cemetery
4. Copy of letter post mortem / doctor (if the family or heirs have a letter coroner / bodies from the doctor).
5. Copy of certificate if it is a needy (A needy letter in this case, if the heirs / family the body was not prosperous).

As for the corpse of Foreign Affairs who will be buried in the Semarang City Region should be enclosed the following requirements:
1. Death Certificate from the country of origin dead bodies;
2. Certificate Examination of the hospital where the bodies died State of origin;
3. Certificate of Inspection from the institution who authorities in Indonesia;
4. Passport concerned;
5. Copy of Family Card (KK) concerned; and

b. Non-administrative Technically
Non-administrative Technically which intended is a process that must be done by the heirs / family party or applicant bodies, ranging from registration to obtain permission permissionally buried in the Bergota Public Cemetery (TPU) Semarang.

The process of implementation above is the link between the applicant / heir's body to the tomb managers represented by the Department of City Planning and Funeral (DTKP) Semarang, through the Sector Office of Bergota Public Cemetery (TPU). As for the excavation of the tomb, the cleanliness of the cemetery, and the caretaker, the applicant charged separately.

There is a cost varying rates charged for the families who want to bury the bodies because there is no agreement or the rules that regulate them. From the interview, there are around for the excavation of the grave charge ± Rp 2.000.000, - (two million) and for the caretaker as well as the cleanliness of ± Rp 1.000.000, - (one million rupiah). Strategic place factors and get to know

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personally the caretaker and the cleaning officer of the block where the grave was also very influential to the size of the bargaining rates related to the price agreement between the applicant / heir's body with a caretaker / cleaning officer block of the tomb land. Here is the process performed by workers digging the grave digger after getting permission to use the grave, and a price agreement with the caretaker of the tomb block.  

After the body is buried, as well as the applicant obtain a decision of the Head of City Planning and Housing (DTKP) Semarang on Land Use Permit Graveyard / Funeral. So the process of licensing the rental tomb place in Bergota Public Cemetery (TPU) Semarang has been reached and the validity period is 3 (three) years. If it had been three (3) years after the funeral, the applicant is given the right to extend the rent of the grave or not. When the applicant does not extend, the Semarang City Government also will not press and in essence there is no compulsion to do a land use permit extension tomb in Bergota Public Cemetery (TPU) Semarang. Because basically the usefulness of the applicant to extend the rent of land in order to grave of the applicants tomb is not evicted, not closed, not dismantle, and also so that the applicants grave are not replaced by other bodies. If the applicant wants to extend the rent of grave, the applicant is required to report and pay the extension tariff of the grave to the Sector Office of Bergota Public Cemetery (TPU) Semarang which in turn will be deposited to the Department of City Planning and Housing (DTKP) Cemetery Field Semarang. The tomb permit rent extension charged different rates for each renewal, tariff depending on the number of times an applicant to extend the tomb rent.

2. Implementation of Tomb Reserve Rent in Bergota Public Cemetery (TPU) Semarang

By the time and the development of more modern era Semarang city government also imposed their tomb backup rent permits. It is intended for people who really want to order the grave before his death. Or we can say ordered the grave to bury the family or relatives who later died. For applicants who wish to reserve the tomb reserve rent can reserve through the Technical Implementation Unit (UPTD) Funeral Region IV Sector Office Bergota Public Cemetery (TPU) Semarang and the get rates for bookings per every three (3) year. There is a series of processes that must be done for people who want to make a reservation tomb rent reserve in Bergota Public Cemetery (TPU) Semarang. Recorded throughout 2013 to March 2014, has never been a society that does submit a tomb rent reserve in Bergota Public Cemetery (TPU) Semarang.

Based on the information by the block caretaker of Bergota Public Cemetery (TPU) occur the tomb reserve rent system. When the researchers conducted in-depth interviews, when the applicant wants to do a tomb rent reserves, they went directly to meet and to persuade the caretaker / caring for each area of the block respectively in the Bergota Public Cemetery (TPU). So the Department of City Planning and Housing and the Sector Office Bergota Public Cemetery (TPU) are not recorded and not find applicants who did a reserve tomb rent.

From the statement of the caretaker and the gravediggers that for tomb reserve rent rates vary greatly, ranging from ± Rp. 2.000.000, - (two million) up to ± Rp. 4.000.000, - (four million) every 3 years, and should be extended. If the applicant does not extend, can then be rented again to other applicants who want to tomb reserve rent in Bergota Public Cemetery (TPU). As for the rates and vulnerable in an extended, depending on the agreement between the applicant with the caretaker of the tomb block. Rental rates of the tomb reserves vary, depending on the location of the grave reserves to be ordered. When they order to the grave in a strategic block which near the edge of the highway is certainly more expensive than ordering the grave which in corner place / far away from the highway access. The rates charged to the applicant only to tomb reserve rent, if it is to be fenced or covered with cement in order to be seen and as a mark, the applicant have to pay again, depending on the renovation to do by the applicant.

Images of Tomb Land Reserves in TPU Bergota

8 Based on interview with the caretaker dan grave digger from some blocks in Bergota Public Cemetery. Caretaker is local people who lived near the cemetery that registered to help Funeral Departement technically in every block everyday.

9 Based on interview with Budi Susilo as Sector Office Staff of Bergota Public Cemetery Semarang. His statement is confirmed by Didik Budijono, S.H., M.Si as Chief of Funeral Field in Planning and Housing Departement as explained that based on source in Planning and Housing Departement, there is nothing transaction about tomb reserve rent in Bergota Public Cemetery Semarang which registered.

10 Interview randomly with the caretaker and grave digger in Bergota Public Cemetery Semarang.
Intercropping tomb rental system is considered as temporary solution for Semarang government to be able to continue to do the burial and it is one of concern for service to the community. There are several tombs that have been doing intercropping tomb rent system. No doubt that enthusiasts or perpetrators of the intercropping tomb rent system is not much indeed, because people still believe that when burying the bodies are intercropping considered inhuman and do not respect their ancestors.

Basically intercropping tomb systems procedure in Bergota Public Cemetery (TPU) Semarang is such procedure in getting permission to use the grave. Only difference is the administration in the intercropping cemetery there must be consent of heirs / bodies in someone responsible that will be boarded, in addition to the bodies that will be performed by the intercropping tomb system should be a descendant / still in the family and the tomb of a minimum age of 3 (three) years commencing from the time the bodies are buried.

When there is an agreement and approval from the family of the bodies that will be an intercropping then the tomb rent applicant can submit to Sector Office Bergota Public Cemetery (TPU) Semarang related to permit the use of the intercropping tomb by fulfilling requirements such as the requirements of ordinary tomb rent. Moreover, technically there are also some differences, related to the implementation. Here is a model digging the intercropping tomb in Bergota Public Cemetery (TPU) Semarang.

**Picture Excavation of Overlapping Tomb in Bergota TPU**

In digging the intercropping tomb there are certainly differences with ordinary tomb excavation. The difference lies in the size of the tomb as well as at the time of excavation, bones corpse former should be wrapped in a shroud. After the former corpse is already wrapped and placed in the grave, then on top of the bones were given a specie of ± 50 cm with a given insulation board to cover the land, after that the bodies that will join in is entered and after that the process is the same as the ordinary burial. After that, on the tomb is given a mark by timber or plaque reads: registration number, the name of the deceased, date of birth and date.

Especially for the intercropping tomb system, there are two identities located on top of the grave. The identity of the former corpse allow to use one tombstone, because the important thing is the identity of the corpse kept in the tomb so the tenant nor the Officer of Sector Office Bergota Public Cemetery (TPU) can keep an eye even though the identity of the bodies have been recorded in the book tenant tomb in Bergota Public Cemetery (TPU) Semarang. It is intended to be as supporting evidence if one day there is a dispute related to the grave of the corpse. Here's a picture the intercropping tomb in Bergota Public Cemetery (TPU) Semarang.

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11 Based on interview with Eko Sulistyo, S. E as Chief of Sector Office Bergota Public Cemetery Semarang
In the process of intercropping tomb rent extension are same as the ordinary tomb rent extension. But especially for the intercropping tomb in the its extension just pay for one corpse because Semarang government calculates based on the amount of rent the grave that is used, not on the number of bodies that are in the grave.

Applicants who extend there is no rule, should pay for the former corpse or the boarded corpse. Because Semarang City Government considers that the intercropping tomb is still a family or a descendant. Then in charge of the bodies is becoming one entity applicant. Rates are subject to intercropping tomb rent as well as the ordinary tomb rent extension.

Conclusions and suggestions

Conclusion
1. The implementation of the tomb rent agreement in Bergota Public Cemetery (TPU) Semarang has not done up and properly, it is proven there is still extortion, intermediaries / third parties, a higher rate than the prevailing regulations, as well as the abuse of authority by the caretaker, the grave digger, and the parties to the cleanliness of doing provision of reserve tomb rent.

2. The intercropping tomb rent system in Bergota Public Cemetery (TPU) Semarang has been set in regional regulation but the implementation has not been fully accepted by society, therefore, to put forward potential intercropping tomb system as a solution of balancing the availability of public space need socialization and cooperation of various parties.

Suggestion
1. The Department of City Planning and Housing (DTKP) Cemetery Field Semarang and its Sector Office Bergota Public Cemetery (TPU) Semarang as those who manage, should act more decisively to take action and give a strict sanctions against the caretaker, gravediggers, and the tenant as well as parties that run the tomb rent system if there is found some actions that are not according to the rules, especially Semarang Regional Regulation No. 10 of 2009.

2. The Department of City Planning and Housing (DTKP) Semarang that is assisted by the Sector Office Bergota Public Cemetery (TPU) should be more intensive to inform about Semarang Regional Regulation No. 10 Year 2009 on Implementation of Funeral Service And Retribution in Semarang. Because the community of Semarang and the people living around Bergota Public Cemetery (TPU) is considered still do not fully know and understand the contents of the regulation related to the funeral in Semarang. Therefore the ignorance and understanding of the people, exploited by parties who are not responsible.

3. The Department of City Planning and Housing (DTKP) Semarang is necessary to apply the information system via the website and online administrating so people can freely be able to access information related to Bergota Public Cemetery (TPU) Semarang.

4. Local government should make a local regulation that specifically regulate overlapping systems tomb.

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