

Enforcement of spatial planning laws in controlling spatial use permits in Yogyakarta

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Article History

Submitted : 02-01-2024
Revised : 13-02-2024
Accepted : 07-04-2024
Published : 30-04-2024

Article Link

<https://journal.uny.ac.id/index.php/civics/article/view/70161>

Abstract

Space is an area that includes land space, sea space and air space, including space within the earth as a unified territory, where humans and other creatures live, carry out activities and maintain their survival. Increasing population growth has an impact on the economic development of the people of an autonomous region who will undoubtedly utilize space that is considered strategic to support their economic activities. The complexity of development growth in Indonesia requires priority development programs and plans in various aspects or fields, but this development must not conflict with the fifth principle of Pancasila, namely social justice for all Indonesian. There is no consistency in implementing regulations, especially in enforcing laws related to spatial planning, which results in inappropriate development growth which impacts the surrounding environment, and green open space becoming increasingly narrow.

Keywords: law enforcement, spatial planning, licensing control

Introduction

The government of the Republic of Indonesia has underscored the crucial role of spatial planning in national development. This planned, comprehensive, integrated, directed, gradual, and sustainable approach, which covers all aspects of life, is vital for maintaining environmental sustainability in a dynamic environmental system. Urban development, a key component of national development, must strike a balance between various interests, including those of the world and the hereafter, material and spiritual, soul and body, and individuals and society (Maheswari et al., 2016).

The city, as the center of the regional economy, plays a pivotal role in development. Its contribution to the fulfilment of the living needs of its citizens is significant (Bednarska-Olejniczak., 2019). However, this also gives rise to various problems. The growing population



and its implications for the city space are a cause for concern. In many cases, especially in developing countries, cities develop without control. The population continues to grow, the city space becomes more dense and of low quality, traffic becomes chaotic, greening is lacking, floods occur, and so on. In the face of these challenges, the need for law enforcement in spatial planning for sustainable development becomes increasingly urgent.

Spatial planning concerns all aspects of life, so people need access to the spatial planning process (Tedim et al., 2023). The basic concept of spatial planning law is contained in the preamble to the 1945 Constitution paragraph 4, which states, "To protect the entire Indonesian nation and all Indonesian bloodshed and to promote public welfare, educate the nation's life, and participate in implementing world order.'. Based on the 1945 Constitution of the Republic of Indonesia, it gives meaning, that "the right to control all natural resources of Indonesia, and gives the obligation to the state to use as much as possible for the prosperity of the people. Where the state controls all natural resources, these natural resources have economic value. In their use, they must be regulated and developed in a coordinated spatial pattern so that their management can be orderly and orderly. To realize this as stipulated in the 1945 Constitution, the government formed Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles known as UUPA. In the UUPA, Article 2 regulates and gives authority to the state as an organization of power following the mandate in Article 33, paragraph (3) of the 1945 Constitution. The Fourth Amendment states, "The earth, water, and natural resources contained therein are controlled by the state and used for the greatest possible prosperity of the people." The provisions of the article give "the right of control to the state over all natural resources in Indonesia and give the obligation to the state to use it as much as possible for the prosperity of the people." The sentence contains the meaning that the state has the authority to manage, take, and utilize natural resources for the implementation of the desired welfare (Ridwan & Sodik, 2023).

To be able to realize the country's goals as stipulated in Article 16 of the UUPA, which requires the government to plan the provision, designation, use, and utilization of the earth, water, space, and natural resources contained therein for the benefit of the nation and state and the interests of the people of the Indonesian nation. Based on Article 16 of the UUPA, the government made a Legislative Regulation, namely the Spatial Planning Law.

The general plan for land allocation must be based entirely on the soil's objective physical condition and the environment's state. Therefore, the general plan for land allocation at the central, provincial, and district/city levels should have similarities. The general plan for land supply is an effort to meet land needs for various developments, which is associated with the general plan for land allocation. Land supply for good development is based on the objective physical condition of the soil. The general plan for land development is an effort to fulfil land for existing development plans or programs. Thus, a general plan for new land use can be prepared after a development program, while preparing a general plan regarding land allocation and inventory can be completed on time. In Article 1 sub 10 of Law Number 26 of 2007 concerning Spatial Planning, it is stated that an urban area is an area that has the main non-agricultural activities with the arrangement of regional functions as an urban settlement, concentration, and distribution of government services, social services, and economic activities. The Government of the Republic of Indonesia has declared that national development is planned, comprehensive, integrated, directed, gradual, and sustainable by developing spatial planning in a dynamic environmental system and maintaining environmental sustainability. Urban development, which is part of national development, must be based on a balance between various interests, namely balance, harmony, and harmony between the interests of the world and the hereafter, material and spiritual, soul and body, and individuals and society (Shirazi & Keivani, 2019).

Spatial planning is a strategic activity that considers what can and must happen in regulating land use. A policy for carrying out this practice needs to be implemented—especially in a regional and strategic space. Land use and land management need to be planned so that

there is a strategic framework for the future. Decision-making related to the location around the distribution of land use activities. *It is now adopted in developed countries to address the issues that have come up due to urbanization problems as most urban environments are decaying rapidly. Hence, it plays a lead role in addressing the issues at various levels (Wapmera et al., 2015).*

As the centre of the regional economy, the city has a huge role in development, where its contribution to fulfilling the living needs of its citizens gives birth to various problems. The growing population and its implications for the city space are frightening for experts and environmentalists. Moreover, there are many incidents, especially in developing countries, where these cities develop without control. The population continues to grow; the city space is getting denser and of low quality, traffic is chaotic, greening is very lacking, floods occur, and so on. Generally, big cities experience many spatial planning problems, not only because cities have been built and grown naturally since the beginning but also because cities experience more rapid growth, which is usually consistently faster than the promulgated spatial planning concept because of the rapid pace of city development. The increase in the number of people every year results in a dense population in an area, impacting the increase in housing needs. It is the authority of the central and regional governments to carry out control, especially in spatial planning, and stricter licensing is needed to anticipate an increase in crises in spatial planning in an area.

The spatial planning law is regulated, and it is stated that the application for space use permits contained in the provincial Regional Spatial Planning (Rencana Tata Ruang Wilayah/RTRW in Indonesia) is a reference for space use permits both for provincial areas and for the application of permits for provincial strategic areas. Meanwhile, the Regency/City RTRW can be used as a guideline in determining the location and function of space for investment and is the basis for the issuance of development site permits at the Regency/City level. In addition to being the basis for determining the policy mentioned above, the Regency/City RTRW is used to issue principal permits, location permits, land use permits, Building Construction Permit (*Ijin Mendirikan Bangunan /IMB*), and other permits. For the benefit of these various permits, the availability of Detailed Spatial Plans (*Rencana Detail Tata Ruang/RDTR*) is the proper basis for control because, in the RDTR, the scale used is extensive, with various supporting data and very detailed studies. The unavailability of RDTR in various regions can undoubtedly have implications for the lack of precise basis/consideration in issuing a permit. In addition to RTRW and RDTR, one of the factors that still need to implement still needs to be implemented spatial control is the lack of comprehensive zoning regulations in each region. Zoning regulations are one of the instruments for controlling the use of space, whereas, in zoning, there are provisions that regulate the conditions for the use of space, in which the designation of each block/zone is determined by its designation. Zoning regulations are an essential part of controlling the use of space because zoning is the basis for providing incentives and disincentives, granting permits, and providing sanctions for regulation at the Regency/City level. Suppose data and regulations on the use and use of this space are yet to be available. In that case, land control and other policies to maintain environmental sustainability cannot be implemented.

There are obstacles in carrying out land control and spatial planning in an area as the spearhead to control the suitability of spatial planning directions with implementation in the field. This is because regional regulations that regulate the mechanism for controlling the use of space in detail have yet to be stipulated in the form of regional regulations. Some regions/regions that have prepared a mechanism to control the use of space are still in the form of normative regulations, so it is necessary to carry out a process of drafting and detailing regulations to be implementable and easy to apply in the field. In controlling the use of space, of course, supporting data is needed in the form of information systems and tools that make it easier for the government to control whether the location for which permits are applied for business/investment is following the regulations related to RTRW/RDTR that have been set. The limitations of supporting data, spatial data, and information systems often make it difficult

for field officers to control space use. The preparation of spatial data and information systems currently through One Single Submission/OSS promoted by the government faces various obstacles due to the ability and availability of data as well as regional conditions in each location, which are very different. For this reason, the acceleration of the preparation of the RDTR in order to prepare a detailed and accurate information system to control spatial planning is an urgent matter that must be fulfilled immediately by each region.

The dynamics of growth in urban areas that need to be appropriately managed can give rise to urban crises, such as inequality. Spatial planning is one of the policy instruments that can be used to overcome the crisis. One of the provinces in Indonesia that implements spatial planning policies is the Province of Yogyakarta. The Special Region of Yogyakarta is one of the regions in Indonesia that is given special privileges from the State of Indonesia in implementing affairs in the government. According to the 1945 Constitution regulating special affairs, it is stated that "Special Authority is a certain additional authority owned by the Special Region of Yogyakarta in addition to the authority as specified in the Law on Regional Government." The privilege in the government structure lies in the appointment of regional heads and regional representatives. Sri Sultan and Paku Alam are the holders of the throne, which will continue to be passed down to the next generation. Regional Heads and Deputy Regional Heads in Yogyakarta have the same authority and duties as other regions and are supplemented by implementing affairs in particular regions.

With the enactment of the Omnibus Law Number 11 of 2020 concerning Job Creation, where the laws and regulations cut the authority of local governments in spatial planning. Law Number 11 of 2020, concerning Job Creation, has the authority to arrange space in the hands of the central government. The central government carries out the implementation of spatial planning, as written in Article 9, paragraph 1 of the Job Creation Law, which was passed on Monday, October 5, 2020. The purpose of the government's spatial planning aspect is to order and control spatial planning in Indonesia. Meanwhile, in regional autonomy, spatial planning is carried out systematically for the benefit of the community, especially in the region itself. This has consequences for the enforcement of spatial planning law in the structural aspect of controlling permits, which will be the full authority of the central government, and there will be inequality between the central government and local governments.

The Job Creation Law will be able to have an interest in the use of spatial planning in the regions, not the same and not in harmony, even contrary to the national spatial plan, the provincial spatial plan, and the spatial plan of the surrounding area, Special Province of Yogyakarta has a policy regulated in Law number 13 of 2013 concerning the privileges of Yogyakarta stating "There are five divisions that can be regulated autonomously by Special Province of Yogyakarta. The five domains are regulated in regional regulations called PERDAIS (Special Regional Regulation)." This can be used as spatial planning as one of the points of privilege substance, Special Province of Yogyakarta spatial planning has the opportunity to be strengthened following local characters; the purpose of spatial planning is to restore, improve, develop, and make the value and use of Special Province of Yogyakarta space. The preparation of the spatial planning draft refers to Law No. 26 of 2007 concerning spatial planning. Thus, the spatial plan (RTR) preparation will follow the levels stated in the law. The spatial planning policy of Yogyakarta Province has long referred to local wisdom. Law Number 13 of 2012 concerning Special Province of Yogyakarta Privileges has implications for strengthening spatial planning policies. Special Province of Yogyakarta spatial arrangement within the framework of privileges serves to solve the existing urban crisis. Law enforcement in the form of controlling the use of space must be followed up with the enactment of regional regulations as an implication of regional authority. In order to achieve the goal of implementing spatial planning, the provincial government of the Special Region of Yogyakarta has carried out the preparation and determination of Regional Regulation (PERDA) Number 5 of 2019 concerning the Provincial Spatial Plan (RTRWP) of the Special Region of Yogyakarta for 2019-2039, which contains

1. objectives, scope, policies, and strategies for spatial planning;
2. spatial structure plan;
3. spatial pattern plan;
4. determination of provincial strategic areas;
5. directions for the use of provincial space;
6. directions for the Control of the Utilization of Provincial Space.

Control and law enforcement were carried out by the Special Region Government of Yogyakarta, which has received delegation in spatial control. Spatial planning as a process in the implementation of space utilization control refers to the provisions of spatial planning in Law Number 26 of 2007 Spatial Planning is also equipped with various implementing regulations, such as Government Regulation Number 15 of 2010, concerning the Implementation of Spatial Planning. The existence of the Job Creation Law will impact the authority of local governments in carrying out law enforcement related to the control of spatial planning permits in the DIY area.

The speed of uncontrolled commercial building development in Yogyakarta will cause many negative impacts. The construction of commercial buildings and vertical buildings/hotels in Yogyakarta impacts the increasingly dense city area. In addition, traffic conditions are affected by the uncontrolled development, and many social problems arise from the pace of hotel construction in Yogyakarta. For spatial arrangements related to the establishment of buildings, the Yogyakarta city government has a moratorium on issuing hotel construction permits. This policy has been regulated through Yogyakarta Mayor Regulation Number 111 of 2019. Three considerations exist in extending the moratorium on new hotel construction permits. The local government wants to keep the development of the hotel industry in Yogyakarta conducive, considering the condition of transportation infrastructure in Yogyakarta City that needs to be improved and the importance of environmental consolidation (Dinnata, 2020).

With various problems in the implementation of spatial planning, primarily related to law enforcement in terms of controlling spatial planning in the Special Region of Yogyakarta due to various things, including the dominance of sectoral policies, primarily related to licensing based on specific interests in each sector, inconsistency between city/district, provincial, and national spatial planning, low community participation in spatial planning, to development planning that is not following spatial planning or even without being accompanied by a comprehensive spatial plan. On the other hand, the weak aspect of law enforcement is one of the causes of spatial planning violations. This fact illustrates that the Spatial Planning Law has not been able to improve spatial planning in the Special Region of Yogyakarta.

Therefore, spatial planning in the Special Region of Yogyakarta, especially in the enforcement of the law on the control of spatial planning permits, where Special Province of Yogyakarta has special arrangements as stipulated in Special Regional Regulation No. 2 of 2017 concerning Special Regional Regulations on Spatial Planning of Sultanate Land and Duchy Land must be able to show continuity between the legal structure, legal substance and legal culture of spatial planning utilization, in controlling licensing in the Special Region of Yogyakarta, because it has a policy based on the values of the Special Region of Yogyakarta.

Method

This research incorporates qualitative studies, employing a socio-legal approach to examine the legal work process at its formulation and implementation levels against social, cultural, economic, and political dynamics. Essentially, socio-legal studies aim to capture the law amidst the dynamics of social life in a broad context (Marzuki, 2013). Instead of starting with a theory, this research focuses on the social realities that envelop the process of legal work, processing, analyzing, and interpreting them to reconstruct a theoretical framework (theory)

of spatial law. It questions the effectiveness of the rule of law in socio-legal research, probing into its compliance, implementation, and influence on and by various social issues. Here, the law assumes the role of a bound variable, with non-legal factors impacting the law treated as independent variables. The goal is to depict and comprehend the reality encountered, recording and analyzing every event or reality to unearth its connections. This research goes beyond merely documenting the explicit workings of the legal structure, delving into the implicit meanings behind the substance of spatial planning law and the phenomenon underlying these facts. The study's data comprises social and legal phenomena, so qualitative research emerges as the most suitable approach.

Consequently, the methodological steps in this study include organizing and developing study elements, purposefully selecting informants and respondents based on the required data, and leveraging the researcher as the primary research instrument. This means that the researcher's personal experiences, biases, and interpretations play a significant role in shaping the research process and outcomes. The data collection technique involves interviews, bolstered by documentation. Secondary data comes from official documents, such as meeting minutes, socialization activities, and other critical documents. Data collection will rely on interview techniques and documentation study, the latter of which aids in gathering secondary data through various literature, including international agreements, books, journals, articles, reports from previous research, and documents relevant to the topic under investigation.

Result and Discussion

Regulation in spatial arrangement at the regional level, spatial planning refers to autonomous regulations. Regulations related to spatial planning and spatial law enforcement are the product of activity in conducting spatial planning in order to function to regulate, control, and prevent conflicts in carrying out the process of spatial utilization and planning. The depletion and utilization of space in Indonesia today is increasingly critical, especially in urban areas, which impacts the environmental conditions in an increasingly critical area. The urgency and significance of spatial planning for environmental sustainability cannot be overstated. A spatial planning process that is not in line with the Spatial Data Collection Law to have an impact on an irregularity or even contrary to the spatial planning of the National Region, Provincial, and Regency/City Areas.

Problems in implementing spatial planning in national, provincial, and regency/city areas occur often, especially in urban areas. The cause is a violation in the spatial arrangement itself and law enforcement, especially law enforcement, with the imposition of sanctions for violators. Regional spatial planning is one of the problems in the development of today's cities. The development of cities that are pretty fast with rapid population growth is also a problem, so environmental problems are urgent in discussing environmental sustainability for future generations. The importance of regional regulations in spatial planning cannot be overstated, as they provide the necessary guidelines and references for the implementation of development. Spatial planning is essential, so each province, city/regency must have rules that will be guidelines in spatial planning and become a reference in the implementation of development (Saleh & Hanafi, 2015).

Article 33, paragraph (3) of the 1945 Constitution of the Republic of Indonesia, has provided clear boundaries for the entire area consisting of space that is the state's sovereignty to be used as much as possible for the prosperity and welfare of the people. The importance of controlling the use of space as a state asset causes the need for a legal basis, in this case, spatial planning regulation. To realize this mandate, Law Number 26 of 2007 concerning Spatial Planning was formed, the implementation of which is carried out by the central and regional governments while still respecting the rights owned by everyone. Regional authority in spatial planning is increasingly important, especially with the enactment of Law Number 23 of 2014 concerning Regional Government. Law Number 26 of 2007 concerning Spatial Planning will be effective and highly dependent on law enforcement and control of space utilization. As an implication of the enactment of Law Number 26 of 2007 concerning Spatial Planning, an

implementing regulation has been formed, namely Government Regulation (PP) Number 21 of 2021 concerning the Implementation of Spatial Planning. In controlling the use of space, the government and local governments have been given authority following the regulations in Law Number 26 of 2007 concerning Spatial Planning. With this authority, the local government has the right to control and regulate spatial planning for all forms of development activities in order to achieve public interest without ignoring private interests. In consideration considering letter b of Law Number 26 of 2007 concerning Spatial Planning, the development of national and international situations and conditions requires the enforcement of the principles of integration, sustainability, democracy, legal certainty, and justice in the context of the implementation of good spatial planning following the ideal foundation of Pancasila (Mertokusumo, 2009).

The implications of law enforcement in the form of controlling the use of space must be followed up with the enactment of Regional Regulations as an implication of the origin of regional authority. In order to achieve the goal of implementing spatial planning, Regional Regulation Number 5 of 2019 concerning the Spatial Plan of the Province of the Special Region of Yogyakarta is a mandate from Law number 13 of 2013 concerning the privileges of Yogyakarta which states, "There are five divisions that can be regulated autonomously by DIY, the five domains are regulated in regional regulations called PERDAIS (Special Regional Regulations)." This can be used as spatial planning, one of the points of privilege substance. DIY spatial planning can be strengthened following local characteristics, while the purpose of spatial planning is to restore, improve, develop, and make value and use of DIY space.

The Government of the Special Province of Yogyakarta in realizing the privileges of Yogyakarta, especially the privileges that become the entire area of the Special Province of Yogyakarta, is inseparable from the role of Regional Regulation Number 5 of 2019 concerning the Spatial Plan of the Province of the Special Region of Yogyakarta which regulates the implementation of spatial planning in Yogyakarta which covers various aspects where these aspects greatly determine the quality of the implementation of spatial planning in DIY.

Important points related to the implementation contained in Regional Regulations Number 5 of 2019, which has the goal of realizing, which is world-class educational, cultural, and tourist destination centers by prioritizing the integration of development between sectors based on disaster mitigation, Special Province of Yogyakarta spatial planning specialties, and the environment through quality and sustainable spatial planning. The spatial arrangement must also include integrated spatial planning of the national, provincial, and regional areas. Integration in spatial and regional planning, as regulated in Law No. 26 of 2007, concerning spatial planning, the general plan, and detailed spatial plan (RDTR), has been promulgated. A spatial plan with a scale of 1: 100,000 will later be used as a reference in making RTRW regulations in each district and city.

The imposition of sanctions for violators in spatial planning in Indonesian territory through administrative law enforcement, criminal law enforcement, and spatial planning settlement. However, since the enactment of Law Number 11 of 2020 concerning Job Creation in enforcing Law against violators, it is more about administrative law enforcement.

Three groups of acts can be subject to administrative sanctions. The first is not to comply with the Spatial Plan so that it causes changes in the function of the space. The second needs to comply with the provisions on the use of space in the Spatial Plan. Finally, administrative sanctions can also be imposed on anyone who obstructs access to an area declared public property. Article 193 of Government Regulation No. 21/2021 states that the imposition of administrative sanctions is carried out based on four things, namely based on the results of the assessment of the implementation of the provisions of the Conformity of Space Utilization Activities, the results of the supervision of spatial planning, the results of the Spatial Planning Audit and complaints of violations of spatial planning. Judging from this provision, Spatial Planning Audit plays a vital role in law enforcement, especially administrative law enforcement.

The legal substance of spatial planning law enforcement at the regional level is in accordance with national regulations. Regulations in spatial planning at the regional level refer to autonomous regulations. Regulations related to spatial planning and enforcement of spatial planning laws are the product of an activity in carrying out spatial planning so that it functions to regulate, control and prevent conflicts in carrying out the process of utilizing and arranging space. Conditions in the planning and utilization of space in Indonesia are currently increasingly critical, especially in urban areas. This has an impact on environmental conditions in an area which is increasingly critical. A spatial planning process that is not in line with the spatial data collection law will result in a deviation from or even conflict with the national, provincial and district/city spatial planning plans.

There are many problems in the process of implementing spatial planning in a region, whether national, provincial or district/city, especially in urban areas. Regional authority in spatial planning is increasingly important, especially with the enactment of Law Number 23 of 2014 concerning Regional Government. Law Number 26 of 2007 concerning Spatial Planning will be effective and relies heavily on law enforcement and control of space use. As an implication of the enactment of Law Number 26 of 2007 concerning Spatial Planning, implementing regulations have been formed, namely Government Regulation (PP) Number 21 of 2021 concerning the implementation of spatial planning.

In controlling the use of space, the state and regional governments have been given authority in accordance with the regulations in Law Number 26 of 2007 concerning Spatial Planning. With this authority, regional governments have the right to control and regulate spatial planning for all forms of development activities, to achieve public interest without ignoring personal interests. In consideration of letter b of Law Number 26 of 2007 concerning Spatial Planning, the development of national and international situations and conditions requires the upholding of the principles of integration, sustainability, democracy, legal certainty and justice in the context of implementing good spatial planning in accordance with the ideal foundations of Pancasila

In realizing the specialties of the region, the government of Yogyakarta which constitute the entire territory of the Special Region of Yogyakarta Province, cannot be separated from the role of local regulation Number 5 of 2019 concerning Regional Spatial Planning for the Special Region of Yogyakarta Province which regulates the implementation of spatial planning in terms of various aspects. These aspects determine the quality of implementing spatial planning in the region. The implementation of spatial planning law enforcement is related to controlling spatial planning permits from the legal structure aspect in Yogyakarta. Law enforcement is an effort made to implement a rule. The main aim of law is to create an orderly society, to create order and balance.

The process of law enforcement for violations of spatial use is very important in the revitalization of spatial planning maps. Laws contain values or a concept which is all about justice, truth and social benefit. Law enforcement is the concrete implementation of the law in people's daily lives. Law enforcement is an effort to make legal ideas and concepts that the people expect come true. Law enforcement is a process that involves many things. In a country, the legal supervision of government actions is intended to ensure that the government carries out its activities in accordance with legal norms as a preventive measure.

According to Mertokusumo (2019), laws must be implemented and enforced. Law enforcement according to Notitle Handhaving Milieurecht 1981 is the supervision and implementation of the use of administrative, criminal or civil instruments. The main problem with law enforcement lies in the factors that influence it. These factors include legal factors in law, i.e., law enforcement factors, facility, community, and cultural factors. In spatial planning, the law enforcement efforts implemented are related to the implementation of space utilization control. In the Article 35 of Law Number 26 of 2007, the control of space utilization is carried out through the Determination of Zoning Regulations. Essentially, a space is a part of the earth's

surface, both water and land, which provides facts that are very necessary for regional development planning.

Friedman said that legal culture is a human's attitude towards the law. Soekanto, quoting Roscoe Pound's opinion, said that in essence, discretion is between law and morals. Law enforcement efforts carried out based on culture need a basis of justice which is very important. Law enforcement is aimed at improving order and legal certainty in society. There has been a change in legal views as explained by Tamanaha (2017), that what has changed is that:

“What has changed that is that, previously non instrumental views of law still substantially held sway, at least among the legal elite (judges, scholars, and leaders of the bar), whereas presently the entire legal culture has come over to a consummately instrumental view. Now instrumentalism permeates every aspect of law. Remaining non-instrumental understandings of and approaches to law continue to circulate, but they have been shunted to the margins as the instrumental view sweeps through the legal culture.”

Every action carried out by anyone, especially actions related to law, is formulated and accepted as legal culture. Legal norms are only one part of legal life. In Indonesia, regions have highly vital local wisdom which contains sustainability and balance, especially in the management of natural and human resources. As explained by Hoecke (1985) that:

“Defining legal traditions or cultures by demarcating them from one another, has, in the Western binary thinking, led to a sometimes rather strict separation, which, in its turn, has led to the ‘separation thesis’ that denies the possibility of intercultural communication, let alone integration. The separation approach to (legal) cultures is, according to Glenn, largely a typical Western construction of reality, not something which would be ‘naturally’ or sociologically given. This approach leads to ontological claims as to typical characteristics of those cultures and as to unbridgeable differences when comparing them”.

Yogyakarta is one of the regions in Indonesia that is given special privileges from the Indonesian State in administering government affairs. The specialty in the government structure lies in the appointment of regional heads and regional deputies. Sri Sultan and Paku Alam are the holders of the throne, and the throne will continue to be passed down to the next generation. The Regional Heads and Deputy Regional Heads in Yogyakarta have the same authority and duties as other regions and are supplemented by administering affairs in special regions. Spatial planning is a plan to reorganize abandoned or poor spatial planning systems into good and useful for the people living in the area and RDTR regarding strategic areas of sultanate land and strategic areas of sultanate land and areas, among the areas that will be determined for strategic areas is the area. Rahardjo explains that where there is society, there is law. When legal culture is ignored, it is certain that the modern legal system will fail. Legal culture is not a personal culture but a comprehensive culture in a particular society as a unity of attitudes and behavior.

Conclusion

The law enforcement in spatial planning, i.e., in licensing, is still weak, especially in imposing sanctions. The Special Region of Yogyakarta has special authority to carry out this regional spatial planning arrangements. With the issuance of Special Regional Regulations regarding the regulation of regional spatial planning, it is hoped that it can provide prosperity to the community and fulfil their rights so that they can run well, even though in reality they have not been able to run well. In Yogyakarta, there is still a lot of development, especially in urban areas, which is not based on applicable laws and regulations, including the irregular construction of malls and hotels. Legal culture has a great influence in coloring the laws of a nation because legal substance and legal structure are influenced by their existence by legal culture. To improve the legal system, it is necessary to improve the legal culture, and not ignore improvements to the legal structure and legal substance.

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Peraturan Daerah Nomor 5 Tahun 2019 tentang Rencana Tata Ruang Wilayah Daerah Istimewa Yogyakarta Tahun 2019 – 2039