



IMPLEMENTATION OF SPATIAL USE CONTROL INSTRUMENTS: A JURIDICAL ANALYSIS OF ADMINISTRATIVE SANCTIONS FROM THE PERSPECTIVE OF LEGAL CERTAINTY

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Abstract

Spatial planning regulations in Indonesia are currently undergoing a radical and fundamental paradigm shift towards a risk-based approach, a move primarily driven by the ambition to accelerate national economic growth and streamline investment procedures. While this transformation is theoretically designed to maintain environmental integrity through digitized standardization, the increasing frequency of anthropogenic disasters—environmental catastrophes rooted in human negligence, structural land-use violations, and systemic spatial mismanagement—reveals a critical and alarming weakness in the integration of ecosystem resilience within the national legal architecture. This article provides a critical and comprehensive examination of the legal transformation of spatial planning, evaluating its efficacy as a preventive legal instrument against imminent ecological collapse. By employing a normative juridical research method supplemented by a statutory and conceptual approach, this study scrutinizes the complex harmonization between the "Omnibus Law" (Job Creation Law) and existing environmental protection standards to identify potential legal synchronicities that could prevent escalating land-use conflicts. The findings demonstrate that the dilution of local authority and the lack of strict adherence to environmental carrying capacity (daya dukung) and environmental thresholds (daya tampung) within the Spatial Detail Plans (RDTR) serve as the primary catalysts for heightened regional vulnerability. Furthermore, the digitalization of spatial permits through the OSS system, while efficient, often lacks the qualitative ecological oversight necessary to deter exploitative land conversion. The study concludes that an urgent legal reconstruction is required to reorient the philosophy of spatial planning. It argues that spatial regulation must transcend its current role as a mere investment gateway and be reinstated as a robust, non-negotiable legal shield dedicated to ecosystem preservation, disaster risk reduction, and the absolute guarantee of long-term public safety and intergenerational equity.

Keywords: Spatial Resilience, Anthropogenic Disasters, Ecosystem Protection, Legal Reconstruction, RDTR, Risk-Based Approach, Investment Gateway.

INTRODUCTION

Space is a finite and strategically important resource that supports various dimensions of national development. As a framework integrating land, sea, and airspace, spatial planning should not be understood merely as a technical-geographical activity but as an important legal and policy instrument for determining the direction of development and the distribution of spatial resources. Spatial planning law therefore has a fundamental function in balancing human activities, economic development, environmental protection, and the carrying capacity of ecosystems. Recent research confirms that spatial planning can function as an instrument for maintaining environmental preservation because properly designed spatial arrangements can reduce pressure on natural resources and improve the quality of the living environment, although weak law enforcement remains a significant obstacle (Siregar et al., 2025). The importance of spatial planning is further demonstrated by Setiawan and Yoshino (2020b), who show that land-use change at the regional scale is influenced by biophysical characteristics, indicating that spatial development policies need to account for the ecological characteristics and carrying capacity of particular areas. The strategic character of space is also reflected in the legal protection of land as a limited resource. Ahmad

(2022) emphasizes that land has both an economic and social function and that land-use policies must simultaneously pursue economic efficiency, social justice, environmental conservation, and sustainable land use. The protection of sustainable agricultural land, In the context of land governance, Rangkuti and Lubis (2020) emphasize that applications for land rights should be consistent with existing spatial utilization, demonstrating the close relationship between land administration and spatial planning. This relationship is important because legal recognition of land rights without conformity with spatial planning may create inconsistencies in land governance and increase the potential for spatial and agrarian disputes. for example, demonstrates that development interests cannot automatically justify the conversion of environmentally and socially important land. Thus, spatial planning represents an important expression of environmental sovereignty because the state determines how spatial resources may be utilized while maintaining their ecological and social functions.

The relationship between spatial planning and environmental protection is particularly significant in areas experiencing rapid urbanization and infrastructure development. Research on sustainable spatial planning in the Mount Lawu region demonstrates that spatial planning can be directed toward green management by integrating ecological considerations into development planning (Sugiarti & Sunarto, 2017). Accordingly, spatial planning should not merely allocate development locations but should also determine the ecological boundaries within which development may legitimately occur. Prayitno, Subagiyo, and Kusriyanto (2020) further demonstrate that the conversion of agricultural land into non-agricultural uses in Batu City illustrates the pressure generated by development on productive land, reinforcing the need for spatial planning to control land-use conversion.

In Indonesia, the discourse on spatial planning has become increasingly important following the regulatory transformation associated with the Job Creation Law framework. The transition from conventional location permits toward the Kesesuaian Kegiatan Pemanfaatan Ruang (KKPR) mechanism represents a significant change in the state's approach to controlling spatial utilization. The Job Creation regulatory framework has simultaneously addressed business licensing, investment, land acquisition, government projects, and economic zones, illustrating the strong connection between spatial regulation and economic policy. Mukidi et al. (2024) explain that the Job Creation framework was introduced partly to provide legal certainty and respond to changing national and global economic conditions. From the perspective of spatial conformity, Amalia Tyo, Sudarsono, and Amarrohman (2020) found that changes in land use following infrastructure development need to be evaluated against the applicable Regional Spatial Plan (RTRW). Their findings demonstrate that infrastructure expansion may generate land-use changes that require continuous administrative and spatial control to ensure conformity with established planning instruments.

However, regulatory simplification should not be interpreted as the elimination of substantive environmental safeguards. The function of spatial planning remains closely connected to environmental preservation. Rahmadani Siregar et al. (2025) found that effective spatial planning can reduce pressure on natural resources, but weak law enforcement and limited public awareness remain significant challenges. Consequently, the implementation of KKPR must be accompanied by adequate environmental due diligence, accurate spatial information, and effective supervision. Litasari, Widiatmaka, and Munibah (2022) further demonstrate the importance of evaluating land capability and carrying capacity as inputs for spatial planning. Their study indicates that spatial allocation should be based not only on economic considerations but also on the physical capacity of land to support proposed development activities.

The relationship between investment acceleration and environmental protection creates a central dilemma in contemporary spatial planning law. Sustainable investment itself requires balancing economic growth with environmental protection and social welfare. Azis and Ali Muddin (2025) demonstrate that legal mechanisms are necessary to resolve conflicts between economic interests and environmental or social needs while ensuring that investment remains consistent with sustainability principles. Therefore, the simplification of spatial utilization procedures should not weaken the state's responsibility to prevent environmentally harmful development. This concern is also supported by Samosir and Moeis (2022), who highlight the importance of land access and agrarian policy in relation to household welfare, indicating that land-use policy has consequences not only for investment and development but also for the socioeconomic interests of communities dependent on land resources.

One of the most pressing legal problems emerges when spatial utilization exceeds the ecological thresholds established in spatial plans. Violations of spatial designations, including development in environmentally sensitive or disaster-prone areas, should not be understood solely as administrative violations. They may also create substantial risks to public safety and environmental sustainability. The recent study by Rahmadani Siregar et al. (2025) demonstrates that spatial planning has an important function in environmental preservation, while weak enforcement may undermine that function. Setiawan and Yoshino (2020a) similarly demonstrate that land-use change is closely

associated with regional biophysical characteristics, suggesting that spatial violations or inappropriate land conversion may produce different environmental consequences depending on the ecological characteristics of the affected area. This issue becomes particularly important in relation to land-use decisions. Ahmad (2022) argues that land-use policies must maintain a balance between development, social justice, environmental conservation, and sustainable land use. Therefore, when development occurs in areas whose ecological characteristics make them unsuitable for intensive utilization, the problem extends beyond administrative non-compliance and may become a matter of public environmental protection. The problem can also be understood through the distinction between *das Sollen* and *das Sein*. Normatively, spatial plans establish designated functions and restrictions; sociologically, however, spatial utilization may develop beyond those prescribed boundaries. This gap can create legal uncertainty and weaken the preventive function of spatial planning. Kartodiharjo and Cahyono (2022) further explain that agrarian reform in Indonesia needs to be examined from a governance perspective because the implementation of land policies is influenced by institutional arrangements and competing interests. This perspective reinforces the argument that spatial planning cannot operate effectively without integrated governance of land and natural resources. The need for stronger spatial governance is particularly evident where land administration and property rights are themselves uncertain. Wajdi et al. (2024), for example, found that overlapping land certificates and unclear land status can become major sources of property disputes, demonstrating the importance of accurate land administration and legal certainty in land-related governance.

The core problems within the spatial planning legal system frequently involve weaknesses in supervision, administrative control, and law enforcement. Although the regulatory hierarchy establishes spatial designations and restrictions, implementation may be weakened by institutional fragmentation, conflicting interests, inadequate data, and insufficient enforcement capacity. The problem is not limited to spatial planning itself but also concerns the broader administration of land. Wajdi et al. (2024) found that land disputes in Medan are frequently associated with overlapping certificates, unclear land status, and administrative problems. Such findings demonstrate that effective spatial governance requires integration between spatial planning, land administration, and legal protection. The core problems within the spatial planning legal system frequently involve weaknesses in supervision, administrative control, and law enforcement. Although the regulatory hierarchy establishes spatial designations and restrictions, implementation may be weakened by institutional fragmentation, conflicting interests, inadequate data, and insufficient enforcement capacity. The problem is not limited to spatial planning itself but also concerns the broader administration of land. Wajdi et al. (2024) found that land disputes in Medan are frequently associated with overlapping certificates, unclear land status, and administrative problems. Such findings demonstrate that effective spatial governance requires integration between spatial planning, land administration, and legal protection. Anggriawan, Wijaya, and Ahmad (2024) likewise emphasize the role of government in regulating and resolving land ownership disputes, demonstrating that effective land governance requires administrative arrangements capable of preventing and resolving conflicts arising from competing claims over land.

From the perspective of social and ecological justice, spatial planning must also consider the rights of communities affected by land-use decisions. Contemporary research on equitable spatial planning emphasizes that the failure to recognize local and customary interests can generate spatial conflict and weaken community access to productive spaces, for example, argue that integrating customary law, community participation, and ecological justice can strengthen equitable spatial planning. Although this study was published after the main period of the present literature review, its findings provide a useful contemporary perspective for understanding spatial justice. The governance dimension is also evident in the study by Samosir and Moeis (2022), which connects land access with the welfare of farming households. This finding indicates that spatial planning decisions may directly affect community livelihoods and therefore should incorporate social considerations alongside ecological and economic objectives. The question of enforcement is therefore inseparable from the question of justice. Administrative sanctions should not merely function as formal penalties but should produce meaningful compliance and restoration. The effectiveness of enforcement is determined by whether violations can actually be detected, sanctioned, and, where necessary, restored to conformity with the applicable spatial plan.

Given the complexity of these problems, spatial planning requires a legal reconstruction that places ecological sustainability, public safety, social justice, and legal certainty at the center of spatial governance. The legal framework should ensure that spatial utilization decisions are supported by reliable spatial data, transparent procedures, effective supervision, and meaningful public participation. The importance of spatial information and planning is increasingly evident in contemporary spatial governance. The use of spatial planning to preserve environmental functions requires not only regulatory instruments but also accurate planning and monitoring mechanisms (Siregar et al., 2025). In addition, sustainable infrastructure planning requires integration with

ecological systems so that development does not destroy the natural functions of the area (Ulhaq & Hasdanita, 2025). The need for integrated planning is further supported by Pravitasari et al. (2020) who identify inconsistencies between land-cover dynamics and spatial planning in the Kendeng Mountains. Their findings demonstrate that spatial planning must be continuously evaluated against actual changes in land cover so that planning instruments remain responsive to environmental conditions. Digitalized Detailed Spatial Plans (RDTR) consequently have the potential to strengthen the preventive function of spatial planning by making spatial rules more accessible, transparent, and operational. However, digitalization should not be treated as a substitute for substantive legal and ecological assessment. Rather, digital spatial planning should function as an instrument supporting effective implementation of spatial norms.

Amalia Tyo, Sudarsono, and Amarrohman (2020) demonstrate that spatial conformity can be assessed by comparing actual land-use changes with RTRW provisions, suggesting that digital spatial information can support monitoring of spatial compliance and identification of deviations from planned land-use functions. The ultimate objective should be to transform spatial planning from a mechanism that primarily facilitates investment into a comprehensive instrument for environmental protection, disaster prevention, social justice, and sustainable development. Such an orientation is consistent with the principle that economic development and investment require legal certainty while simultaneously respecting environmental and social interests. Mukidi et al. (2024) emphasize the importance of legal certainty for economic actors, while Azis and Ali Muddin (2025) demonstrate the necessity of balancing investment interests with environmental and social protection. In this broader governance framework, Soedomo (2022) highlights the political-economic dimensions of land use in Indonesia, indicating that land-use decisions may be influenced by competing economic and resource interests. This reinforces the need for spatial planning law to function as an instrument of governance that controls competing interests and protects long-term environmental and social objectives.

LITERATURE REVIEW

A. A New Paradigm in Spatial Planning: The Dialectic Between Investment Efficiency and Ecological Protection

Within Indonesia's contemporary spatial planning framework, the implementation of the Job Creation regulatory regime has encouraged a shift toward simplified and risk-based administrative mechanisms. The transformation from conventional licensing toward the *Kesesuaian Kegiatan Pemanfaatan Ruang* (KKPR) is intended to reduce bureaucratic obstacles and provide greater certainty for investment. The Job Creation framework itself encompasses business licensing, investment, land acquisition, government projects, and economic zones, demonstrating that spatial regulation is closely connected with national economic policy. The legal concept of KKPR itself requires the proposed spatial utilization activity to be consistent with the applicable spatial plan, thereby maintaining a normative connection between investment facilitation and spatial control.

The transition toward KKPR also reflects an attempt to integrate spatial planning into the risk-based business licensing system. Maulana (2023) found that KKPR constitutes a basic requirement for risk-based business licensing, although its implementation may encounter obstacles such as the absence of RDTR, overlapping KKPR applications, administrative problems, and limitations in OSS and Gistaru systems. This finding indicates that regulatory simplification does not automatically produce administrative efficiency unless it is supported by complete spatial plans, institutional capacity, and reliable digital infrastructure.

1. Bureaucratic Simplification and Business Certainty

The KKPR mechanism can theoretically improve administrative efficiency by integrating spatial utilization assessment with digital licensing systems. From an administrative-law perspective, this development may increase transparency and reduce uncertainty concerning whether a proposed activity conforms to spatial plans. The implementation of KKPR can therefore be understood as an attempt to transform spatial conformity from a conventional administrative procedure into a more measurable and integrated instrument of spatial governance.

Legal certainty is particularly important for investment and economic activity. Mukidi et al. (2024) emphasize that economic actors tend to choose environments characterized by legal certainty and predictable regulations. Therefore, the simplification of spatial licensing may provide economic benefits when implemented within a clear and consistent legal framework. However, empirical research on KKPR implementation shows that administrative uncertainty may persist when RDTR is unavailable or when coordination between spatial-planning institutions and licensing systems remains weak (Maulana, 2023).

Nevertheless, legal certainty should not be equated with regulatory simplification alone. It must also include certainty regarding environmental standards, spatial designations, community rights, and the consequences of violations. Putri

(2023) demonstrates that zoning regulations and RDTR can function as instruments of environmental protection following the enactment of the Job Creation Law, provided that local governments reserve forests, allocate green areas, and ensure that spatial regulations are properly implemented. Thus, legal certainty in spatial planning should encompass both certainty for investors and certainty concerning environmental limits.

2. Erosion of Due Diligence and Ecological Risk

The acceleration of spatial utilization may create ecological risks when administrative efficiency is not accompanied by adequate environmental assessment. Spatial areas are not merely geographical coordinates but ecosystems with specific carrying capacities and environmental functions. Ahmad (2022) demonstrates that land-use policy must simultaneously consider economic efficiency, social justice, environmental conservation, and sustainable land use. Similarly, Rahmadani Siregar et al. (2025) found that spatial planning can support environmental preservation, but weak enforcement remains a major obstacle. The same concern is reflected in research on spatial planning in Gayo Lues, which concludes that spatial-planning policy has a significant impact on environmental management and must be directed toward balancing development with environmental conservation.

Sustainable development therefore requires spatial planning to integrate ecological information into decision-making. Research on sustainable infrastructure planning in Kuala Bubon, West Aceh, demonstrates that development in sensitive ecosystems such as mangrove forests requires careful spatial planning to prevent infrastructure development from damaging biodiversity and ecosystem functions (Ulhaq & Hasdanita, 2025)). This reinforces the principle that spatial planning should function as a preventive environmental instrument rather than merely as a mechanism for determining the location of investment activities.

B. Administrative Sanctions as Instruments of Control and Restoration

Administrative sanctions in spatial planning should be understood not merely as punitive mechanisms but also as instruments for restoring compliance with spatial plans. Their effectiveness depends on whether authorities can identify violations, impose proportional sanctions, and require restoration where necessary. The literature on spatial-planning enforcement shows that legal instruments alone are insufficient when institutional capacity, enforcement structures, and supporting facilities are inadequate. Pramuji and Putri (2020) identify legal factors, law-enforcement institutions, facilities, community factors, and cultural factors as determinants of the effectiveness of spatial-planning enforcement.

A strong enforcement system is particularly important because spatial violations may generate consequences beyond the individual violator. Unauthorized development may affect neighboring communities, ecosystems, disaster vulnerability, and public infrastructure. The need for effective enforcement is supported by Rahmadani Siregar et al. (2025), who identify weak law enforcement as one of the major obstacles to effective spatial planning and environmental preservation. Jazuli (2017) further argues that weak enforcement and light sanctions can undermine the objective of sustainable spatial planning, while stronger political commitment and public participation are necessary to ensure effective implementation. Therefore, administrative sanctions should be designed not simply as formal legal consequences but as instruments capable of producing actual compliance.

1. Typology and Gradation of Sanctions

Administrative enforcement should ideally employ a proportional hierarchy of measures, beginning with corrective warnings and progressing to more serious measures where violations continue. The objective is not simply to punish but to ensure compliance and restore the spatial function established by law. This restorative orientation is particularly relevant where land-use violations have generated environmental or social consequences. Ahmad (2022) emphasizes the importance of protecting sustainable land use and preventing inappropriate conversion of agricultural land. Anita et al. (2022) similarly emphasize the importance of preventing land-use conversion and strengthening spatial-planning enforcement as part of sustainable development. The effectiveness of sanctions also depends upon their deterrent capacity. Rahayu et al. (2022) found that weak environmental enforcement and relatively light sanctions can reduce the deterrent effect of spatial-planning regulations and contribute to continuing violations. Consequently, the gradation of administrative sanctions should be proportionate to the severity, duration, environmental impact, and potential public consequences of the violation.

C. Characteristics of Discretion and Legal “Force Majeure”

Administrative authorities frequently exercise discretion when responding to complex spatial circumstances. However, discretion must remain within the limits of statutory authority, proportionality, transparency, and public interest. The principle is particularly important when spatial utilization presents immediate risks to environmental protection or public safety. Administrative law should provide authorities with sufficient instruments to intervene while simultaneously preventing arbitrary governmental action. Mukidi et al. (2024) emphasize the importance of legal certainty and the need for government policy to remain grounded in legal and constitutional principles. Their

discussion of *freies Ermessen* also demonstrates that administrative discretion must be accompanied by mechanisms preventing maladministration. Suharyo (2017) emphasizes that spatial planning in the context of regional autonomy requires coordination among central, provincial, and district/city governments because fragmented authority may complicate spatial-planning enforcement. Therefore, administrative discretion in spatial planning should be understood as controlled discretion rather than unlimited governmental freedom. The exercise of discretion should also remain consistent with the basic principles of spatial planning, including environmental protection, public safety, legal certainty, and fairness. This is particularly important where government decisions involve competing interests between investment, infrastructure development, environmental conservation, and community rights.

D. Structural Complexity and Regional Law Enforcement Challenges

Although spatial planning regulations may provide comprehensive legal standards, implementation is affected by institutional and regional conditions. Local governments may face competing pressures between environmental protection, infrastructure development, investment attraction, and regional economic growth. Junef (2017) identifies the tendency for spatial-planning violations to be tolerated and subsequently legalized through amendments to existing spatial plans as one of the significant challenges to sustainable spatial governance. This phenomenon demonstrates the importance of maintaining the integrity of spatial plans once they have been legally established.

1. Conflicts of Interest and Local Economic Interests

The tension between investment and environmental protection is particularly evident in land-use decisions. Sustainable investment requires an equilibrium between economic growth, environmental protection, and social welfare (Azis & Ali Muddin, 2025). Consequently, regional governments should not evaluate spatial utilization solely on the basis of short-term economic benefits. Development decisions should also consider ecological carrying capacity, disaster vulnerability, community rights, and long-term sustainability. This concern is reinforced by Astriani and Adharani, who argue that infrastructure development must comply with spatial-planning requirements and that projects not incorporated into the applicable RTRW may constitute spatial-utilization violations subject to legal sanctions.

2. Oversight Deficits and Managerial Weaknesses

Effective spatial governance requires reliable land and spatial data. Wajdi et al. (2024) demonstrate that overlapping certificates, unclear land status, and weak land administration can create prolonged property disputes. These findings are highly relevant to spatial planning because inaccurate or inconsistent land information can undermine the enforcement of spatial designations. Recent empirical research also demonstrates that compliance with spatial plans can be measured through spatial-data analysis. For example, research in South Lampung identified substantial differences between actual land use and the officially designated spatial pattern, illustrating the importance of spatial monitoring in identifying deviations from RTRW. The integration of land administration, spatial planning, and digital spatial data is therefore essential. Without accurate information, even strong spatial regulations may be difficult to enforce effectively.

E. Spatial Justice, Community Rights, and Environmental Protection

A further dimension that should be added to the literature review is spatial justice. Spatial planning determines who can access, use, and benefit from particular spaces. Therefore, spatial planning decisions have distributive consequences. Recent research on customary-law-based spatial planning demonstrates that ignoring customary rights and community participation can result in loss of access to productive spaces, social conflict, and weakened local economies. for example, argue that integrating customary law, community participation, and ecological justice can strengthen equitable spatial planning.

The importance of public participation is also supported by Lahunduitang and Warouw (2013), who emphasize that community participation is vital to the successful implementation of spatial planning and can be used to assess the quality of public involvement in spatial decision-making. Accordingly, spatial justice should not be reduced to equal distribution of physical space. It should include meaningful participation in planning processes, recognition of community interests, protection of customary rights, and equitable distribution of the benefits and burdens of development. This perspective is particularly relevant for Indonesia because land and spatial utilization frequently involve overlapping interests between government, investors, communities, and indigenous peoples. Consequently, spatial planning should incorporate not only ecological criteria but also mechanisms for recognizing community rights.

The question of enforcement is therefore inseparable from the question of justice. Administrative sanctions should not merely function as formal penalties but should produce meaningful compliance and restoration. The effectiveness

of enforcement is determined by whether violations can actually be detected, sanctioned, and, where necessary, restored to conformity with the applicable spatial plan.

F. Synthesis of the Literature

The literature indicates that contemporary spatial planning law is characterized by a fundamental tension between economic acceleration and ecological protection. The KKPR and risk-based regulatory framework provides opportunities for administrative simplification and investment certainty, but its effectiveness depends on adequate environmental safeguards, accurate spatial data, public participation, and effective enforcement. The literature on KKPR demonstrates that the mechanism can improve spatial-utilization control but may encounter practical problems where RDTR, institutional coordination, administrative capacity, and digital systems are inadequate (Maulana, 2023). Meanwhile, research on zoning regulations demonstrates that RDTR can become a powerful instrument of environmental protection when it is properly formulated and implemented (Putri, 2023). Most studies emphasize one particular dimension: land protection, environmental preservation, investment, spatial planning, or dispute resolution. Research by Jazuli (2017), Junef (2017), and Rahayu et al. (2022), for example, consistently demonstrates that the effectiveness of spatial planning depends heavily on the quality of law enforcement and the ability of institutions to prevent and respond to spatial violations.

The present study can therefore contribute by examining how land-management principles can be implemented through spatial planning law to achieve social and ecological justice, particularly under Indonesia's contemporary risk-based regulatory framework. This positioning is also consistent with the evidence from the attached literature that legal certainty, land administration, and dispute resolution remain closely interconnected. Wajdi et al. (2024) show that unclear land status and overlapping certificates can generate prolonged disputes, while the broader spatial-planning literature emphasizes the importance of effective planning and enforcement. Taken together, the literature suggests that effective spatial governance requires four interconnected elements: (1) legal certainty through clear spatial norms and KKPR; (2) ecological safeguards through RDTR and environmental considerations; (3) effective enforcement through proportional administrative and other sanctions; and (4) spatial justice through community participation and protection of affected communities. This integrated framework provides the basis for examining land management from the perspective of spatial planning law as an instrument for realizing social and ecological justice.

METHOD

To dissect the complex dynamics of controlling spatial utilization and the effectiveness of spatial planning law enforcement amidst shifting national regulatory paradigms, this study employs the following methodological framework (Zulkarnain & Riyanto, 2025):

1. **Type and Nature of Research:** This study is a form of normative legal research. It does not rely on empirical field observations; instead, it focuses on analyzing positive legal norms, the synchronization of legislation (vertical and horizontal consistency), and the interpretation of legal principles underpinning spatial planning following the enactment of the Omnibus Law regime. The research is descriptive-analytical in nature, aiming to provide a systematic and in-depth overview of the binding force and structural weaknesses of current national spatial planning regulations.
2. **Research Approach:** To obtain comprehensive legal answers, this study utilizes two primary approaches (Ilhami et al., 2022):
 - a) **Statute Approach:** This involves a critical examination of *lex lata* (existing law), ranging from Law No. 26 of 2007 concerning Spatial Planning to its radical transformation under Law No. 6 of 2023 (Job Creation Law). This approach also encompasses an analysis of technical implementing regulations—such as Government Regulation No. 21 of 2021 concerning the Implementation of Spatial Planning—to observe shifts in authority and licensing mechanisms.
 - b) **Conceptual Approach:** This approach draws upon legal doctrines and scholarly perspectives regarding the concept of the Rule of Law (*Rechtsstaat*), which mandates the protection of citizens. The researcher also employs the Theory of Social and Environmental Function as a philosophical basis to analyze the extent to which the state may restrict land rights in the interest of the public and for disaster mitigation.
3. **Sources of Legal Materials:** The researcher employs three categories of legal materials, gathered through a rigorous document study:
 - a) **Primary Legal Materials:** Consist of regulations possessing binding legal force, including: the 1945 Constitution of the Republic of Indonesia, the Spatial Planning Law, the Job Creation Law, the Law on

Environmental Protection and Management, and various Regional Regulations concerning Spatial Plans (RTRW) and Detailed Spatial Plans (RDTR) serving as operational instruments at the local level.

b) Secondary Legal Materials: Comprise supporting literature providing authoritative and academic explanations, including accredited law journals, textbooks on state administrative law and spatial planning, and official reports from government agencies (such as the Ministry of ATR/BPN) regarding law enforcement achievements and land-use conversion.

c) Tertiary Legal Materials: Consist of supporting materials that provide guidance or clarification regarding primary and secondary legal materials—such as the **Kamus Besar Bahasa Indonesia** (KBBI/Great Dictionary of the Indonesian Language), international legal dictionaries, and legal encyclopedias—to ensure terminological accuracy in the analysis.

4. Techniques for Collecting and Processing Legal Materials: Legal materials in this study were collected through library research. This process involved identifying, cataloging, and classifying norms relevant to the issue of spatial control. The collected materials were then processed using a legal issue categorization system—covering topics such as discretionary power in licensing, the dilution of sanctions, and conflicts of authority between central and regional governments—to ensure a coherent flow of discussion (Zulkarnain & Riyanto, 2025).

5. Method of Legal Material Analysis: Legal materials were analyzed using a qualitative-normative method. The researcher conducted systematic and teleological interpretations of statutory regulations to uncover the ratio legis (legal rationale) behind each policy change. The analysis employs a deductive reasoning method—proceeding from a general premise (national spatial planning legal norms) to a specific premise (actual violations and obstacles to law enforcement in the field)—to draw precise conclusions regarding the effectiveness of Indonesia's spatial control system in achieving ecological justice and public safety (Sari et al., 2023).

RESULTS AND DISCUSSION

A. The Dialectic of Development and the Degradation of Spatial Functions:

A Critical Review of the Job Creation Law. Normatively, the principles of spatial planning in Indonesia are grounded in integration, harmony, and sustainability, as mandated by the constitution. However, in practice, a sharp dialectic exists between the need for accelerated infrastructure development and the obligation to preserve the ecological functions of space. An in-depth analysis of the Job Creation Law's implementation reveals a systematic effort to integrate marine, terrestrial, aerial, and subsurface spatial planning into a unified spatial policy. Yet, this integration has resulted in a shift in the focus of oversight (Andi Muh et al., 2025). The current risk-based licensing system tends to prioritize ease of access at the initial stage (front-end) while paradoxically weakening post-licensing oversight mechanisms (post-audit). Under this system, the state effectively places significant "trust" in business actors to conduct self-assessments regarding their environmental risks. The issue is that, without robust and independent oversight infrastructure, post-audit supervision often becomes a mere administrative formality. This creates loopholes for spatial exploitation that exceeds environmental carrying capacity, where damage is detected only after the ecological impact has become massive and irreversible (Andi Muh et al., 2025).

B. Administrative Sanctions:

Between the State's "Sword" and a Paper Tiger. Administrative sanctions are positioned as the state's primary "sword" for upholding the integrity of spatial planning. Legally, these sanctions are characterized by **directe actie** (direct action), intended to halt any spatial violation immediately. However, studies indicate that this instrument often functions merely as a "paper tiger"—ferocious in regulatory text but toothless in execution. Several factors contribute to the ineffectiveness of these sanctions:

First, administrative enforcement procedures—particularly forced demolition—often become entangled in bureaucratic labyrinths and protracted jurisdictional disputes. Second, strong local political intervention often comes into play; spatial violators frequently have close ties to policymakers, leading to situations where administrative sanctions are negotiated away or converted into fines that are disproportionate to the resulting environmental damage. Third, there is a lack of legal protection for spatial planning enforcement officials, creating a fear of countersuits (SLAPPs) from corporate entities (Zulkarnai & Riyanto, 2025).

C. Spatial Planning as an Instrument for Ecological Justice and Public Safety. Justice in spatial planning must not be narrowly interpreted merely as the equitable distribution of land for economic gain. Rather, spatial justice must be viewed through the lens of Ecological Justice, which encompasses the protection of citizens' fundamental rights to a living environment that is safe, comfortable, and free from the threat of anthropogenic disasters. Spatial planning serves as a social contract between the state and the people, ensuring that development does not come at the cost of the community's ecological well-being. If sanctions are not enforced consistently and impartially, then documents

such as the Regional Spatial Plan (RTRW) and the Detailed Spatial Plan (RDTR) will become nothing more than administrative "display pieces," stripped of their legal substance. From this perspective, judges and government authorities must share a common vision: viewing spatial planning law as a body of mandatory legal rules (*dwingend recht*). Spatial planning law must be capable of imposing strict limitations on private property or land rights whenever those rights are exercised in a manner that threatens public safety. This legal reorientation is essential to ensure that every inch of space in Indonesia is managed in accordance with the precautionary principle, thereby preventing environmental degradation that could disadvantage future generations (intergenerational inequity) (Zulkarnai & Riyanto, 2025).

CONCLUSION

Based on the preceding legal analysis and discussion, it can be concluded that spatial planning law is a crucial and non-negotiable instrument for maintaining the balance between accelerated economic development and the preservation of the national ecosystem. Although regulatory transformation via the Job Creation Law has brought significant changes—specifically the simplification of licensing through the Spatial Utilization Activity Conformity (KKPR) system—this bureaucratic innovation must not serve as a justification for weakening environmental protections. Control mechanisms involving administrative sanctions must remain an absolute boundary for both business actors and local governments. Spatial planning law enforcement must shift from mere fulfillment of administrative formalities toward substantive and progressive enforcement. Without consistent sanction enforcement, spatial plans will become nothing more than regulatory commodities, losing their primary function as a bulwark against ecological disasters.

Suggestions and Recommendations: As a concrete step toward strengthening Indonesia's spatial planning legal system, the researcher formulates the following strategic recommendations: 1. **Accelerating Risk-Based Digitalization of Detailed Spatial Plans (RDTR):** Central and local governments must urgently accelerate the drafting of digital Detailed Spatial Plans (RDTR) across all Indonesian regions. These RDTRs must precisely integrate disaster risk maps so that the automated KKPR system (within the Online Single Submission/OSS framework) can systematically reject permit applications located in "red zones" or protected areas, thereby minimizing official discretion prone to corruption. 2. **Strengthening Oversight Capacity and Independence:** Institutional strengthening of Civil Servant Investigators (PPNS) specializing in spatial planning is required, regarding both personnel numbers and professional quality. Post-permit oversight (post-audit) must be conducted periodically and independently—free from local political interference—to ensure that all spatial utilization activities remain within established environmental carrying capacity limits. 3. **Reform of Sanction Mechanisms and Ecological Restoration:** The government needs to streamline administrative sanction enforcement procedures to ensure a more responsive approach to violations in the field. Monetary penalties must be calculated based on the value of the resulting ecosystem damage (environmental valuation), and law enforcement must mandate tangible land restoration actions. Firm and impartial law enforcement is the only way to restore the integrity of spatial planning law, thereby guaranteeing the safety, well-being, and sustainability of living spaces for future generations (intergenerational equity). Ultimately, spatial planning law must strictly adhere to the principle that space is a collective trust. Therefore, every spatial policy must submit to the law's highest mandate: safeguarding public safety and environmental sustainability as the fundamental pillars of national sovereignty.

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