

Spatial Synchronization and Territorial Planning Policies between Regions and National Spatial Planning

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Abstract. This study aims to determine whether the spatial and regional policies in the regions are in sync with the national spatial planning arrangements. The method used in this research is using a normative juridical research method, with the main data being secondary data in the form of documents related to regional spatial planning policies in the region, then the data is analyzed by qualitative analysis by providing an interpretation of the data that has been collected. The results show that the regional policy of Demak Regency in spatial planning as outlined in the form of a regional regulation with the aim of realizing regional space based on superior agricultural and industrial sectors, supported by the service trade and tourism sectors that are environmentally sustainable, refers to the Act. Number 6 of 2007, and Act No. 11 of 2020 concerning Job Goals, Government Regulation number 26 of 2008. The Regional Regulation on RT/RW regulates, among others: a) spatial planning policy, b) spatial planning strategy, c) spatial structure plan, d) spatial pattern plan, e) determination of strategic areas, f) spatial utilization direction, g) spatial utilization control direction, h) rights, obligations and roles of the community, i) institutions, thus the policy for structuring spatial planning in the sub-region is in sync with the structuring of national spatial plans

Keywords: Synchronization; Regional and National; Spatial; Planning Policies.

1. Introduction

Lawrence M. Friedman said that in the 20th century the state was generally called a "Welfare State", because so large a state regulates welfare, the intervention of a government in the welfare state covers various aspects of the economy, finance, security, even telecommunications and transformation as well as banking. This is a typical form of the State in the 20th century called the "Welfare State", or more broadly a welfare regulatory state.¹

The embodiment of the goals of the welfare state in Indonesia is set forth in the National Goals contained in the Preamble to the 1945 Constitution of the Republic of Indonesia. These national goals are realized through a series of national developments as regulated in Act No. 17 of 2007 concerning Long-Term Development. National is a series of sustainable development efforts that cover all aspects of the life of the community, nation and state, to carry out the task of realizing national goals as formulated in the Preamble to the 1945 Constitution of the Republic of Indonesia. From the state objectives as stated in the Fourth Paragraph of the Preamble to the

¹ Lawrence M. Friedman, *Legal Culture and the Welfare State*, in Gunther Teubner, *Dilemma of Law in the Welfare State*, (New York, Walter de Gruyter, 1986), p. 12. See Djauhari, *Politik Hukum Negara Kesejahteraan Indonesia, Studi Tentang kebijakan Regulasi dan Instutusionalisasi Gagasan Kesejahteraan Ekonomi Masyarakat Nelayan di Jawa Tengah*, Unissula Press, Semarang, 2008, p. 40.

1945 Constitution of the Republic of Indonesia, it can be identified that Indonesia is a legal state that adheres to the concept of a welfare state (welfare state).²

This series of development efforts contains development activities that take place without stopping, by raising the level of community welfare from generation to generation. The implementation of these efforts is carried out in the context of meeting the needs of the present without compromising the ability of future generations to meet their needs.

The 2005-2025 National Long-Term Development is a continuation of the previous development to achieve the development goals as mandated in the Preamble to the 1945 Constitution of the Republic of Indonesia. Therefore, in the next 20 years, it is very important and urgent for the Indonesian people to carry out realignment various steps, including in the field of natural resource management, human resources, the environment and its institutions so that the Indonesian nation can catch up and have an equal position and strong competitiveness in the association of the international community.

The directions, stages and priorities of long-term development for 2005-2025 are contained in the attachment of Act No. 17 of 2007, Chapter IV that in order to realize a more equitable and just development, among others, through regional development, it is carried out by taking into account the potential and opportunities of superior land resources and/or land resources or sea in each region, and taking into account the principles of sustainable development and environmental carrying capacity. The main objective of regional development is to improve the quality of life and welfare of the community and its distribution. The implementation of regional development is carried out in a planned and integrated manner with all sector and sector development plans. Spatial planning is used as a special policy reference for development in each sector, across sectors, and regions so that the use of space can be synergistic,

With regard to spatial planning, the state has issued Act No. 26 of 2007 concerning Spatial Planning, in one of the considerations that the law was issued is that the territorial space of the Unitary State of the Republic of Indonesia, which is an archipelagic state characterized by the archipelago, both as a unitary container which includes land space, sea space, and air space, including space within the earth, as well as a resource, it is necessary to improve its management efforts in a wise, efficient, and effective manner by referring to the rules of spatial planning so that the quality of national territorial space can be maintained in its sustainability for the realization of general welfare and social justice in accordance with the constitutional basis of the 1945 Constitution of the Republic of Indonesia;

The general provisions of Article 1 paragraph (1) of Act No. 26 of 2007 and Article 1 paragraph (1) of Act No. 11 of 2020 concerning work goals state that space is a container that includes land space, sea space, and air space, including space inside the earth as a unitary area, where humans and other creatures live, carry out activities, and maintain their survival. Article 3 states that the implementation of spatial planning

² Novita Ilmaris and Arpangi, "Reform of Bureau of Public Services in Framework of Prevention & Eradication of Corruption in Indonesia" in Law Development Journal Volume 2 Issue 4, December 2020 <http://jurnal.unissula.ac.id/index.php/ldj/article/view/15351>, p.638

aims to create a safe, comfortable, productive, and sustainable national space based on the Archipelagic Insight and National Resilience by:

- the realization of harmony between the natural environment and the artificial environment;
- the realization of integration in the use of natural resources and artificial resources with due regard to human resources;
- the realization of the protection of the function of space and the prevention of negative impacts on the environment due to the use of space.

Article 11 regulates the Authority of Regency/Municipal Governments, paragraph (1) explains that the authorities of Regency/City regional governments in the implementation of spatial planning include:

- setting, fostering, and supervising the implementation of spatial planning for regencies/municipalities and strategic areas for regencies/municipalities;
- implementation of spatial planning for regency/municipal areas;
- implementation of spatial planning for strategic regency/city areas; and
- co-operation in spatial planning between regencys/cities.

Further implementation of Act No. 26 of 2006 namely Government Regulation Number 26 of 2008 concerning National Spatial Planning, the two regulations explain the mechanism for regulating spatial planning by the provisions below, namely in the Province area it is regulated by a Provincial Regional Law and for the Regency/City area regulated by regency/city regulations. Demak Regency as one of the autonomous regions has the authority to regulate, foster and supervise the spatial planning of the regency area and strategic regency area.

This paper is important to find out whether the Demak regency already has a policy on spatial planning and wilayah, this is based on the results of research in a dissertation which one of the conclusions: that is a strategy for using space for the regency/city area based on Act No. 26 of 2007 and Government Regulation Number 26 of 2008, because the legislation does not regulate the regional obligation to formulate detailed spatial plans in a regional regulation, the formulation of detailed regional spatial plans is not a priority for local governments.³

Normative legal research with the type of synchronization of laws and regulations aims to determine the suitability of the substance contained in that one regulation, there are two types, namely the level of vertical and horizontal synchronization.⁴ In this paper, the type used is vertical synchronization, which will discuss the synchronization of laws and regulations at the central level with regional regulations in Demak Regency.

Based on the description above, the problem in this paper is whether the local government already has a policy on spatial and regional planning in Demak regency that is in sync with the spatial and regional arrangement of the central government.

³ Haris Budiman, *Rekonstruksi Kebijakan daerah Di Bidang tata Ruang Untuk Meningkatkan Kesejahteraan Masyarakat*, Dissertation, Doctoral Program in Law, Faculty of Law, Sultan Agung Islamic University, Semarang, 2019, p.386.

⁴ Irwansyah, *Penelitian Hukum, Pilihan Metode & Praktik Penulisan Artikel*, Mira Buana Media, Yogyakarta, 2020, p.117

Want to know what work programs will be carried out within the framework of regional spatial planning in Demak regency?

2. Research Method

Normative legal research with the synchronization type of legislation aims to determine the suitability of the substance contained in that one regulation, there are two types, namely the vertical and horizontal synchronization levels.⁵ In this paper, the type used is vertical synchronization, which will discuss the synchronization of spatial planning regulations and regional areas of Demak Regency with national spatial planning arrangements.

The method used in this paper is a normative juridical approach, which in essence is an approach using a basis in the form of legal provisions and regulations to analyze the problems contained in scientific writing.⁶ In normative legal research, written law is studied in various aspects such as aspects of theory, philosophy, comparison, structure or composition, formalities, general explanations and explanations of articles, formalities and binding power of a law and the language used is legal language, thus normative legal research is not synonymous with statutory research alone.⁷ In this paper, we will limit the study to the study of whether the substance of the legislation at the regional level, namely the Demak regency, is related to spatial planning policies and the areas of national spatial planning policies.

3. Results and Discussion

3.1. National Spatial Planning Policy

Attachment to Act No. 17 of 2007, Chapter II on general conditions related to spatial planning states that Indonesia's spatial planning is currently in a state of crisis. Spatial planning crisis occurs because development carried out in an area is still often carried out without following the spatial plan, does not consider the sustainability and carrying capacity of the environment, and does not pay attention to the vulnerability of the area to natural disasters. Furthermore, in Chapter IV concerning the direction of development in terms of realizing a more equitable and just development between through regional development, it is carried out by taking into account the potential and opportunities for superior land and/or sea resources in each region, and taking into account the principles of sustainable development and environmental carrying capacity. The main objective of regional development is to improve the quality of life and welfare of the community and its distribution. The implementation of regional development is carried out in a planned and integrated manner with all sector and sector development plans. The development plan is elaborated and synchronized into a consistent spatial plan, both in terms of material and timeframe.

Spatial planning in Indonesia has been regulated in Act No. 26 of 2007 concerning Spatial Planning, in its considerations, among others it is stated: a) that the territorial

⁵ Ibid, p.117

⁶ Hadari Nawawi, *Metode Penelitian Bidang Sosial*, Gadjah Mada University Press, Yogyakarta, 1985, p. 36.

⁷ Irwansyah, op cit, p. 99.

space of the Unitary State of the Republic of Indonesia, which is an archipelagic state, has the characteristics of an archipelago, both as a unitary container which includes land space, sea space, and air space, including space within the earth, as well as a resource, it is necessary to improve its management efforts in a wise, efficient, and effective manner by referring to the rules of spatial planning so that the quality of national territory space can be maintained in its sustainability for the realization of general welfare and social justice in accordance with on the constitutional basis of the 1945 Constitution of the Republic of Indonesia; b) that the development of national and international situations and conditions requires the enforcement of the principle of cohesion, sustainability, democracy, legal certainty, and justice in the framework of implementing good spatial planning in accordance with the ideal basis of Pancasila; c) that in order to strengthen National Resilience based on the Archipelago Insight and in line with the regional autonomy policy which gives greater authority to regional governments in the implementation of spatial planning, this authority needs to be regulated in order to maintain harmony and integration between regions and between the center and regions so as not to cause disparities between regions; d) that the existence of limited space and the growing public understanding of the importance of spatial planning so that transparent, effective, and participatory spatial planning is needed in order to realize a safe, comfortable, productive, and sustainable space.

Article 1 paragraph (1) of Act No. 26 of 2007 says that space is a container that includes land space, sea space, and air space, including space within the earth as a territorial unit, where humans and other creatures live, carry out activities, and maintain the continuity of life. The principles in spatial planning can be seen in the general explanation as follows:

- The principle of "integration" is that spatial planning is carried out by integrating various interests that are cross-sectoral, cross-regional, and cross-stakeholder. Stakeholders, among others, are the government, local government, and the community.
- The principle of "harmony, harmony and balance" is that spatial planning is carried out by realizing harmony between spatial structure and spatial patterns, harmony between human life and the environment, balance of growth and development between regions and between urban areas and rural areas.
- What is meant by "sustainability" is that spatial planning is carried out by ensuring the preservation and continuity of the environmental carrying capacity and capacity by taking into account the interests of future generations.
- The principle of "usability and usability" is that spatial planning is carried out by optimizing the benefits of space and the resources contained therein and ensuring the realization of quality spatial planning.
- The principle of "openness" is that spatial planning is carried out by providing the widest possible access to the public to obtain information related to spatial planning.
- The principle of "togetherness and partnership" is that spatial planning is carried out by involving all stakeholders.
- The principle of "protection of the public interest" is that spatial planning is carried out by prioritizing the interests of the community.

- The principle of "legal certainty and justice" is that spatial planning is carried out on the basis of laws/statutory provisions and that spatial planning is carried out by taking into account the community's sense of justice and protecting the rights and obligations of all parties fairly with guaranteed legal certainty.
- The principle of "accountability" is that the implementation of spatial planning can be accounted for, both in terms of process, financing, and results.

The implementation of spatial planning aims to realize a safe, comfortable, productive, and sustainable national space based on the Archipelago Insight and National Resilience by:

- the realization of harmony between the natural environment and the artificial environment;
- the realization of integration in the use of natural resources and artificial resources with due regard to human resources; and
- the realization of the protection of the function of space and the prevention of negative impacts on the environment due to the use of space.

What is meant by "safe" is a situation where the community can carry out their life activities by being protected from various threats. What is meant by "comfortable" is the condition of the community being able to articulate socio-cultural values and functions in a calm and peaceful atmosphere. What is meant by "productive" is that the production and distribution process runs efficiently so as to be able to provide added economic value for the welfare of the community, while at the same time increasing competitiveness. What is meant by "sustainable" is that the condition of the quality of the physical environment can be maintained and even improved, including the anticipation to develop an economic orientation of the region after the exhaustion of non-renewable natural resources.

Spatial Planning according to Act No. 26 of 2007 stipulates that spatial planning is as follows:

- Spatial planning is carried out to produce: general spatial plan; and detailed spatial plans.
- The general spatial plan hierarchically consists of: National Spatial Plan; provincial spatial plan; and regency spatial plans and city spatial plans.
- Detailed upper spatial plan: island/archipelagic spatial plan and national strategic area spatial plan; provincial strategic area spatial plan; and a detailed regency/city spatial layout plan and a regency/city strategic area spatial plan.
- A detailed spatial plan is prepared as an operational tool for the general spatial plan.
- A detailed spatial plan is prepared if: the general spatial planning plan cannot yet be used as the basis for implementing space utilization and controlling space utilization; and/or The general spatial plan covers a large planning area and the scale of the map in the general spatial plan requires details before being operationalized.
- Detailed spatial plans are used as the basis for the preparation of zoning regulations.

Further provisions regarding the level of accuracy of spatial planning maps are regulated by government regulation number 26 of 2008 concerning the national

Spatial Plan. Among other things, it regulates the National Regional Spatial Plan, the provincial spatial layout plan, and the regency/city regional spatial plan covering land space, sea space and air space, including space within the earth.

Basically, to plan and control spatial planning, two principles can be used, namely:⁸ identify and formulate the various functions that must be carried out at the regional and local levels; and determine the national policy framework in which various development problems will be solved at appropriate levels or hierarchies at national, regional and local levels. Thus the spatial planning will produce a spatial plan to provide an overview of the space where, for what activities and when.⁹

Spatial planning includes spatial planning for the National, Provincial and Regency/City areas. Regency Spatial Planning, refers to: National Spatial Plan and Provincial Spatial Planning; guidelines and instructions for the implementation of spatial planning; and regional long-term development plans.

3.2. Regional Spatial Planning Policy for the Demak Regency.

Article 18 of the Constitution of the Republic of Indonesia, among other things, states that: The provincial, regency and city governments regulate and manage their own government affairs according to the principles of autonomy and assistance tasks. Based on the article, regional governments, both provinces, regencys and cities, are authorized to administer government affairs based on autonomy. Regional autonomy is the essence of local government with a decentralized system, autonomy comes from the ancient Greek words *autos* which means self and *nomos* which means law.¹⁰ The right to self-government as the foundation of the people in a unitary state is nothing but autonomy, namely the right to regulate one's own household.¹¹

Authority in the big Indonesian dictionary comes from the word "authority" is an object that gets a prefix and a suffix from the word authority, namely authority and authority, in this case both have the same meaning, namely: 1) the right and the power to act (authority), 2) the power to make decisions, govern, and delegate responsibility to others, 3) rights, functions that may not be carried out.¹² Prajudi Atmosudirdjo defines that authority (*gezag*) is a formal power that comes from legislative power/given by law, or from executive/administrative power, while authority (*competence, bevoegdheid*) is the power to take an action.¹³

The regency government as one of the autonomous regions has the authority that comes from Act No. 26 of 2007, related to the spatial planning authority, it is regulated in Article 11 that:

- the authority of the regency/city government in the implementation of spatial planning includes:

⁸Seotomo, *Strategi Pembangunan Masyarakat*, Pustaka Pelajar, Yogyakarta, 2006, p. 262

⁹M Daud Silalahi, *Hukum Lingkungan Dalam Sistem Penegakan Hukum Lingkungan Indonesia*, Alimni, Bandung, 2001, p. 80

¹⁰ Sri Kusriyah, *Politik Hukum Desentralisasi & Otonomi daerah Dalam Perspektif Negara Kesatuan Republik Indonesia*, Unissula Press, Semarang, 2019, p.28.

¹¹Ni'matul Huda, *Hukum Tata Negara, Edisi Revisi*, Radja Grafindo Persada, Jakarta, p. 307.

¹²Asmaeny Azis, Izlindawati, *Constitutional complaint&Constitutional question Dalam Negara HUKUM*, Kencana, Jakarta, 2018, p. 46

¹³Ibid, p. 47.

- setting, fostering, and supervising the implementation of spatial planning for regencies/municipalities and strategic areas for regencies/municipalities;
- implementation of spatial planning for regency/municipal areas;
- implementation of spatial management of strategic regency/city areas; and
- co-operation in spatial planning between regencys/cities.
- The authority of the regency/city government in implementing regional spatial planning regencys/cities, including:
 - regency/municipal spatial planning;
 - utilization of regency/city area space; and
 - controlling the utilization of the regency/municipal space.
- In the implementation of spatial planning for regency/city strategic areas
 - determination of regency/city strategic areas;
 - regency/city strategic spatial planning;
 - utilization of regency/city strategic area space; and
 - control of spatial utilization of regency/municipal strategic areas.
- In carrying out its authority, regency/city local governments refer to: guidelines for spatial planning and implementation instructions.
- In the exercise of authority, regency/city local governments:
 - disseminate information related to general plans and detailed governance plans rinci
 - space in the framework of implementing regency/municipal spatial planning;
 - implement minimum service standards in the field of spatial planning.

In the event that the regency/city government cannot meet the minimum service standards in the field of spatial planning, the provincial government may take steps to resolve it in accordance with the provisions of the legislation.

The government provides guidance on spatial planning for the preparation of regency spatial plans must pay attention to:

- the development of provincial problems and the results of the assessment of the implications of regency spatial planning;
- efforts to equalize development and economic growth in regencys;
- alignment of regency development aspirations;
- carrying capacity and power of environmental supervision;
- long term development plan of regional surveillance;
- spatial planning for bordering regencys; and
- spatial plan of regency strategic oversight.

Matters that must be included in the regency spatial plan are as follows:

- objectives, policies, and strategies for spatial planning in the regency area;
- the spatial structure plan for the regency area which includes the urban system in its territory related to the rural area and the regency area infrastructure network system;
- regency spatial pattern plan which includes regency protected areas and regency cultivation areas;
- determination of regency strategic areas;
- directions for the utilization of regency space which contains indications of the main five-year medium-term program; and

- provisions for controlling the use of regency space, which contain general provisions for zoning regulations, licensing provisions, provisions for incentives and disincentives, as well as directions for sanctions.

Regency spatial plans serve as guidelines for:

- preparation of regional development plans;
- preparation of regional medium-term development plans;
- utilization of space and control of space utilization in the regency area;
- realizing integration, linkage, and balance between sectors;
- determination of location and function of space for investment; and
- spatial planning of regency strategic areas.

The implementation of the above provisions, the Demak Regency has formed a Regional Regulation (Regional Law) of Demak Regency Number 6 of 2011 concerning Spatial Planning of the Demak Regency of 2011-2031, the legal basis for the issuance of the regional regulation is Act No. 6 of 2007 concerning Spatial Planning and PP. 26 of 2008 concerning the National Spatial Plan, as amended by Government Regulation Number 13 of 2017 concerning Amendments to Government Regulation Number 26 of 2008 concerning National Spatial Planning. One of the considerations issued by the regional regulation is that "to direct development in Demak regency by utilizing regional space in an efficient, effective, harmonious, harmonious, balanced and sustainable manner in order to improve community welfare and security and defense, a spatial plan is needed", general provisions of the regional regulation. Demak Regency Number 6 of 2011 regulates, among other things:

- Article paragraph (8) space is a container that includes land space, sea space and air space including space within the earth as a unitary area, where humans and other creatures live, carry out activities, and maintain their survival.
- Paragraph (9) spatial planning is a form of spatial structure and pattern
- Paragraph (10) Spatial planning for the Demak Regency, hereinafter abbreviated as RT/RW for the Demak Regency, is a general spatial plan for the Regency area which contains objectives, policies, Regency spatial planning strategies, Regency area structure plan, Regency spatial pattern plan, determination Regency strategic areas, directions for the use of regency space, and provisions for controlling the use of regency space.

Regional Law number 6 of 2011 was amended by Regional Law number 1 of 2020 concerning Amendments to Regional Regulation number 6 of 2011 concerning the Spatial Planning of the Demak Regency for 2011-2031, in one of his considerations that changes in policies and dynamics of national development, Central Java province, regency Demak and its surroundings have affected the spatial planning of the Demak Regency area, thus demanding a review of the Demak Regency spatial plan. Article 2 of Regional Regulation number 1 of 2020 stipulates that spatial planning aims to create regional space based on superior agricultural and industrial sectors supported by the service trade sector and tourism with sustainable environmental insight.

The spatial arrangement of the Demak Regency area based on Regional Regulation Number 6 of 2011 and Regional Regulation Number 1 of 2020, among others, regulates:

3.2.1. Spatial Planning Policy

To realize the objectives of spatial planning, spatial planning policies are prepared as regulated in Article 3 of Regional Regulation number 6 of 2011 as follows:

- Controlling the conversion of productive agricultural land
- Prospective agricultural commodity development
- Coastal area development
- Service center development
- Regional infrastructure development in urban and rural areas
- Improved management of protected areas
- Controlling the development of cultivation activities so as not to exceed the carrying capacity and capacity of the environment
- Improving the function of the defense and security area.

3.2.2. Spatial Planning Strategy

Regulated in Article 4 of Regional Regulation number 1 of 2020, including:

- The strategy for controlling the conversion of productive agricultural land includes 1) directing the development of activities built on lands that are not food crops, 2) establishing sustainable food agricultural land.
- Prospective agricultural commodity development strategies include; 1) determine zones for food crops and horticultural agriculture, 2) develop fruit crop cultivation, 3) intensification of environmentally friendly agriculture to increase food crop agricultural productivity
- Coastal area development strategies include; 1) developing minapolitan-based coastal areas, 2) protecting areas affected by abrasion, 3) developing fishery processing areas, 4) developing mangrove conservation areas as abrasion protectors, protecting biodiversity and natural tourism.
- The service center development strategy includes; 1) developing a system of economic linkages between urban areas and rural areas 2) developing new service centers capable of functioning as local activity centers (PKL), 3) optimizing the role of sub-regency capitals as regional service centers (PPK)
- Regional infrastructure development strategies in urban and rural areas include; 1) improve the quality of the road network connecting the nodes of the production area with the marketing center area 2) improve the electricity and telecommunications system services in rural areas 3) develop a water resource infrastructure system that prioritizes surface water and limiting underground water with the principle of sustainability 4) developing a sanitation system on an environmental and regional scale 5) developing a final processing site (TPA) system with a sanitary landfill and waste to energy 6) developing a household liquid waste management system in urban areas.
- Strategies for improving protected area management include; 1) improve the quality of protection in protected areas according to the nature of their protection 2) increase public understanding of the benefits of protected area protection 3) gradually move settlements located in flood-prone areas and/or rob and/or abrasion and/or protected areas 4) develop agroforestry system (forestry) in food crops and horticulture farming areas 5) developing conversion areas in protected

areas as biodiversity protection and nature tourism development, 6) developing green open spaces on road borders, railroads and landfills.

- Strategies to control the development of cultivation activities so as not to exceed the environmental carrying capacity and capacity include; 1) limiting the development of built-up cultivation activities in disaster-prone areas 2) developing urban space efficiently and compactly 3) developing green open spaces in urban areas 4) limiting the development of built-up areas in urban areas.
- The industrial estate development strategy that considers space effectiveness includes; 1) determine the boundaries of industrial designation 2) regulate industrial activities in each industrial designation area with an approach to carrying capacity and environmental carrying capacity 3) improve the management of industrial areas equipped with sustainable waste and raw water management infrastructure 4) develop agro activities industries in industrial areas adjacent to agricultural and fishery areas.
- Strategies to increase the function of defense and security areas include; 1) support the establishment of a national strategy area with a special function of defense and security 2) develop selective cultivation in and around the national strategy area to maintain defense and security functions 3) participate in maintaining and safeguarding defense assets.

3.2.3. *Spatial Structure Plan*

The spatial structure plan is regulated in Articles 5 and 6 of Regional Law number 1 of 2020

- Urban system plan, consisting of urban structure and area system
- The infrastructure network system plan, according to Article 10 of Regional Law number 6 of 2011 consists of; 1) transportation network system, 2) energy network system 3) telecommunication network system 4) water resource network system 5) other infrastructure network system.

3.2.4. *Room Pattern Plan*

Article 36 of Regional Regulation number 1 of 2020 regulates the room pattern plan consisting of:

- Protected area
- Cultivation area

Protected areas consist of: 1) areas that provide protection for subordinate areas 2) local protected areas 3) mangrove ecosystem areas 4) cultural heritage areas 5) natural disaster prone areas 6) geological protected areas 7) other protected areas. The designated cultivation area consists of: 1) production forest area 2) agricultural area 3) fisheries area 4) mining and energy area 5) industrial designation area 6) tourism area 7) residential area 7) defense and security area.

3.2.5. *Determination of Strategic Area*

Article 68 of Regional Regulation No. 6 of 2011, which has been amended by Regional Regulation No. 1 of 2020 regulates the determination of strategic areas consisting of:

- National strategic areas and provincial strategic areas in the regions
- Regional strategy area.

The national strategic area and the provincial strategic area consist of:

- national strategic areas from the point of view of economic growth in the form of urban areas of Kendal, Demak, Ungaran, Salatiga, Semarang, Purwodadi (Kedungsepur)
- the provincial strategic area from the point of view of social and cultural interests in the form of the Adung Demak Mosque area.

The regional strategic area consists of:

- strategic area from the point of view of the importance of economic growth
- strategic area from the point of view of the importance of the function and carrying capacity of the environment.

3.2.6. Space Utilization Direction

Article 74 of Regional Regulation No. 6 of 2011 on spatial utilization includes:

- Formulation of sectoral programs in the context of realizing spatial structures and spatial patterns of strategic areas and regions
- The implementation of development is in accordance with the regional space utilization program and strategic areas.
- In paragraph (2) it is explained that the formulation of sectoral programs in the context of realizing the spatial structure and spatial pattern and strategic areas and areas is a priority for the implementation of development which is prepared based on the ability to finance and activities that have a multiplier effect in accordance with the general direction of regional development.

The directions for the use of space consist of:

- Directions for the embodiment of the room structure, as regulated in Article 75 to Article 81 of Regional Regulation No. 6 of 2011 as amended by Regional Regulation No. 1 of 2020 consist of:
 - Embodiment of service system
 - The realization of the transportation infrastructure network system
 - The realization of the telecommunications network system
 - Realization of water resources network system
 - The realization of other infrastructure network systems, which consist of: Waste network system program; Drinking water supply system program; Wastewater management system program; Drainage network system program; Realization of disaster evacuation network system
- Directions for the Embodiment of Space Patterns

Protected areas, directives for area protection that provide protection to subordinate areas through: Control of activities or things that are blocking the entry of rainwater into the ground; Regulation of various businesses and/or land and area activities that provide protection for subordinate areas owned by the community; Carry out coaching programs, outreach to the community in an effort to conserve the area; Greening.

3.2.7. Cultivation Area, including:

- directions for the realization of production forest areas
- directions for the realization of agricultural areas
- directions for the realization of mining areas
- directions for the realization of the designated industrial area
- embodiment of tourism area

- directions for the realization of rural settlements
- directions for the realization of residential areas
- directions for the realization of urban residential areas
- embodiment of green open space

3.2.8. 8. Directions for the realization of strategic areas

- embodiment of strategic areas in the field of economic growth include: the embodiment of the area along the primary alternative road corridor that passes through the sub-regencys of Sayung, Karang Tengah, Demak, Gajah, Karanganyar; The realization of an integrated industrial area, dear; The embodiment of the Surodadi beach tourism area is in the Sayung sub-regency; The embodiment of the Morodemak coastal fishing port area is in the Bonang sub-regency.
- The direction of realizing strategic areas in the field of environmental functions and carrying capacity includes: Areas prone to abrasion and coastal rob are in Sayung sub-regency ; Areas prone to sedimentation and rising soil are located in Wedung sub-regency.9

3.2.9. Directions for Control of Space Utilization

Article 98 of Regional Regulation No. 6 of 2011 regulates the direction of controlling the use of space consisting of: General provisions on zoning regulations; General terms of licensing; General terms of incentive incentives; Sanction Instructions

3.2.10. Rights, Duties and Roles of Society

- Community rights are regulated in Article 126 of Regional Regulation No. 6 of 2011 that in the process of spatial planning everyone has the right to: know the RT/RW and detailed plans that will be prepared later; enjoy the added value of space as a result of spatial planning in the region; obtain proper compensation due to the implementation of development activities in accordance with the regional RT/RW; file an objection to the authorized official against the development that is not in accordance with the regional RT/RW in their region area; file a request for permit cancellation and a request to stop development that is not in accordance with the regional RT/RW to the authorized official; file a claim for compensation to the government and/or permit holder if the development activity is not in accordance with the regional RT/RW that causes losses; file a lawsuit to the state administrative court on state administrative decisions related to spatial planning.
- Community Obligations, in the implementation of space utilization, it is mandatory to: Obey the RT/RW that has been set; Utilize space according to permission; Provide access to the implementation of development activities in accordance with the RT/RW; Applying the rules and regulations for the use of space that have been practiced by the community for generations by taking into account the factors of environmental carrying capacity, environmental aesthetics, location, and a harmonious, harmonious and balanced space utilization structure.
- The role of the community can be done at the stage of : Spatial planning; Space utilization; and Control of space utilization.

3.2.11. 11. Institutional

Article 129 of Regional Regulation No. 1 of 2020 regulates: In order to coordinate spatial planning and co-operation between sectors/regions in the field of spatial planning, a Regional Spatial Planning Coordination Team (TKPRD) was formed; and To assist the TKPRD a secretariat and working group were formed which were divided into the Spatial Planning Working Group and the Spatial Utilization Working Group.

Based on the description above, the spatial and regional arrangement based on Regional Regulation Number 6 of 2011 which has been amended by Regional Regulation Number 1 of 2020 is an implementing regulation of the provisions of Act No. 26 of 2007 concerning Spatial Planning, and Government Regulation Number 26 of 2008 concerning Plans. National Spatial Planning.

4. Closing

The regulation of regional spatial planning in Demak Regency based on Regional Regulation Number 6 of 2011 concerning the Regional Spatial Planning of the Demak Regency and has been updated with Regional Regulation Number 2 of 2020 is an implementing regulation of national spatial and territorial planning policies. The objective of the policy on spatial planning and wilyaha in Demak Regency is to realize regional space based on superior agricultural and industrial sectors supported by the service trade sector and tourism with sustainable environmental insight. For this reason, it is recommended that a well-scheduled socialization be made to the community about the contents of the regional regulation on spatial planning, so that the implementation of the regional regulation will receive support from the community. The Spatial Planning Coordination Team must always be active for coordination with agencies that carry out regional autonomy and development functions,

5. References

Journal :

- [1] Novita Ilmaris and Arpangi, "Reform of Bureau of Public Services in Framework of Prevention & Eradication of Corruption in Indonesia" in Law Development Journal Volume 2 Issue 4, December 2020 <http://jurnal.unissula.ac.id/index.php/ldj/article/view/15351>, p.638

Books:

- [1] Asmaeny Azis, Izlindawati, *Constitutional complaint & Constitutional question Dalam Negara HUKUM*, Kencana, Jakarta, 2018
- [2] Hadari Nawawi, *Metode Penelitian Bidang Sosial*, Gadjah Mada University Press, Yogyakarta, 1985
- [3] Haris Budiman, *Rekontruksi Kebijakan daerah Di Bidang tata Ruang Untuk Meningkatkan Kesejahteraan Masyarakat*, Dissertation, Doctoral Program in Law, Faculty of Law, Sultan Agung Islamic University, Semarang, 2019
- [4] Irwansyah, *Penelitian Hukum, Pilihan Metode & Praktik Penulisan Artikel*, Mira Buana Media, Yogyakarta, 2020

- [5] Lawrence M. Friedman, *Legal Culture and the Welfare State*, in Gunther Teubner, *Dilemma of Law in the Welfare State*, (New York, Walter de Gruyter, 1986)
- [6] Djauhari, *Politik Hukum Negara Kesejahteraan Indonesia, Studi Tentang kebijakan Regulasi dan Instutusionalisasi Gagasan Kesejahteraan Ekonomi Masyarakat Nelayan di Jawa Tengah*, Unissula Press, Semarang, 2008
- [7] M Daud Silalahi, *Hukum Lingkungan Dalam Sistem Penegakan Hukum Lingkungan Indonesia*, Alimni, Bandung, 2001
- [8] Ni'matul Huda, *Hukum Tata Negara, Edisi Revisi*, Radja Grafindo Persada, Jakarta
- [9] Seotomo, *Strategi Pembangunan Masyarakat*, Pustaka Pelajar, Jogjakarta, 2006
- [10] Sri Kusriyah, *Politik Hukum Desentralisasi & Otonomi daerah Dalam Perspektif Negara Kesatuan Republik Indonesia*, Unissula Press, Semarang, 2019

Regulations:

- [1] Constitution 1945 of Republic of Indonesia
- [2] Act No. 17 of 2007 concerning the 2005-2025 Annual Long-Term Development plan
- [3] Act No. 26 of 2007 concerning Spatial Planning
- [4] Act No. 23 of 2014 concerning Regional Government
- [5] Regional Regulation (Regional Law) Number 6 of 2011 concerning Regional Spatial Planning for 2011-2031
- [6] Regional Regulation Number 1 of 2020 concerning Amendments jo. Regional Regulation Number 6 of 2011 concerning Spatial Planning of Demak Regency 2011-2031

Etc:

- [1] Haris Budiman, *Rekontruksi Kebijakan daerah Di Bidang Tata Ruang Untuk ameningkatkan Kesejahteraan Masyarakat Yang Berkedilan*, Dissertation, Doctoral Program, Faculty of Law Unissula, Semarang 2019.