



IMPLEMENTATION OF LAND USE MANAGEMENT PRINCIPLES FROM THE PERSPECTIVE OF SPATIAL PLANNING LAW TO REALIZE SOCIAL JUSTICE

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Abstract

Land is a strategic and limited resource whose utilization must balance economic development, environmental sustainability, community rights, and social justice. In Indonesia, the implementation of land-use management within the spatial planning framework continues to face challenges, including land-use conversion, unequal land control, overlapping spatial utilization permits, weak institutional coordination, limited community participation, and ineffective law enforcement. This study aims to analyze the implementation of land-use management principles, particularly sustainability, optimality, and harmony, from the perspective of spatial planning law and to examine the effectiveness of government supervision and law enforcement in protecting community land and economic rights. This study employs a normative-juridical legal research method using a statute approach and a conceptual approach. Secondary legal materials were collected through a systematic literature review and analyzed using descriptive-qualitative legal analysis, supported by systematic, grammatical, and teleological legal interpretation. The findings indicate that the implementation of land-use management principles has not functioned optimally due to the dominance of short-term economic interests, sectoral institutional fragmentation, inconsistencies between spatial plans and actual land utilization, weak supervision, overlapping permits, and inadequate community participation. These conditions may result in land-use conflicts, environmental degradation, and marginalization of vulnerable communities. The study concludes that achieving social justice requires stronger synchronization between land-use regulation and spatial planning, integrated institutional coordination, meaningful public participation, consistent enforcement of spatial planning sanctions, and protection of the social and ecological functions of land. Strengthening the One Map Policy and prioritizing equitable access to housing, sustainable agricultural land, and public green spaces are essential to realizing socially just and sustainable land governance.

Keywords: Land Use Management; Spatial Planning Law; Social Justice; Agrarian Law; Land Rights; Sustainable Development.

INTRODUCTION

Land is a gift from God Almighty and constitutes one of the most fundamental natural resources for the survival and welfare of the Indonesian people. Land possesses not only economic value but also social, cultural, ecological, and magical-religious dimensions that make its utilization inseparable from the broader objectives of national development. As a limited natural resource, land must be managed in a manner that balances individual rights, public interests, economic development, environmental sustainability, and social justice. The increasing population, rapid urbanization, infrastructure development, agricultural expansion, and investment activities have significantly intensified competition for land. Consequently, the management and utilization of land require a comprehensive legal framework capable of preventing excessive exploitation, spatial conflicts, environmental degradation, and inequality in access to land resources (Ahmad, 2022; Enab, 2022; Lukman et al., 2021). From the perspective of spatial planning law, land cannot be regarded merely as a private economic commodity that can be utilized without limitation. Land constitutes an integral component of spatial systems in which every form of utilization must correspond to the function, designation, carrying capacity, and sustainability of the relevant space.

The legal importance of land management is also reflected in the principle that the state has the authority and responsibility to regulate the allocation, utilization, and protection of land for the greatest prosperity of the people. Land-use regulation is consequently expected to create orderly, effective, efficient, harmonious, and sustainable utilization of land resources. However, the implementation of these principles remains challenging because land is simultaneously a scarce resource, an economic asset, a source of livelihood, and an object of investment. The tension between these different interests frequently produces disputes concerning ownership, control, utilization, and spatial designation. Such disputes demonstrate that land management cannot be separated from the effectiveness of spatial planning and the capacity of the state to control land utilization through legal and administrative instruments (Rangkuti & Lubis, 2020; Samosir & Moeis, 2022).

The issue becomes increasingly complex because the rapid expansion of development activities has generated significant changes in land-use patterns. Urban expansion, industrial development, infrastructure projects, housing development, plantations, and other investment activities may result in the conversion of land from one function to another (Prayitno, 2020; Setiawan & Yoshino, 2020). Although such changes may contribute to economic growth, uncontrolled conversion can threaten agricultural land, environmental sustainability, and community livelihoods (Pravitasari, 2020). The effectiveness of land management is also determined by the consistency between planned spatial allocation and actual land utilization. In practice, discrepancies may occur between spatial planning documents and conditions on the ground (Frisoni et al., 2021; Widiatedja, 2021b). Such inconsistencies may emerge from weaknesses in planning, licensing, monitoring, institutional coordination, or law enforcement. The gap between planned and actual land utilization may subsequently generate spatial conflicts and weaken public confidence in the legal system (Pravitasari, 2020). Research concerning spatial planning implementation has demonstrated that discrepancies between spatial plans and actual development remain a significant challenge in achieving orderly and sustainable spatial utilization (Amalia Tyo, 2020; Pravitasari, 2020). Therefore, spatial planning should not merely produce formal planning documents but must be accompanied by effective implementation and continuous supervision (Litasari et al., 2022; Widiatedja, 2021a).

The problem of land-use inequality is closely related to the distribution and control of land. In Indonesia, unequal land ownership and control remain important agrarian problems. Concentration of land control in the hands of certain individuals, corporations, or institutions may restrict access for communities whose livelihoods depend on land. Agrarian reform is therefore not merely an administrative redistribution program but constitutes a legal and political instrument for correcting structural inequality and promoting social justice (Gunawan, 2020). Without effective control over land concentration and mechanisms for protecting vulnerable communities, spatial planning may unintentionally reinforce existing inequalities rather than reduce them. The principle of social justice requires that the benefits and burdens arising from land utilization be distributed fairly among members of society. Development projects may generate economic benefits, but the communities living in or around development areas may also bear social and environmental costs. Displacement, loss of agricultural land, reduced access to natural resources, environmental degradation, and changes in traditional livelihoods are examples of potential impacts that need to be considered in land-use decision-making. Consequently, social justice in spatial planning requires the state to ensure that development does not disproportionately benefit investors or certain groups while imposing excessive burdens on local communities (Budiman et al., 2019).

Another important issue concerns the granting of land rights and spatial utilization permits. Hak Guna Usaha (HGU), building rights, utilization permits, and other forms of land-related rights are legal instruments that enable economic activities and investment. However, the granting of these rights must be consistent with spatial plans and must consider existing community rights. If licensing decisions fail to account for local land tenure, customary claims, agricultural livelihoods, or environmental carrying capacity, they may become a source of structural agrarian conflict. The legal protection of land use must therefore extend beyond the formal issuance of rights and include the assessment of whether the utilization of land is compatible with its social and ecological functions (Rangkuti & Lubis, 2020).

Legal certainty is an essential prerequisite for socially just land management. Communities, landowners, investors, and government institutions require clear legal rules concerning ownership, utilization, transfer, licensing, and protection of land rights. Falahiyati (2010), in examining the legal position of land that had not yet been certified as collateral in murabahah financing, demonstrates the importance of legal certainty concerning land status and documentation. Although the study focuses on land used as collateral in Islamic financing, its findings are relevant to the broader principle that uncertainty concerning land rights can create legal vulnerability and weaken the protection available to landholders. Thus, land management policies must be supported by reliable land administration and legal certainty.

The protection of land rights is particularly important when land is utilized for public interests. Development for roads, infrastructure, housing, agriculture, industrial facilities, and other public purposes may require changes in land utilization. Such development is legitimate when conducted according to law, but it must still respect the rights and interests of affected communities. Environmental sustainability is another fundamental principle in land management. Land is part of an ecological system whose capacity is limited. Excessive conversion, intensive exploitation, pollution, deforestation, and inappropriate development can reduce land productivity and damage ecological functions. Consequently, land management should integrate ecological considerations into spatial planning and licensing. An approach based on ecological justice emphasizes that land law should not only protect human economic interests but also recognize the ecological functions of land and the rights of future generations (Hangabei et al., 2023). The sustainability principle therefore requires that land utilization remain within the carrying capacity of ecosystems and maintain environmental functions over the long term.

Spatial planning also has a distributive function because spatial decisions determine who obtains access to land, infrastructure, public services, economic opportunities, and environmental resources. Consequently, spatial planning may either promote or undermine social justice. Nalle (2021) argues that spatial law should be examined critically because spatial policies can produce unequal consequences for different social groups. This perspective highlights the importance of examining not only whether spatial plans comply with formal legal requirements but also whether their implementation produces equitable outcomes for communities. Community participation is therefore an important component of socially just spatial planning. Communities affected by land-use decisions should have opportunities to obtain information, provide input, participate in planning processes, and challenge decisions that potentially affect their rights. Participation can strengthen transparency and accountability while reducing the potential for conflict. Without meaningful participation, spatial planning risks becoming a top-down process in which communities are treated merely as objects of development. Effective participation can instead transform spatial planning into a mechanism for reconciling competing interests and building legitimate development decisions (Havidani et al., 2022; Rustiadi, 2018).

The institutional capacity of government is equally important. Land management involves multiple governmental institutions responsible for land administration, spatial planning, environmental protection, investment, agriculture, infrastructure, and local governance. Fragmentation among these institutions can produce overlapping policies, inconsistent licensing decisions, and weak supervision. Effective land governance therefore requires institutional coordination and clear distribution of authority. The implementation of spatial planning should be supported by competent officials, adequate information systems, transparent licensing procedures, monitoring mechanisms, and effective enforcement measures (Rangkuti & Lubis, 2020).

The relationship between investment and land management presents another major challenge. Investment contributes significantly to regional and national economic development, employment, infrastructure, and public revenue. Nevertheless, investment activities frequently require substantial land resources. If investment policies prioritize economic growth without adequately considering spatial compatibility, environmental sustainability, and community rights, they may create new forms of land inequality and social conflict. Investment policy therefore needs to be integrated with spatial planning and land governance so that economic development remains compatible with the principles of social justice and sustainable development (Budiman et al., 2019).

The tension between normative expectations and empirical reality illustrates a significant gap between *das Sollen* and *das Sein* in Indonesian land governance. Normatively, land management and spatial planning are intended to achieve orderly, efficient, harmonious, sustainable, and equitable land utilization. Empirically, however, problems remain in the form of land-use inconsistencies, unequal land control, agrarian disputes, weak supervision, overlapping permits, environmental degradation, and inadequate community participation. The existence of these problems suggests that the challenge is not simply the absence of legal norms but also the effectiveness of implementation, coordination, monitoring, and enforcement (Rangkuti & Lubis, 2020).

These circumstances demonstrate the need for an integrated approach to land management based on the principles of sustainability, optimality, harmony, legal certainty, participation, and social justice. Sustainability requires land utilization to protect ecological functions and future generations. Optimality requires land to be utilized productively and efficiently according to its function and carrying capacity. Harmony requires the integration of economic, social, environmental, and spatial interests. Legal certainty ensures that rights and obligations are clearly defined. Participation provides communities with meaningful opportunities to influence decisions affecting their land and livelihoods. Finally, social justice requires that the benefits and burdens of land utilization be distributed fairly. Based on the foregoing background, this study focuses on two principal research problems. First, how are the principles of land-use management, particularly sustainability, optimality, and harmony, implemented from the

perspective of spatial planning law to ensure land utilization that promotes social justice for the community? Second, to what extent are government policies effective in exercising supervision and law enforcement against violations or misuse of spatial utilization permits that infringe upon the economic and land rights of communities? Accordingly, the objective of this legal study is to critically examine the implementation of land-management principles within the framework of spatial planning law and to analyze the extent to which land-use management instruments are synchronized with spatial planning mechanisms to realize social justice. The study also seeks to evaluate the effectiveness of government supervision and law enforcement in addressing violations of spatial utilization permits and protecting community rights. The findings are expected to contribute to the development of a more responsive land-management framework that balances investment and development interests with legal certainty, environmental sustainability, community participation, and the constitutional objective of realizing social justice in land utilization.

LITERATURE REVIEW

Social Justice Theory (John Rawls): John Rawls offers a highly applicable approach by dividing the concept of justice into the principle of equal rights and the difference principle, which benefits the least advantaged groups in society. In the context of spatial planning and land administration law, this theory serves as a normative benchmark to assess the extent to which land-use regulations—at both central and regional levels—fairly distribute the benefits of space, protect the poor's access to land, and curb land monopolies by large-scale investors. Social justice acts as a crucial indicator ensuring that spatial allocation policies do not devolve into discriminatory government actions that legitimize the displacement of communities; instead, they should serve as corrective instruments guaranteeing that every citizen has equal access to the benefits of land and decent living space (Hidayat et al., 2024).

Welfare State Theory: The second theory is the Welfare State Theory, which, within the conceptual framework of Indonesian law, manifests as the State's Right of Control over land (**Hak Menguasai Negara** or HMN), as stipulated in Article 33, Paragraph (3) of the 1945 Constitution of the Republic of Indonesia. This theory asserts that the state's legitimacy to control, regulate, and determine the allocation of land, water, and the natural resources contained therein is not absolute or limitless; rather, it is constrained by a singular objective: the greatest possible prosperity and welfare of the people. Viewed through the lens of the welfare state, land administration must not be regarded merely as an administrative-bureaucratic function involving the issuance of location permits. Instead, this instrument must be positioned as a form of ethical state intervention designed to uphold the social function of land, mitigate land ownership inequality, and ensure that available land and space are genuinely dedicated to inclusively improving the people's standard of living.

To situate the originality of this study within the academic landscape, the research critically engages with various literature and findings regarding the politics of agrarian law and the legal analysis of obstacles to synchronizing land law and spatial planning in Indonesia over the past decade. Previous studies consistently demonstrate that land management frequently encounters significant barriers—specifically, sectoral egoism among forestry, land, and mining agencies; disputes arising from overlapping spatial utilization permits; and a lack of meaningful public participation in formulating land-use plans. The study's conceptual framework is constructed by systematically integrating and linking the variables of Land Use Regulation (as a policy instrument) with Spatial Planning Law (as an implementation instrument), ultimately aiming to achieve social justice for the people. Conceptually, the relationship between these three elements can be depicted as an ideal spatial planning cycle. Land use regulation serves as both a policy umbrella and a strategic guide (policy instrument), establishing how land-related rights, obligations, and restrictions must be exercised for the common good (Kurnia et al., 2020).

METHOD

This study is classified as normative-juridical legal research (doctrinal legal research), focusing on the discovery, examination, and analysis of applicable positive legal norms. The primary focus of this research is to examine the vertical and horizontal alignment among the Basic Agrarian Law, the Spatial Planning Law, and other related regulations, in order to find a legal resolution to the issue of overlapping spatial utilization and community land tenure rights. To rigorously analyze this issue, the researcher employs two main approaches. The first is the statute approach, which involves examining all regulations, laws, and implementing rules relevant to the land administration and spatial planning practices under study. The second is the conceptual approach, which draws upon doctrines, expert opinions, and legal concepts within the fields of spatial planning law, agrarian law, and the philosophy of justice. Through this conceptual approach, the researcher can construct a robust legal argument to assess the extent to which the social function of land rights can be realized within spatial planning policies to ensure social justice.

Given the normative-juridical nature of this research, the data collection technique relies on gathering secondary data through an in-depth and systematic literature review. This secondary data collection involves inventorying, classifying, and examining relevant legal materials, which are hierarchically categorized into three levels: primary, secondary, and tertiary legal materials. All collected and classified legal materials are subsequently analyzed using a descriptive-qualitative analysis technique. The data analysis process begins with data reduction—selecting and focusing on data that is truly relevant to the research problem at hand. Next, a legal interpretation (*rechtsinterpretatie*) is conducted—employing systematic, teleological, and grammatical approaches—regarding the norms contained in spatial planning regulations and land-use management principles. The interpreted data is then presented descriptively to provide a clear, comprehensive, and in-depth picture of the legal reality on the ground and the effectiveness of government oversight regarding land utilization. Finally, a deductive conclusion is drawn—deriving specific conclusions from general premises—to formulate a prescriptive legal solution regarding the synchronization of land-use management policies and the fulfillment of social justice for all people.

RESULTS AND DISCUSSION

Based on secondary data research and an inventory of legal facts in the field, it has been found that the implementation of land-use management policies within spatial planning frameworks across various regions continues to face highly complex sociological and legal conflicts. On a sociological level, findings reveal massive resistance from local and indigenous communities against new zoning designations that unilaterally alter their land-use status. This opposition stems from deep-seated concerns regarding the loss of economic access to fertile agricultural lands—which have long served as their primary source of livelihood—due to conversion into industrial zones, real estate developments, or large-scale commercial infrastructure projects. A lack of transparent, integrative, and participatory communication from the government has led communities to view these spatial planning policies negatively—specifically as a form of "legalized land grabbing" that marginalizes the economic rights of ordinary citizens—rather than as instruments for balanced, long-term wealth distribution achieved through sustainable environmental management.

Conversely, from a legal perspective, official data and analyses of legal documents indicate that the absence or ambiguity of strict legal sanctions within Regional Regulations on Regional Spatial Plans (RTRW) acts as a major stumbling block, crippling the effectiveness of land-use controls. As an operational instrument, the principle of land-use management serves as an absolute prerequisite (*conditio sine qua non*) for determining whether an application for land rights or a spatial utilization permit should be granted. When a region relaxes oversight in pursuit of investment targets, land authorities frequently issue land rights certificates for areas designated under spatial plans as protected zones or sustainable food agricultural land (LP2B). As a result of this legal vacuum regarding the consistent enforcement of spatial planning sanctions, landscapes have become degraded and disorganized; any land use that proceeds without adhering to the principle of sustainability carries the potential to trigger ecological disasters and leaves the activity vulnerable to legal challenges in the Administrative Court (PTUN) by aggrieved civil society groups.

Theoretically and dogmatically, the legal analysis of the aforementioned findings confirms that land administration must tangibly implement the principles of harmony, optimization, and sustainability to achieve social justice. From the perspective of state administrative law, the establishment of a land-use plan serves as a legal policy instrument authorizing the government to restrict individuals' civil land rights in order to realize the social function of property ownership (serving the public interest). However, this restrictive authority must not be absolute nor favor the capitalist interests of specific groups. From a constitutional-legal standpoint, state control over land must be directed toward inclusive public prosperity, a mandate strictly safeguarded by Article 33, Paragraph (3) of the 1945 Constitution of the Republic of Indonesia. Therefore, when the government undertakes land-use planning, it must prioritize the allocation of space for public housing, public facilities, and smallholder agriculture, backed by robust legal certainty; this is essential to prevent ownership disparities where corporations control millions of hectares of land while ordinary citizens remain trapped in spatial poverty.

When viewed through the lens of John Rawls's Theory of Social Justice, the reality on the ground demonstrates that without strong, integrated, and harmonious institutional coordination among regional spatial planning agencies, land authorities, and other sectoral bodies, the principles of equitable land administration risk becoming mere administrative documents—"paper tigers." Such spatial planning products would lose their validity, utility, and enforceability in practice. The "sectoral ego"—which treats investment regulations, spatial planning, and land tenure as separate legal regimes—must be dismantled through comprehensive agrarian law reform. Social justice can only be fully realized if every land-use permit is grounded in spatial-function alignment that safeguards

environmental sustainability and the economic rights of indigenous and local communities. It is this legal synergy that can ultimately deliver distributive justice to the public, minimize the potential for agrarian conflict, and ensure the realization of the noble goals of the welfare state (Ramadhani, 2021).

CONCLUSION

Based on the comprehensive analysis conducted, it can be concluded that the implementation of land administration principles—viewed through the lens of spatial planning law and aimed at achieving social justice—has not yet functioned optimally in practice. The most fundamental structural obstacles stem from a dominant short-term economic orientation and rigid institutional silos among sectoral agencies; these factors disregard the social function of land rights and prioritize spatial allocation for large-scale corporations. This misalignment often causes land administration instruments to lose operational control at the local level, rendering government oversight and law enforcement mechanisms ineffective in providing balanced protection for vulnerable communities. Consequently, economically disadvantaged groups and local communities are frequently marginalized regarding land access, experience a decline in quality of life, and remain susceptible to spatial injustice resulting from land-use conversions that neglect environmental sustainability and distributive justice.

For the Central Government: The Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN), in collaboration with the Ministry of Environment and Forestry, must accelerate the unification of land administration policies by refining the "One Map Policy." Synchronizing data on land tenure with spatial planning zoning is crucial to preventing overlapping permits, curbing the excessive conversion of agricultural land, and mitigating the risk of agrarian disputes that harm the public. For Local Governments: Local governments must tighten oversight of spatial utilization and strictly enforce administrative and criminal sanctions against any land-use violations. Regional spatial planning policies must prioritize land allocation for low-income housing, sustainable food agriculture, and green public spaces as a concrete manifestation of social justice values at the local level.

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