

Legal Aspects of The Utilization of Industrial Areas in Relation to Sustainable Natural Resources

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Abstract. Constitutionally, the power to manage natural resources owned by the state is stated in Article 33 paragraph (3) of the 1945 Constitution. The purpose of this research is to determine and analyze the legal aspects and legal consequences of the use of the Industrial Designation Area (KPI) in relation to sustainable natural resources in Kudus Regency. The method used is qualitative using a sociological legal approach. Data sources were obtained through interviews, observations, and documents in both written and photographic forms. The results of the study can be concluded: 1) DPMPTSP Kudus Regency continues to carry out assessments or verifications related to industry, especially high and medium-high risk industries in accordance with PP No. 21 of 2021 concerning the Implementation of Spatial Planning. To provide legal certainty to business actors, the Kudus Regency Government has issued Kudus Regency Regulation No. 34 of 2022 which regulates the Implementation of the Approval of Suitability of Spatial Utilization Activities (PKKPR) for non-business activities and Spatial Planning Technical Studies (KTTR). 2) Business actors must use the Spatial Planning Plan (RTR) as the basis for business licensing, because one of the basic requirements for business licensing is the Issuance of Confirmation of Suitability of Spatial Utilization Activities (KKPR). Regarding the implementation of Spatial Planning, one of the Government's breakthroughs is the RTR which is used as a Single Reference for the basis for KKPR licensing. In the Online Single Submission Risked Based Approach (OSS-RBA) System, there is no KTTR, so if the UMK business actor then he will do self-declare. When Perbup No. 34 of 2022 has been stipulated, KTTR is only supporting data, so supporting data is not mandatory, and is not at the same level as KKPR but helps in Controlling Spatial Utilization as a consideration.

Keywords: Designation; Industrial; Sustainable; Utilization.

1. Introduction

Constitutionally, in accordance with the mandate of the 1945 Constitution, the space within the territory of the Unitary State of the Republic of Indonesia, including land, sea and air, as well as natural resource wealth, is protected and managed to the greatest extent possible for the prosperity of the people. The power to manage natural resources owned by the state is stated in Article 33 paragraph (3) of the 1945 Constitution, "The land, water and natural resources contained therein are controlled by the state and used to the greatest extent possible for the prosperity of the people."¹.

Along with the issuance of the Decree of the People's Consultative Assembly No. IX/2001 concerning Agrarian Reform and Natural Resource Management, then substantially the terms "agrarian" and "natural resources" have a very close relationship. So that agrarian reform and natural resource management are interrelated and connected work because both aim to achieve shared prosperity, welfare, justice, and sustainability.²

The Ministry of Agrarian Affairs and Spatial Planning processed more than 3,200 violations of spatial utilization from the results of spatial audits in 121 regencies/cities throughout Indonesia as well as from public complaints, and will then be followed up with the imposition of sanctions or regulation by the local Regional Government together with the Central Government as a companion in imposing sanctions. The violations occurred in 38 regencies/cities in Sumatra, 25 regencies/cities in Java-Bali, 15 regencies/cities in Kalimantan, 18 regencies/cities in Sulawesi, 10 regencies/cities in Nusa Tenggara, and 15 regencies/cities in Maluku and Papua. And not a few of the backgrounds of violations of spatial utilization are due to spatial utilization permits.³

The difficult and complicated process of obtaining permits is a source of violations. In the findings of the spatial planning audit conducted by the Ministry of ATR/BPN, it was not uncommon to find that business activities were carried out without holding the required utilization permits first, or holding a spatial utilization permit but obtained not in accordance with procedures, or utilizing space not in accordance with the requirements contained in the spatial utilization permit listed.⁴

In order to create good spatial planning regulation, Act No. 11 of 2020 concerning Job Creation (JUUCK) was issued, one of the contents of which is related to spatial

¹Article 33 paragraph 3 of the 1945 Constitution

²Retna Dewi Lestari, Tri Wisudawati, and Aris Prio Agus Santoso, 2022, *Agrarian Law & Spatial Planning*, Pustaka Baru Press, Yogyakarta, p. 30-31.

³Ali Akhmad Noor Hidayat, "More than 3,200 Spatial Planning Violations, BPN: Many Occur in Urban Areas", <https://bisnis.tempo.co/read/1437647/lebih-dari-3-200-pelanggaran-tata-ruang-bpn-banyak-terjadi-di-perkotaan>, accessed on January 11, 2024 at 18.02

⁴Viorizza Suciani Putri et al., 2023, "Authority for Spatial Utilization Permits after the Job Creation Law", *Eureka Media Aksara*, Purbalingga, p. 4-5

planning. Then in February 2021 the Government issued 49 Implementing Regulations of the UUCK, one of which was PP No. 21 of 2021 concerning the Implementation of Spatial Planning. The PP on Spatial Planning aims to integrate various interests across sectors, regions, and stakeholders in terms of spatial planning. This PP contains provisions regarding Spatial Planning, Spatial Utilization, Spatial Utilization Control, Spatial Planning Supervision, Spatial Planning Development, and Spatial Planning Institutions. With good implementation, it will be able to improve the investment climate in Indonesia.⁵And it is hoped that it will be able to realize a prosperous, just and prosperous Indonesian society based on Pancasila and the 1945 Constitution.

Currently, there is complexity and obesity of regulation, where currently there are 4,451 Central Government regulations and 15,965 Regional Government regulations. Regulations and institutions are the main obstacles in addition to obstacles to fiscal, infrastructure, and human resources. Regulations do not support the creation and development of businesses and even tend to be limiting.

2. Research Methods

The method used in this study is a qualitative method with a sociological juridical approach. The specifications of this study use, the data collection method is obtained through structured and in-depth interviews, observation and document studies accompanied by the distribution of questionnaires. Researchers conducted direct interviews with employees at the PUPR Office, Agriculture Office, Industry Office and DPMPTSP of Kudus Regency. The data source for this study was obtained through documentation and documents from the Investment and One-Stop Integrated Service Office (DPMPTSP) of Kudus Regency. Researchers used data analysis using the Miles and Hubberman model.

3. Results and Discussion

3.1. Legal Aspects of the Utilization of Industrial Area Space in Relation to Sustainable Natural Resources in Kudus Regency

Kudus Regency as one of the regencies in Central Java, is located between 4 (four) regencies, namely to the north it borders Jepara Regency and Pati Regency, to the east it borders Pati Regency; to the south it borders Grobogan Regency and Pati Regency and to the west it borders Demak Regency and Jepara Regency.

Kudus Regency is included in the development of strategic cooperation between districts that are part of the Wanarakuti region (Juwana, Jepara, Kudus, and Pati). Geographically, the four districts are closely related in terms of types of conditions and geological structures. The relationship between the surface structure of the

⁵Implementation of Spatial Planning (Government Regulation Number 21 of 2021), <https://siplawfirm.id/organization-of-spatial-planning-government-regulation-number-21-of-2021/?lang=id>, accessed on May 11, 2023 at 06.35.

hills and mountains of Muria, climate, and river flow creates interdependence between districts. The ecological system formed by the behavior of utilizing natural resources in the upper (upstream), middle (middle stream) and lower (downstream) areas makes every decision to utilize natural resources have an impact on other areas. The importance of interconnectedness and cooperative relationships is clearly visible in the ecological system, such as the management of River Basins (DAS) and the conservation of protected areas that are less than appropriate, resulting in droughts, floods and landslides in other areas.

It is undeniable that investment is the main capital in developing economic growth in a region. Without adequate investment support, some of the abundant natural resource potentials in the region cannot be managed properly. This will have a negative impact on regional economic growth, thus hampering development in the region. Therefore, many regions, one of which is Kudus Regency, attract investment by providing convenience in obtaining business permits.

INVESTMENT DEVELOPMENT 2013-2018 (in million rupiah)

No	Description	2013	2014	2015	2016	2017	2018
1	PMA	11,374.80	917.50	3,650	0	0	0
2	Domestic Investment	11,568,452.70	8,826,195.29	17,620,465.29	18,613,008.50	11,463,103.50	7,028,822.94
3	Amount	11,579,827.50	8,826,195.29	17,620,465.29	18,613,008.50	11,463,103.88	7,028,822.94

Source: DPMPTSP Kudus Regency 2019

Based on the table above, it can be seen that the development of total investment is very fluctuating from 2013 to 2018. The investment structure of Kudus Regency consists of PMA and PMDN. Investment in the form of PMA was realized in 2013-2015 with an investment value of 11.3 billion, 917.5 million and 3.65 billion respectively. While in 2016-2018 there was no realization of investment in the form of PMA. The development of investment in the form of PMDN since 2013-2017 has experienced significant fluctuations from 11.568 trillion in 2013, then increased sharply in 2016 by 18.611 trillion and fell to 7.03 trillion in 2018.

KUDUS INVESTMENT DEVELOPMENT BASED ON LKPM 2019-2023

Year	Target (Rp. Trillion)	Achievement (Rp. Trillion)	Achievements (%)	Achievement (Rp. Billion)
2019	0.95	2.05	216%	2,054.41
2020	1.31	1.95	149%	1,947.00
2021	1.35	0.73	54%	732.21
2022	0.91	0.69	76%	691.72
2023	0.8	1.69	212%	1,694.67

Source: DPMPTSP Kudus Regency 2024

From the table above, when compared to 2018, there was a rapid increase in 2019, namely 2,054.41 billion. And it is quite surprising when you see the achievements in 2021 which experienced a sharp decline of 732.21 billion. As we all know, the Government issued a PPKM policy to control the rate of Covid-19. With the Covid-19 pandemic in 2020, investment was difficult to develop. Then in August 2021, the OSS version 1.1 system migration process to OSS RBA occurred so that the LKPM reporting process experienced obstacles which resulted in a decrease in investment realization. In 2022, investment realization still experienced a decline due to economic conditions that had not fully recovered after the Covid-19 pandemic. Then entering 2023, investment experienced a rapid increase when using the OSS-RBA System, this shows the success of the government's efforts to provide ease of doing business and the permit processing process which has become easier and provides legal certainty.

Investors are other entities such as Companies that provide capital in the hope of receiving financial returns. The number of investors can be seen from Domestic Investment (PMDN) and Foreign Investment (PMA). The large number of investments has a good impact on the smooth running of business processes that contribute to improving the economy.

Economically, Kudus Regency plays a role as a growth driver (prime over) for the Wanarakuti region. The existence of various small, medium and large industries in the Kudus Regency area has encouraged the opening of job opportunities and the attraction of residents from other areas. The relationship also occurs in the form of circulation of raw material sources, which encourages the growth of various industries in producing primary, secondary, tertiary goods. Ultimately, economic linkages are able to encourage the growth of GRDP both locally in each district and regionally at the Central Java Province level.

INVESTMENT TARGETS AND REALIZATION BASED ON RPJMD

YEAR	TARGET	REALIZATION	(%)
2013	7,511,584,136,741	11,579,827,503,311	154.2
2014	8,262,742,550,415	8.826.195298.062	106.8
2015	9,089,016,805,457	17,620,465,287,032	193.9
2016	9,997,918,486,002	18,613,008,500,649	186.2
2017	10,997,710,334,602	11,463,103,884,050	104.2
2018	7,339,742,860,000	7,028,822,939,129	95.8

Source: DPMPTSP Kudus Regency 2019

Based on the table above, the development of investment realization has decreased significantly, from 18.613 trillion in 2016 to 7.028 trillion in 2018. Likewise with the achievement of investment targets. Where since 2013 the achievement of investment realization has exceeded the target (> 100%) while in 2018 it was 95.8%, due to the adjustment of the original target of IDR 12,097,481,368,063 to IDR 7,339,742,860,000 due to regulatory changes. This happened because the calculation of investment realization in 2018 could only be calculated until July, while the calculation from August to December was still constrained by the transition of the system from SIPTO to OSS (Online Single Submission / PP No. 24 of 2018) so that there was a loss of investment data development in Semester II of 2018.

In addition, investors often cancel their investments because the land desired by investors is not included in the Industrial Designation Area in Kudus Regency, which at that time only covered 1,132 hectares or 2.66% of the Kudus Regency area. The most popular investments in 2018 in Kudus Regency were industrial, trade, housing, warehousing, financial services and other services.

The implementation of spatial planning affairs in Kudus Regency refers to Kudus Regency Regional Regulation No. 1 of 2022 concerning the Kudus Regency Spatial Planning Plan (RTRW) for 2022-2042 with the Industrial Designation Area which was originally only 1,132 hectares now being 2,235 hectares, which is located in Kota Kudus District, Jati District, Kaliwungu District, Bae District, Gebog District, Dawe District, Jekulo District and Mejobo District. However, it turns out that the increase in area does not have a significant impact on industrial development in Kudus Regency. The reason is because the area is small and partial in nature which

results in the Kudus Regency DPMPTSP being unable to meet investor demand. The second reason is that the price of land is too expensive, making land owners often inflate prices because they know that companies will need it for industrial activities.

With the enactment of the Job Creation Law and its derivative regulations, it further strengthens the importance of maintaining agricultural land amidst the Government's efforts to increase economic growth. The determination of LSD is expected to control the conversion of rice fields and meet their availability to support national food security. In accordance with the Decree of the Minister of ATR/BPN SK No. 1589/SK-HK.02.01/XII/2021, the LSD area agreed to be maintained is 18,156.86 hectares. However, after going through verification and discussion, in the end, in accordance with the policy of the Regional Head, the spatial pattern in the RTRW was set to 18,470.86 hectares.

The Ministry of ATR/BPN provides an opportunity for the Department of Agriculture and Food, DPMPTSP and PUPR Department to be able to remove it from the LSD Map as long as there is evidence/documents that in the near future there will be development. And if within a period of 3 (three) years there is no development then it will be returned as a rice field and this is a process.

So every discussion of the PKKPR application if the location is on the LSD Map, the Agriculture Service and DPMPTSP will provide recommendations to applicants, both business actors who will take care of business permits or non-businesses to submit an application to the PUPR Service to be able to remove the location of the activity from the LSD Map. This can be seen in the Technical Instructions, there is such a mechanism. However, for its implementation so far the Agriculture Service does not know. It's just that the information received by the Agriculture Service has not been issued. Because related to the discussion of the LSD Map in the Central Government, the Ministry of Agriculture is not willing to sign an agreement with the reduction. But in the regions, if the existing rice fields, the Agriculture and Food Service of Kudus Regency tries to maintain it.

The determination of the spatial structure plan is adjusted to the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 11 of 2021 concerning Procedures for the Preparation, Review, Revision, and Issuance of Approval of the Substance of Spatial Plans for Provinces, Regencies, Cities, and Detailed Spatial Plans. The spatial structure plan for a district area is a plan for the arrangement of settlement centers (the urban system of the district area related to rural areas in its service area) and the infrastructure network system of the district area developed to serve district-scale activities, and integrate the district area. The urban system of the area above can be in the form of an economic center, a new city plan, a new economic node, and/or a new economic corridor needed to maintain spatial balance, sustainable development, and community resilience. Rural areas in their service areas are areas that have the main activity of agriculture, including the management of natural resources

with the arrangement of the function of the area as a place for rural settlements, government service, social services, and economic activities. The infrastructure network system can be organized jointly integrated with the road network system, both above ground and underground and can be managed by the district government.

The district spatial pattern plan is a distribution plan for the allocation of district spatial areas which includes the allocation of space for protected functions and cultivation functions. In general, spatial patterns are divided into protected areas and cultivation areas. The determination of the spatial pattern plan is adjusted to the Regulation of the Minister of ATR/BPN No. 11 of 2021 concerning Procedures for the Preparation, Review, Revision, and Issuance of Approval of the Substance of the Provincial, Regency, City Spatial Plans and Detailed Spatial Plans.

As we all know, the regulation regarding the Risk-Based Online Single Submission (OSS) has been implemented on July 2, 2021. One of the tasks and responsibilities of the Spatial Planning Forum (FPR) is to provide considerations for approval of the suitability of spatial utilization activities to improve the investment ecosystem and business activities which include the implementation of risk-based licensing, simplification of basic business licensing requirements, simplification of sector business licensing and simplification of investment requirements.

All Space Utilization activities must first have a KKPR. KKPR is issued in the form of an electronic document accompanied by an electronic signature in accordance with the provisions of laws and regulations. The electronic document as referred to is valid and binding and is a valid and binding evidence and is a valid evidence in accordance with the provisions of laws and regulations.

Based on the results of interviews with sources at the Kudus Regency Investment and One-Stop Integrated Service Agency (DPMPTSP) who are in the service section, revealed that the role of DPMPTSP in the utilization of space after the enactment of Regional Regulation No. 1 of 2022 is that it receives applications for Spatial Planning Technical Studies and PKKPR for business and non-business permits, both applications through the OSS System and the Spatial Planning Information System (SIPETARUNG). In addition, DPMPTSP also issues KTTR, PKKPR for business and non-business.

In order to provide legal certainty, support the smoothness and effectiveness of the implementation of the suitability of spatial utilization activities, especially the suitability of spatial utilization activities for non-business activities and technical studies of spatial planning which are the authority of the region, the Kudus Regent Regulation Number 34 of 2022 concerning the Implementation of Approval of the Suitability of Spatial Utilization Activities (PKKPR) for Non-Business Activities and Technical Studies of Spatial Planning (KTTR) which are the Authority of the Region is enacted.

Regarding the procedures for implementing PKKPR & KTTR, it is explained in Article 6 and Article 8 of Perbup No. 34 of 2022, for the implementation of PKKPR in non-business activities, including;⁶

1) The procedures for implementing PKKPR for non-business activities are carried out in stages:

- a. Registration;
- b. Assessment of proposed documents for spatial utilization activities; and
- c. publishing

2) Registration as referred to in paragraph (1) letter a, is done online via the website: sipetarung.pupr.kuduskab.go.id by including supporting data/complete documents which at least include:

- a. Applicant data information;
- b. Information on the type of activity;
- c. Land area requirements; and
- d. Information and/or proof of land ownership.

3) The assessment of documents for proposed spatial utilization activities as referred to in paragraph (1) letter b, is carried out by the FPR or can be delegated to the Spatial Utilization Control Working Group.

4) The issuance of PKKPR for non-business activities as referred to in paragraph (1) letter c, is carried out by taking into account the results of the FPR study and Technical Land Considerations from the Kudus Regency Land Office.

5) The Regent delegates the authority to issue PKKPR for non-business activities to the Head of DPMPTSP

6) The PKKPR format for non-business activities as stated in Attachment I which is an integral part of this Regent Regulation.

7) Standard Operating Procedures for Issuing PKKPR for non-business activities are stipulated by the Regent's Decree.

KTTR here is used by the public to determine the suitability of spatial planning as supporting data for independent statements of PKKPR for small-scale business activities with capital of less than 5 (five) billion rupiah, supporting data for

⁶Article 6 of Kudus Regency Regulation No. 34 of 2022

submission of KKPR for non-small-scale businesses that are issued automatically, and supporting data for other service activities that require KTTR.⁷

Article 8 of Regent Regulation No. 34 of 2022 states the procedures for implementing KTTR, the provisions in question are:

- 1) The procedure for implementing KTTR is carried out in stages:
 - a. Registration
 - b. Assessment of proposed documents for spatial utilization activities; and
 - c. Publishing
- 2) Registration as referred to in paragraph (1) letter a, is done online via the website: sipetarung.pupr.kuduskab.go.id by including supporting data/complete documents which at least include:
 - a. Applicant data information;
 - b. Information on the type of activity;
 - c. Land area requirements; and
 - d. Information and/or proof of land ownership.
- 3) Assessment of the proposed documents for spatial utilization activities as referred to in paragraph (1) letter b, is carried out by the Head of the Public Works and Spatial Planning Service.
- 4) The issuance of the KTTR as referred to in paragraph (1) letter c, is carried out by taking into account the results of the assessment of the proposed documents for spatial utilization activities as referred to in paragraph (3).
- 5) The Regent delegates the authority to issue KTTR to the Head of DPMPTSP
- 6) The KTTR format as stated in Attachment II which is an integral part of this Regent Regulation
- 7) The Standard Operating Procedure for Issuing KTTR is stipulated by the Regent's Decree.

Completeness of the planned number of building floors and the planned floor area of the building is required when constructing a building in the implementation of the Space Utilization plan. When registering, business actors whose business activities have a major impact or influence on the availability and quality of raw water/clean water must include a document on the plan for using raw water/clean water.

⁷Article 7 of Kudus Regency Regulation No. 34 of 2022

The location coordinates in question are in the form of point and/or line polygons that provide information on the area and shape of the land or the field identification number for certified land. And for locations located in Industrial Areas, Tourism Areas, Special Economic Zones, or including Areas originating from the authority/organizing body of a Region, the applicant agrees to an electronic statement through the OSS system that the business activity is located in an Industrial Area, Tourism Area, Special Economic Zone, or including Areas originating from the authority/organizing body.

3.2. Legal Consequences of Utilization of Industrial Area Space in Relation to Sustainable Natural Resources in Kudus Regency

Law is a rule or norm that regulates what can and cannot be done. Based on this understanding, law is a guiding principle for humans in carrying out their activities, both personally, in family life, in society, and in the state. So, with the existence of law, people feel protected in carrying out each of their activities, because the law has regulated and explained what can and cannot be done. It can be concluded that legal protection is protection that is given based on law and statutory regulations.⁸

In spatial planning, everyone has the right to know the RTR, enjoy the added value of space as a result of spatial planning, obtain appropriate compensation for losses arising from the implementation of development activities in accordance with the RTR, file a lawsuit with the authorized official against development that does not comply with the RTR in their area, file a lawsuit for cancellation of the KKPR and/or termination of development that does not comply with the RTR to the authorized official; and file a lawsuit for compensation to the Regency Government and/or KKPR holder if development activities that do not comply with the RTR cause losses.

Community obligations in the Utilization of Space, everyone is required to comply with the established District RTRW; utilize space in accordance with the KKPR from authorized officials; comply with the provisions stipulated in the KKPR requirements; and provide access to areas that are stated as public property by statutory provisions.

The role of the community in spatial planning is carried out through participation in the preparation of the RTR, meaning in the form of input to the Regency Government regarding the RTR preparation policy, and Cooperation with the Regency Government and/or fellow community elements in spatial planning. Then the role of the community through participation in Spatial Utilization, which is in the form of input to the Regency Government regarding the Spatial Utilization policy, cooperating with the Regency Government and/or fellow community elements in Spatial Utilization, and making investments and Spatial Utilization

⁸Pung Karnantohadi, 2020, Legal Principles of One-Stop Integrated Services, Kencana, Jakarta, p. 154

activities in accordance with the stipulated RTR. And finally the role of the community is carried out through participation in Spatial Utilization Control in the form of input to the Regency Government regarding the Spatial Utilization Control policy, participation in monitoring the implementation of the stipulated RTR; and reporting to authorized agencies and/or officials in the event of finding alleged violations of Spatial Utilization.

In a welfare state, government involvement in the lives of citizens occurs in various sectors. This government intervention is expressed in the form of laws and regulations, decisions, permits, and government actions in organizing public services.⁹ In accordance with the concept of a state of law, every government action must be based on the principle of legality. Based on the principle of legality, every government action must be based on legitimate authority, proper procedures, and proper substance.¹⁰ Likewise, the regulation and granting of permits carried out by the government as one of the government's actions must also be based on legitimate authority. In the event of an error, then according to the principle of "geen bevoegheid zonder verantwoordelijkheid" (without authority there is no accountability), the government as the party authorized to issue permits has accountability.

The provision of incentives is one of the facilities to encourage the utilization of the Industrial Designated Area space in Kudus Regency in accordance with its designation. In accordance with Article 86 of Kudus Regency Regulation No. 1 of 2022, it is held to: a) increase efforts to Control Spatial Utilization in order to realize spatial planning in accordance with the RTR; b) facilitate Spatial Utilization activities so that they are in line with the RTR; and c) increase partnerships between all stakeholders in the context of Spatial Utilization in line with the RTR. Then the Disincentive Provisions regulated in Article 88 which are tools or efforts to prevent, limit or reduce Spatial Utilization activities in the form of fiscal disincentives and non-fiscal disincentives.

Anyone who does not comply with the spatial plan that results in changes in spatial function, spatial patterns, and spatial structures will be subject to sanctions. The direction for this sanction has been stated in Article 89 of Kudus Regency Regulation No. 1 of 2022, the direction for the sanction is in the form of imposing administrative sanctions including; starting from written warnings, temporary suspension of activities, temporary suspension of public services, closure of locations, cancellation of KKPR, revocation of KKPR, demolition of buildings, restoration of spatial functions, and administrative fines.

⁹Tatiek Sri Djatmiati et. al., 2012, Textbook of Licensing Law, Faculty of Law, Airlangga University, p. 60.

¹⁰Philipus M. Hadjon VII, 1997, Designing and Writing Normative Legal Research (Theory and Philosophy), Normative Legal Research Method Training Paper, Collaboration between Research Institute and Faculty of Law, Airlangga University, Surabaya.

Furthermore, there are criminal sanctions in Article 17 number 32 of the Job Creation Perppu, namely if the crime results in loss of property or damage to goods, the perpetrator shall be subject to a maximum of 4 years in prison and a maximum fine of IDR 2.5 billion. If it results in death, the perpetrator shall be subject to a maximum of 15 years in prison and a maximum fine of IDR 8 billion. Then the criminal penalty. Article 17 number 33 of the Job Creation Perppu is a maximum of 3 years in prison and a maximum fine of IDR 1 billion. In addition to the Community, authorized government officials can be threatened with Article 17 number 36 of the Job Creation Perppu will be subject to a maximum of 5 years in prison and a maximum fine of IDR 500 million. In addition to criminal sanctions, the perpetrator may be subject to additional penalties in the form of dishonorable dismissal from office.

4. Conclusion

Theoretically, the imposition of administrative sanctions and criminal sanctions on perpetrators of violations of spatial utilization aims to create a deterrent effect. However, the imposition of severe penalties on perpetrators in reality is unable to reduce violations, so it is necessary to find a more effective and efficient method in terms of control and supervision to overcome it. Based on this, the approach to overcoming it is not only carried out from a criminal law perspective, but also needs to be comprehensively combined with state administrative law. When viewed from the purpose of overcoming criminal acts of violations of spatial planning, the demand for the return of state economic losses in cash is in accordance with legal benefits.

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The 1945 Constitution of the Republic of Indonesia

Law Number 26 of 2007 concerning Spatial Planning

Government Regulation Number 21 of 2021 concerning the Implementation of Spatial Planning

Kudus Regent Regulation Number 34 of 2022