



Enhancing Urban Spatial Planning Effectiveness Through Simplification of Procedures and Harmonization of Policies Between Central and Regional Governments

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Abstract: This study analyzes the legal challenges in spatial planning and land management in urban areas based on Law Number 26 of 2007 concerning Spatial Planning, using descriptive research methods to describe spatial conditions and provide rational and balanced interpretations. The results of the study indicate that the main problems in spatial management include the preparation of spatial plans that are still hampered by complex and bureaucratic procedures, policy implementation that is often not in accordance with the plan due to regulatory disharmony between the central and regional governments, and weak supervision that causes rampant violations of spatial planning without effective sanctions. In addition, suboptimal coordination between related sectors and the lack of capacity of local governments to utilize information technology, such as geographic information systems (GIS), also hamper efficient and adaptive spatial management of urban dynamics. Strategic efforts are needed in the form of simplifying spatial revision procedures, harmonizing central and regional policies, strengthening supervisory institutions by increasing their authority and capacity, stricter law enforcement against spatial violations, and improving community involvement in spatial supervision to create a more sustainable, responsive, and in-line spatial planning system with socio-economic developments in urban areas.

Keywords: Spatial Planning, Land Management in Urban Areas

INTRODUCTION

The rapid development of urban areas in Indonesia has caused massive changes in land use (Prihatin, 2015). High urbanization drives an increase in the need for land for various purposes, such as housing, industry, commerce, and supporting infrastructure. As a result, there is great pressure on urban space which is often not accompanied by optimal spatial planning. Many urban areas experience sporadic growth without paying attention to harmony

with the established spatial plans, resulting in various social, economic, and environmental problems (Fandeli, 2021).

One of the real impacts of uncontrolled urbanization is the emergence of various spatial planning problems, such as the high rate of conversion of green land into built-up areas, increasing population density without good planning, and an imbalance between infrastructure and community needs (Jazuli, 2017). Environmental problems are also increasingly complex, with an increased risk of flooding due to reduced water catchment areas, worsening air pollution due to the growth of transportation and industry, and increasingly severe traffic congestion due to the lack of effective zoning regulations (Joga, 2013). In addition, the existence of green open spaces that continue to shrink affect the quality of life of urban communities and the reduction of the ecological function of the city.

The gap between the spatial plans made and the reality of implementation in the field is one of the main challenges in land management in urban areas (Thahir, 2023). Many spatial planning policies have failed to be implemented consistently due to weak coordination between stakeholders, lack of assertiveness in law enforcement, and the existence of economic interests that are more dominant than the principles of environmental sustainability. As a result, although legally there are regulations that comprehensively regulate spatial planning, in reality, there are still frequent violations of land use that are detrimental to the community and hinder sustainable urban development (Febriansyah, 2025).

The legal basis for spatial planning in Indonesia is based on Law Number 26 of 2007 concerning Spatial Planning in conjunction with Law Number 6 of 2023 concerning Job Creation (hereinafter referred to as the Spatial Planning Law). This law regulates spatial planning, utilization, and control as a system that aims to create order in land use and prevent negative impacts due to uncontrolled development (Gusmayanti, 2023). Article 1 number 5 emphasizes that spatial planning includes the process of spatial planning, spatial utilization, and control of spatial utilization so that every development activity must be following the national and regional spatial plans policies (Sugiarto, 2017).

In its implementation, spatial planning involves the role of the central, provincial, and district/city governments according to their authority (Makchul, 2021). Article 8 of the Spatial Planning Law gives the central government the authority to regulate, foster, and supervise the implementation of spatial planning at the national, provincial, and district/city levels, including the management of national strategic areas (Amir, 2019). Meanwhile, Article 10 regulates the role of the provincial government, which is responsible for fostering and supervising spatial planning in its region and facilitating cooperation between provinces. At the district/city level, as stipulated in Article 11, the regional government is tasked with organizing spatial planning in its area, including supervision and cooperation with other regions.

Although spatial planning regulations are quite comprehensive, there are still various weaknesses that cause their implementation to be less effective (Setyono, 2017). One of the main problems is the gap between spatial planning and the reality on the ground, where many violations of land use occur without strict law enforcement. In addition, the imbalance between the interests of economic development and environmental sustainability often causes conflicts in the implementation of spatial planning regulations (Saputra, 2022). Therefore, it is necessary to strengthen supervision, law enforcement, and increased coordination between the central and regional governments so that spatial planning policies can run more effectively and sustainably.

One of the main challenges in the implementation of spatial planning in Indonesia is the problem of spatial planning which is often not based on accurate and up-to-date data (Kuncorowati, 2021). The preparation of spatial plans should consider social, economic, and environmental conditions, but in practice, there is often a mismatch between planning and

reality on the ground. Inconsistencies between national, provincial, and district/city spatial plans cause overlapping policies and implementation of development programs. Weak coordination between the central and regional governments is also an obstacle to ensuring that each spatial planning policy is in line with the needs and conditions of each region (Heryati, 2020).

In terms of spatial planning implementation, the rampant conversion of land that is not well planned is a serious problem (Subarkah, 2021). Many agricultural lands and green open spaces have been converted into residential or industrial areas without considering their environmental impact. Weak supervision of spatial utilization opens up opportunities for violations of building permits, such as the buildings in guarded areas or water catchment areas (Ardiansah, 2019). Conflicts of interest between developers, communities, and the government also often occur, especially the land allocation for public interests versus business interests, which often benefit certain parties.

In spatial planning control and supervision, existing mechanisms are often ineffective in strictly controlling spatial utilization. There are many cases where buildings or projects stand outside the established zoning without strict sanctions. Law enforcement against spatial planning violations is still weak, both due to minimal supervision resources and the existence of political and economic interests that hinder firm action against violators (Nagara, 2019). The low legal awareness of the community and related parties also contributes to the many spatial planning violations, where many parties do not understand or ignore the importance of compliance with the established spatial plans. Therefore, strategic steps are needed to strengthen supervision, increase policy transparency, and build collective awareness in maintaining sustainable spatial planning.

The study seeks to identify and analyze legal challenges in spatial planning regulations, as well as evaluate the effectiveness of law enforcement in implementing spatial planning policies in urban areas. By examining the various obstacles, this research is expected to provide a comprehensive picture of regulatory problems and their implementation. Academically, this study can be a reference for the development of spatial planning law theory and studies. For the government, the results of this study can be input in formulating more effective policies and strengthening spatial planning supervision. Meanwhile, for the community, this study can increase understanding of the importance of compliance with spatial plans and encourage participation in sustainable land management.

METHOD

This study uses a normative legal approach with descriptive analysis, which focuses on the study of laws and regulations governing spatial planning and their implementation in practice. The data comes from primary legal sources, such as Law Number 26 of 2007 concerning Spatial Planning, and its derivative regulations, including Law Number 6 of 2023 which adopts the Perppu Cipta Kerja. In addition, this study also uses case studies on spatial planning problems in several cities in Indonesia to understand the real challenges in implementing the policy. The analysis techniques used include legal interpretation of spatial planning norms and evaluation of policy effectiveness, to assess the level of existing regulations can overcome spatial planning and land management problems in urban areas.

RESULTS AND DISCUSSION

Legal Challenges in Spatial Planning in Urban Areas

The preparation of spatial plans in Indonesia faces various complex challenges, one of which is the long and complicated bureaucracy. The planning process involves various levels of government, from the central to the regional, as stipulated in Article 14 of the Spatial Planning Law which regulates the hierarchy of spatial planning from the national, provincial,

to district/city levels (Rusydi, 2023). However, in its implementation, the bureaucratic process often slows down the preparation of plans, resulting in delays in regional development and creating legal uncertainty in the use of space.

The lack of community involvement in spatial planning is a significant problem. Although public participation has been accommodated in the regulations, community involvement is often only a formality without any substantial role in the decision-making process (Falah, 2024). This causes the resulting spatial planning policies not to reflect the needs and aspirations of the local community. As a result, there is often rejection or conflict between the government, the community, and developers regarding the use of space, especially in national strategic projects that require zoning changes or land conversion.

Another problem is the lack of synchronization between national and regional policies in spatial planning. Differences in development priorities between the central and regional governments often cause disharmony in the implementation of spatial planning policies. For example, national strategic projects set by the central government frequently clash with regional regulations on zoning and land allocation. The Job Creation Law attempts to simplify procedures by giving the central government greater authority in spatial planning management, but this also raises concerns about central dominance over regions and its impact on regional autonomy in managing their own space. Therefore, a more effective regulatory harmonization mechanism is needed to ensure that spatial planning can run synchronously and harmoniously between various levels of government.

Problems in determining spatial plans in Indonesia are mainly caused by overlapping authority between the central and regional governments. The Spatial Planning Law and the Job Creation Law give the central government a dominant role in spatial planning policies, but their implementation remains in the hands of regional governments. The ambiguity in the division of authority often triggers conflicts in the planning and implementation of development projects, especially for national strategic projects that conflict with regional policies on zoning and spatial utilization. As a result, many development projects are delayed or face legal disputes due to differences in interpretation of regulations between the central and regional governments.

Inconsistencies between spatial plans and development needs are also a significant challenge. Many spatial planning policies are not flexible in adjusting to social and economic developments, resulting in unplanned spatial changes. For example, areas previously designated as green open spaces can change into industrial areas due to economic and investment pressures. These changes often ignore aspects of environmental sustainability and social balance, which can ultimately harm the surrounding community and ecosystem.

Although existing regulations have regulated the authority of each level of government in implementing spatial planning, practices in the field show that there are still differences in priorities and a lack of coordination in their implementation. The central government has the authority to supervise and develop national spatial planning while regional governments are responsible for planning and implementing spatial planning in their regions by following the norms set by the center. However, regional governments often face obstacles in implementing the rules set by the center, especially if the rules are not in line with local conditions. Therefore, it is necessary to harmonize policies and more effective coordination mechanisms between the center and regions so that spatial planning can run more optimally and provide legal certainty for all parties.

Problems in the preparation of spatial plans have a direct impact on the rampant uncontrolled land conversion (Moliju, 2024). Indecisiveness in planning and supervision has caused many areas that should be protected, such as green open spaces or agricultural land, to be turned into residential or industrial areas without careful calculation. As a result, various environmental problems arise, such as the increased risk of flooding due to reduced water

catchment areas, and traffic congestion due to the growth of settlements that are not supported by adequate transportation infrastructure.

Weak spatial planning also exacerbates the disparity in development between regions. Big cities are growing rapidly because they are centers of investment and economic activity, while suburban and rural areas tend to lag behind the infrastructure and public facilities development (Djadjuli, 2018). This creates a widening gap between urban and rural areas, triggering uncontrolled urbanization. Residents from less developed areas are forced to move to cities in searching jobs, and better access to services, which ultimately adds to the burden on already dense urban spatial planning (Hidayati, 2021).

In addition to environmental and social impacts, the lack of clarity in spatial planning policies also triggers land disputes between communities, developers, and the government. There are many cases where residents lose their land rights due to sudden policy changes, while developers face uncertainty in licensing due to overlapping regulations. This conflict not only harms the parties directly involved, but also hinders investment and development that should be able to run more effectively. Therefore, the preparation of a clearer, more measurable, and equitable spatial plan is very necessary to avoid various problems that arise due to irregularities in spatial governance.

Forms of Cooperation Between Foreign Investors and National Investors

The weak synergy between the transportation, housing, and environmental sectors in spatial planning policies has led to unstructured urban development. Many large cities experience problems with congestion and flooding because transportation infrastructure is not aligned with the growth of residential areas and environmental management. For example, residential areas are often built in water catchment areas without considering the impact on the urban drainage system, causing flooding during the rainy season. In addition, limited access to public transportation in new residential areas also encourages the use of private vehicles which increases traffic density.

Another impact of weak inter-sectoral coordination is seen in industrial area planning which is often not integrated with transportation systems and worker settlements. It causes an imbalance in population distribution, where workers should travel long distances from their homes to industrial locations, increasing the burden on city transportation. Therefore, a more comprehensive spatial planning policy is needed by strengthening cross-sectoral coordination so that city development is more focused and sustainable.

Disagreements between the central and regional governments in determining and implementing spatial planning policies often become obstacles to effective policy implementation. The central government tends to have general macro policies, while local governments understand the specific conditions in their regions better. However, disharmony often occurs when local governments have spatial plans that differ from central policies, especially in land zoning and development permits. This causes many development projects to experience administrative constraints that slow down the planning and realization process.

One real example of this disharmony is in the development of strategic infrastructure such as toll roads or airports, where the central government often determines the location without considering the previously designed regional spatial plan. As a result, conflicts arise between local governments and communities related to land acquisition and environmental impacts. To overcome this problem, there needs to be a more effective coordination mechanism, such as participatory spatial planning that accommodates the interests of various stakeholders.

Current spatial planning regulations are often considered rigid and unable to adapt to the dynamics of rapid urban growth. Many regulations still use a static approach in spatial management, making it difficult to accommodate the social and economic changes that occur.

As a result, many urban areas experience unplanned growth because existing regulations cannot adapt to the development of community needs. One of the impacts is the rampant illegal development in areas that do not yet have adequate infrastructure, thus increasing the risk of environmental disasters such as floods and landslides.

Overly strict regulations can also hinder investment and innovation in urban development. Many property developers have difficulty obtaining permits because the rules are not flexible in changing land functions based on development needs. Therefore, more adaptive regulatory updates are needed, while still considering the principles of sustainability and balance between development needs and environmental preservation. More flexible regulations will allow cities to develop in a more planned manner without sacrificing environmental aspects and community welfare.

One of the major challenges in implementing spatial planning is the low level of developer compliance with the established rules. Many developers prioritize economic gain over compliance with spatial planning regulations. One example that often occurs is the development of housing or commercial areas in areas that should be green spaces or water catchment areas. This often occurs due to weak supervision and a lack of incentives for developers to comply with applicable spatial planning regulations.

The lack of supervision is one of the main factors in the rampant uncontrolled land conversion. Many lands that were originally designated as green or agricultural areas have been converted into industrial or residential areas without going through a licensing process. This often happens because of the weak supervision system from the government, both at the central and regional levels. One of the real impacts of this lack of supervision is the increasing risk of environmental disasters such as floods and landslides due to the reduction of water catchment areas.

One of the main weaknesses in the spatial planning system in Indonesia is the weakness of law enforcement against spatial planning violations. Many cases of land conversion that are not by regulations are left without firm legal action. In fact, in some cases, spatial planning violations are legalized through regulatory changes that benefit certain parties. As a result, the public loses trust in spatial planning policies that should be the main guideline for sustainable development.

Efforts to Overcome Legal Constraints in Spatial Planning and Land Management

One of the main steps in overcoming legal challenges in spatial planning management is to simplify the procedures for preparing and revising spatial plans. Currently, many regions experience delays in spatial planning due to the long and bureaucratic revision process. This simplification can be done by accelerating the revision mechanism through the digitization of planning documents and the implementation of a periodic evaluation system so that spatial planning can be more responsive to social and economic developments. In addition, more flexible regulations that are still based on the principle of sustainability need to be implemented to accommodate the dynamics of urban areas that continue to develop.

Harmonization of regulations between the central and regional governments is also key to avoiding overlapping policies that often hinder the implementation of spatial planning. Currently, there are differences between national spatial planning policies and detailed spatial plans (RDTR) made by local governments, resulting in unclear implementation of development projects. Therefore, there needs to be more effective synchronization between central and regional policies by building closer consultation and coordination mechanisms. With this harmonization, urban spatial governance can be more effective and not disrupted by differences in policies between levels of government.

Increasing the role of spatial planning supervisory institutions is a strategic step in ensuring more effective policy implementation. Currently, many spatial planning policies

have failed to be implemented due to the weak supervisory function carried out by the government and related agencies. Therefore, it is necessary to strengthen supervisory institutions by increasing their authority and capacity in controlling the use of space. One way that can be implemented is to form a special task force tasked with carrying out periodic spatial monitoring and audits and has the authority to provide recommendations or legal action for violators of spatial planning regulations.

In addition to strengthening supervisory institutions, increasing the capacity of local governments to manage spatial planning is also an aspect that needs to be considered. Many local governments still experience limitations in terms of human resources and technology in implementing spatial planning policies. Therefore, training and technical assistance for local officials need to be carried out so that they have a better understanding of spatial planning and supervision. In addition, the application of information technology in spatial planning management, such as geographic information systems (GIS), can help local governments manage spatial data more accurately and efficiently.

Strengthening legal sanctions for violations of spatial planning is an important step in creating compliance with established spatial planning policies. Currently, many cases of spatial planning violations do not receive strict sanctions, thus creating a bad precedent in legal compliance. To overcome this, the government needs to apply more severe sanctions for violators, including higher fines, revocation of business licenses, and criminal penalties for serious violations such as illegal construction in protected areas. With stricter sanctions, it is desired that a deterrent effect can emerge that can prevent spatial planning violations in the future.

Community involvement in spatial planning supervision needs to be increased. The community is crucial in maintaining spatial planning so that it remains by the established plan. One way to increase public participation is to provide more transparent access to information regarding spatial planning policies so that the community can more easily report violations that occur in their environment. In addition, the formation of a citizen forum that works with the government in supervising the use of space can also be an effective solution to ensure that the spatial planning that has been designed is implemented by applicable regulations.

CONCLUSION

Problems in urban spatial planning management in Indonesia reflect bureaucratic complexity, overlapping regulations, and weak coordination between the central and regional governments. Ineffective spatial planning and implementation have led to legal uncertainty, uncontrolled land conversion, and increased conflict between the government, communities, and developers. Furthermore, weak supervision and lack of community involvement in spatial planning have exacerbated development inequality and environmental impacts. Therefore, policy reforms are needed that focus on simplifying procedures, harmonizing regulations, and strengthening institutions and law enforcement to create more integrated, sustainable spatial planning and provide legal certainty for all stakeholders.

Weak synergy between sectors, disharmony between the central and regional governments, rigid regulations, and low compliance and supervision of spatial planning are the main factors in the irregularity of urban development in Indonesia. As a result, various problems such as congestion, flooding, imbalanced population distribution, and uncontrolled land conversion are increasingly common. To address this, a more comprehensive spatial planning policy, effective cross-sector coordination, adaptive regulations, and stricter law enforcement are needed so that urban development can run in a focused and sustainable manner.

Increasing the effectiveness of spatial planning management requires simplifying spatial planning revision procedures, harmonizing regulations between central and regional governments, and strengthening supervisory institutions to ensure compliance with established policies. In addition, increasing the capacity of regional governments through training and the use of information technology, such as GIS, can support better spatial planning and supervision. Strengthening legal sanctions for violations of spatial planning and increasing community participation in supervision are also strategic steps to create a more orderly and sustainable spatial plan. With this more comprehensive approach, it is hoped that spatial planning management can run more effectively, and adaptively, and be able to answer the challenges of urban dynamics.

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