

## CHAPTER V

### CONCLUSION AND RECOMMENDATIONS

#### A. Conclusion

- a. The authority of the Banyumas Regency Government in establishing public burial parks as an implementation of regional autonomy which is regulated in the form of Banyumas Regency Regional Regulation Number 2 of 2014 concerning Management of Burial Places and Banyumas Regency Regional Regulation Number 27 of 2016 concerning Green Open Space Management which is guided by Law Number 23 of 2014 concerning Local Government and Law Number 26 of 2007 concerning Spatial Planning.
- b. The deviation of legal norms in the management of public cemeteries in Banyumas Regency is found in the content material of Article 5 paragraph (3) of Banyumas Regency Regional Regulation Number 2 of 2014 concerning the Management of Cemeteries which reads "The use of grave land for each corpse has a maximum length of 250 cm (two hundred and fifty centimeters) x width of 150 cm (one hundred and fifty centimeters) with a minimum depth of 150 cm (one hundred and fifty centimeters) and the distance between graves is no more than 50 cm (fifty centimeters)" or with a length of 2, 5 m (two point five meters) x 1.5 m (one point five meters) wide which contradicts Chapter II of RTH Provision in Urban Areas in Specific Function RTH in Cemeteries listed in the Regulation of the Minister of Public Works Number 5 of 2008 concerning Guidelines for the Provision and Utilization of Green Open Space in Urban Areas which determines "the size of the tomb is 1 m x

2 m" or with a size of one meter wide and two meters long. Based on the principle of legality, if a problem like this occurs, the principle of *lex superior derogat legi inferior* applies or higher regulations negate lower regulations.

## **B. Recommendations**

Public cemetery parks that function as green open spaces to add to the beauty of the city, water catchment areas, protectors, and ecosystem supporters should be an important consideration in organizing spatial planning in the Purwokerto Urban Area. The need for socialization that can be done is to provide understanding and understanding in the implementation of public burial parks to the community regarding guidelines in the management of public graves and related to conflicts in the content material in the Banyumas Regency Regional Regulation on the Management of Burial Places, it is necessary to follow up through judicial review on the grounds that Banyumas Regency Regional Regulation Number 2 of 2014 is contrary to the Regulation of the Minister of Public Works No. 5 of 2008 as a higher legislation in terms of regulating the size of tombs in public burial grounds.