



UDC 331

SPATIAL PLANNING MANAGEMENT AND TECHNICAL REFORM OF POST JOB CREATION POLICIES

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ABSTRACT

Indonesia is fully engaged in the acceleration and prolongation of economic growth. Indonesia expects annual economic growth of 6 percent within 5 (five) years. One indicator of the ease of attracting foreign investors to Indonesia is to have rapid access to the investment licensing process. The Omnibus Legislation is used as a facility to promote the provision of investment. This system, the Spatial Planning Rule, affects at least 79 laws and regulations. This paper intends to analyze the Spatial Planning Law's reform through the omnibus law process, which is applied to the law of work development. Normative legal analysis is this type of research. A conceptual approach is a form used. This research shows that Indonesia's spatial planning reforms to encourage investment should, therefore, be introduced with the use of 5 (five) improvements. Simplifying simpler licensing forms has led to a spatial change in the direction of investment.

KEY WORDS

Spatial planning, management, policy, Indonesia.

Indonesia is fully involved with accelerating and expanding economic growth is found in preparation documents such as the National Medium Term Development Plan (*Rencana Pembangunan Jangka Menengah* or PJMN) and the Masterplan for Acceleration and Expansion of Indonesia's Economic Development (*Masterplan Percepatan and Perluasan Pembangunan Ekonomi Indonesia* or MPP3EI) (Simanjuntak, 2013). According to the 2020-2025 National Medium Term Development Plan, Indonesia is targeting economic growth of an average of 6 percent (six percent) within 5 (five) years and per capita Gross domestic product growth of 4 (four) +/- 1 percent within 5 (five) years. Furthermore, as the world's largest nation in 2025, in the Masterplan for Acceleration and Expansion of Indonesia's Economic Development journal. Indonesia's per capita income is expected to be about USD 14,250-USD 15,500 in 2025, with a real per capita total economic value (GDP) of 5% (five) trillion, and to become a developing nation with a balanced environment, a poverty rate close to 0% (zero percent) and a quality population in 2045 (Ahmad Redi, 2020). One of the prerequisites is the supply of international investors to expand the potential for economic development (Stokes, 2020).

The neo-classical economic theory claims that competitive investors may significantly contribute to accelerating economic development, especially in developed countries. Additionally, portfolios have more excellent stability by Multi-National Corporation in reducing global tax liability. The attractiveness of foreign investors to Indonesia, therefore, needs ease of investment (Rhmai, 2016). The availability of quick access to the licensing procedure for acquisition is one measure of the comfort of drawing international investors to Indonesia. Indonesia currently ranks 73rd in attracting foreign investors in the Ease of Doing Business 2020 survey (seid, 2018). However, Indonesia is still well behind other peer groups such as Malaysia, which ranks 12th, and Thailand is ranked 21st with a substantial rise in rank from previous years. Indonesia's amount of investment is still low relative to other countries in Southeast Asia, such as Malaysia, Singapore, Vietnam, and Thailand. At the same time, Indonesia has quite a lot of potential. This is because investors from overseas tend to invest in places other than Indonesia. If defined in-depth, multiple indicators such as strict land acquisition, difficulty accessing access to capital, the complexity of bankruptcy settlement, and the complexity of licensing to start a company are responsible for triggering the low



ranking of ease of doing business (Ibnu Sina Chandranegara, 2020).

Licensing obstacles in Indonesia include acquiring land for investment in Indonesia, including the disharmony between Spatial Law, Agrarian Law, Forestry Law, and other sectors' laws (Kezer, 2020). In reaction to these obstacles, the Government has produced a modern breakthrough by determining the feasibility and effectiveness of the life of business permits, one of which is the position permit. The Government's latest breakthrough is to declare in Job Creation Law. This law uses Omnibus method applied in Job Creation Law; until now, there are 79 laws and regulations that are affected by the existence of Job Creation Law, one of which is Spatial planning law, which is included in the business licensing simplification cluster, which provides for simplifying the process of issuing location permits, environmental permits and building permits, which in the issuance process are based on the Spatial Plan (Kezer, 2020). With the transformation of changes, eliminations, and the addition of new norms in the article on spatial planning, especially in investment licensing, there is a change in the licensing process in investing.

MATERIALS AND METHODS OF RESEARCH

This analysis uses a qualitative approach that is normative. The conceptual approach and the technique of the statue are used in this process. In order to simplify and harmonize regulations relating to spatial planning in Indonesia, data analysis is performed by systematizing data so that the data is then used to suggest the best definition. In spatial planning, data processing is accomplished by classifying and categorizing different policy choices. After that, for each of the benefits and drawbacks of each policy, the effects of the categorisation can be evaluated.

RESULTS AND DISCUSSION

The spatial planning role changes are described as the critical model, pattern, or process (to accomplish multiple objectives) (Weber, 1987). In Article 17 of Job Creation Law, improvements in urban development are included in the first cluster division relevant to 'licensing simplification.' Delegation of urban planning permits involves removing and altering forms of permits, such as environmental permits and construction permits, spatial permits, which are integrated with the simplification of company licenses. Concerning the Omnibus Law method in Job creation law against Spatial planning law, there are provisions of articles that undergo changes, deletions, and additions to norms.

Simplification of the Spatial Plan Hierarchy

Simplification of the spatial planning hierarchy was carried out to improve the investment climate. The simplification of the spatial plan hierarchy is expected to reduce the time needed to complete its licensing process. From an economic perspective, the handing over of a hierarchical spatial plan has a beneficial effect. The practical result of simplifying the spatial plan's hierarchy is an increase in the simplification of laws and regulations in the business sector and an increase in foreign investors automatically, which impacts increasing welfare. Besides, the simplification of the spatial plan hierarchy will give birth to a licensing system that is not convoluted (the number of licenses becomes proportional) (Setiadi, 2018), thereby creating a simple, orderly system of laws and regulations to achieve goals. The main objective of simplifying the hierarchy of spatial plans is the convenience of the business sector. Meanwhile, according to the International Finance Corporation, the simplification of Indonesia's spatial planning hierarchy will result in "Simplification in licensing does not mean compromising core standards to health, safety, environment or labour. As a basic concept, simplification is the act of reducing or eliminating elements of a process to reduce complexity and efficiency. It also involves limiting the potential of any reintroduction of sources or unnecessary requirements or steps". This is done to simplify the hierarchy of laws and regulations in the spatial planning sector to attract foreign investors so that regional spatial plans are focused on Regional Spatial Plans (Mardianto, 2018) and Detailed Spatial Plans.



Form Utilization Permit to Utilization Activities Permit

Changing Utilization Permit to Utilization Activities Permit is quite reasonable. Because the suitability of each class's spatial use activities between the Regional Spatial Plan map and the land use map is calculated from the area of the map overlay results between the two and is presented using the suitability of spatial use activities the form of the crosstab method. The crosstab method can provide information about each land designation class area on the two maps overlaid on the size of space use activities' suitability. The form of space utilization activities' usefulness can be done with a Geographic Information System (GIS) (Parry, 2018). GIS is a component that can measure the "Utilization Activities Permit" which consists of hardware, software, geographic data, and human resources that work together effectively to enter, store, repair, influence, manage, manipulate, integrate, analyze and display geographic-based information in the suitability of spatial use activities. The phrase conformity in space utilization activities is also applied in developed countries. Jahangger A. Parry stated, "Under the spatial use activities carried out by the methodology of determining the suitability of spatial conformity analysis, weights are given for physical parameters, by comparing each parameter to other parameters. Finally, all map layers are combined in a GIS environment to prepare a final urban suitability model based on a weighted index model. The map of urban land use's suitability has been grouped into three categories: high, medium, and low match". The change in the form of Utilization Permit to Utilization Activities Permit cannot be separated in the context of controlling the suitability of space utilization with spatial planning that can be realized in confirmation of the conformity of spatial planning and spatial use plans.

Administration Authority Reform

The National Territorial Spatial Plan in the submission of a review contains the objectives, policies, and strategies for spatial planning; the national spatial structure plan, which includes the national urban system related to rural areas within its service area and the primary infrastructure network system; national, which includes national protected areas and cultivation areas that have national strategic values; stipulation of national strategic areas; directions for spatial use containing indications of the main program for the medium term of five years; and, the direction of controlling the utilization of rung of national territory which includes zoning system of national, the direction of the suitability of spatial use activities, direction of incentives and disincentives, and direction of sanctions. Thus the change in national policy is one of the requirements for a spatial plan review of less than 5 (five) years for investment activities with strict criteria and conditions for the preparation and determination of a Detailed Digital Spatial Plan within a maximum period 1 one year.

The Community's Position in Spatial Planning Management

The role of society in spatial planning is under the theory of democratic participation. As we know that community participation is an essential step in community involvement in policymaking in spatial planning (Hutahayan, 2019). The theory of democratic participation in spatial planning implementation views political involvement as developmental: participation is more than just a government method. It has a broader goal of uniting civil society and educating citizens about the art of Government (Darmo, 2019). With the community's participation in the implementation of spatial planning, it will encourage development both at the central and regional levels; besides that, the community's role will provide social control in the life of the community, nation, and state. It is further explained that the theoretical participation in spatial planning departs from the two guiding principles of the democratic system, namely maximizing the amount of intensity of the involvement by all members of civil society; and expanding the field of social life that applies democratic principles in the implementation and utilization of spatial planning (Manan, 2018). So that in a healthy democratic spatial arrangement, participation is not just for defending interests, but is a mature public process, which does not claim any truth beyond what is agreed by consensus by citizens (Rustiadi, 2018). The characteristics of the rule of law, according to Scholten, are that the rule of law in carrying out separation of powers needs to pay attention to community



participation, especially in power to form laws (Yusdiansyah, 2008). Furthermore, Scholten stated that to avoid arbitrariness in legislation formation, the public's involvement for whom the law is enforced is an absolute prerequisite. By using Schalten's logic of thinking, the community needs to participate in guiding spatial planning policies.

Thus, there are at least 5 (five) changes in spatial planning in Article 17 of Job Creation Law. Before and after *Law Spatial planning*, spatial planning has become the main gate for investors to do business. In the spatial planning function, spatial planning is a place for humans to carry out activities (Zainal, 2020). Until now, spatial planning has essentially been a means (tool) to optimize the efficient use of space, which is sufficient for all interests related to the use of that space, either as a place, location, or natural resource in investing. Spatial planning with an emphasis on the phrase "governance" is the arrangement of the rooms in an area/region so that the creation of conditions that are beneficial from an economic perspective, especially in investment, socio-culture, and politics, is useful for the development of society in that area. Spatial planning, with an emphasis on "governance," is expected to develop the following functions: (1) regulating the allocation, use, supply, and maintenance of space and the assets contained therein; (2) determine and regulate the legal relationship between people and space; and (3) determine and regulate legal relations between people regarding legal actions regarding space. This national strategic area is an ecosystem service area that arranges water flow and moderate medium-scale flooding. The data shows that the development plan will bring quite risky impacts on the environment, especially for the arrangement of water flow and flooding due to the construction of this national strategic project traversing many agricultural lands and water catchment areas.

CONCLUSION

This report aims to provide the public with knowledge of urban design developments in the Work Development Legislation. Spatial planning is, until now, basically a way to maximize the usage of efficient land, to be beneficial for all interests relevant to the use of this space, both as a container, as a place, and as an investment in natural capital, before the nature of spatial planning being a *prima donna* for developers to do business. Since Article 17 of *Job Creation Law* published at least 5 (five) changes in spatial planning. *First*, the simplification of the spatial planning hierarchy is carried out to improve the investment climate. Regional spatial plans are focused on Spatial Plan (*Rencana Tata Ruang Wilayah or RTRW*) and Detail Spatial Plan (*Rencana Detail Tata Ruang or RDTR*). *Second*, the change Utilization Permit to Utilization Activities Permit is intended to control the suitability of space utilization by confirming the suitability of Spatial Plan. *Third*, Reconstructing Formulation and Implementation of Spatial Planning principles are intended to avoid conflicts in spatial allocation arrangements and spatial structure plans between those regulated in the National Strategic Area Spatial Plan, Provincial Spatial Planning, and those regulated in the Spatial Plan. *Fourth*, the Administration Authority reform the spatial plan is less than 5 (five) years for investment activities with strict criteria and requirements for preparing and stipulating a Detail Spatial Plan for a maximum of 1 (one) year. *Fifth*, community participation in spatial planning is intended to guide spatial planning policies and monitor spatial use activities' suitability. This change aims to provide convenience to foreign investors, to invest their capital in Indonesia and aims to accelerate and expand the economic development carried out by the Government as outlined in planning documents such as the National Medium Term Development Plan and the Acceleration Master Plan and Expansion of Indonesia's Economic Development.

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