

Legal Studies for Spatial Planning of Urban Areas Based on Green Policy

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Abstract

Keywords

Spatial Planning, Green Policy, Sustainable Development, RTRW, Environment

This study discusses the study of urban spatial planning based on green policy in Kuningan Regency as a response to the challenges of sustainable development and environmental protection. The background of this research is based on the increasing pressure of land conversion, the development of tourist areas, and the incompatibility of the Kuningan Regency RTRW Regional Regulation for 2011-2031 with the current conditions and space needs. Spatial planning is an important instrument to maintain a balance between economic development, environmental sustainability, and social justice, including meeting the need for Green Open Space of at least 30% of the city area. This study uses a normative juridical approach with qualitative methods through literature study, observation and data triangulation. The theoretical framework used includes legal policy theory, legal certainty, legal effectiveness, and sustainable development. The results of the study show that green policy-based spatial planning requires RTRW policy reform that is adaptive to development dynamics, increasing the capacity of local governments, and strengthening environmental supervision and licensing instruments. The integration of spatial planning policies and environmental protection is expected to create legal certainty, the effectiveness of policy implementation, and the sustainability of the ecological function of the region. This research is expected to make a theoretical and practical contribution as the basis for the formulation of sustainable spatial planning policies in Kuningan Regency.

INTRODUCTION

In the early stages of the development of environmental law, a view emerged that placed nature as a means of fulfilling human needs as if it was created specifically to support human life. All the wealth needed by humans is considered to be available in nature, so that people only need to manage and use existing natural resources to meet their life needs (Silalahi & P.H, 2015)

Commitment as the largest archipelagic country makes the issue of developing natural resource potential a central issue to build community welfare. Given that Indonesia is a state of law, normatively the wealth of these resources is controlled by the State to be managed in such a way in order to realize the welfare of the community, as well as to provide benefits to the current society without sacrificing the interests of future generations, especially in efforts to organize spatial planning based on the provisions of the law that govern the planning, utilization, and control of spatial planning in order to realize sustainable development. sustainable. (Sutrisno, 2014)

The environment can be interpreted as a gift from the creator that is bestowed upon the earth for humans as His creatures. This environment is here to be enjoyed, utilized,

and to support human survival. Without the environment, humans will have difficulty obtaining healthy air or oxygen, making a living, and meeting other life needs. Therefore, humans have a huge dependence on the environment. As a gift from God to the people and state of Indonesia, the environment must be maintained, managed, and preserved so that it continues to function as a source and support for life for the people, the nation, and the entire ecosystem in it, for the sake of sustainability and improving the quality of life. (Tuhumury et al., 2023)

Based on Law Number 32 of 2009 concerning Environmental Protection and Management, it includes Strategic Environmental Studies (KLHS), spatial planning, environmental quality standards, AMDAL, UKL-UPL, licensing, environmental economic facilities, environment-oriented laws and regulations, environment-based budgeting, environmental risk analysis, environmental inspections and other facilities in accordance with the needs and advances of science. (Dewi, 2020)

In Law Number 26 of 2007 concerning Spatial Planning, it is mandated that the area of Green Open Space (RTH) is at least 30% of the total city area, consisting of 20% public RTH managed by local governments and 10% private RTH owned by the community and private parties. The provision of a minimum of 30% RTH is aimed at maintaining the balance of urban ecosystems, both in the hydrological and climatological systems, in order to ensure clean air quality and support other ecological preservation, biodiversity, and improvement of urban beauty. (Joga & Ismaun, 2011)

Kuningan Regency won an award in a series of commemorations of the National Spatial Day at the West Java Provincial Level. This award was given in the category of Performance in the Implementation of Regency and City Spatial Planning at the Regional Level, by fulfilling the five main aspects in the assessment (Regulation, Coaching, Utilization, Planning, and Control of Spatial Management). (DPUTR_DPUTRUSER, 2024) In the implementation of the spatial planning policy, as one of the proofs that there is an instrument that regulates regional spatial planning policies, so that local governments have a clear legal basis in planning, controlling, and supervising the use of space in accordance with the principles of sustainable development.

Spatial planning activities include three interrelated aspects, namely spatial planning, space utilization, and control of the Provincial Spatial Plan (RTRWP) and the Regency/City Regional Spatial Plan (RTRW Kab/City). The three spatial plan documents must be integrated into the development plan as a guideline for the implementation of sustainable development in Indonesia. Spatial planning is defined as the process of determining the structure and spatial pattern which includes the preparation stage to the determination of the spatial plan. As part of spatial planning activities, spatial planning is basically seen as the process of formulating public policies related to the spatial management of an area, which in its implementation is closely related to the process of determining it. (Napitupulu et al., 2016)

This support is strengthened by the existence of Kuningan Regency Regional Regulation Number 26 of 2011 concerning the Regional Spatial Plan (RTRW) of Kuningan Regency for 2011-2031, as well as Regent Regulation Number 165 of 2021 which regulates the Spatial Public Works Office (DPUTR). As the implementation of the spatial

planning policy, one form of evidence is that there is an instrument that is the basis for regulating spatial planning policies, so that local governments have a clear legal basis in planning, controlling, and supervising the use of space in accordance with sustainable development.

Kuningan Regency already has an RTH but this is not enough to fulfill what has been explained in the RTRW Regional Regulation where there is an urgency for the rearrangement of the RTRW in line with the functions that have been determined and the real conditions of the region. This is considered irrelevant in line with the development of spatial planning in Kuningan Regency today, both in terms of space needs, increasing population, and changes in development dynamics.

Based on this description, it is focused on how efforts can be made by the Kuningan Regency Government for a green policy-based urban spatial arrangement policy. Therefore, the role of the Kuningan Regency Regional Government is very important in formulating and implementing the spatial planning policy in order to maintain a balance between development interests and environmental sustainability.

RESEARCH METHODS

In this study, there are three main techniques that are generally used to collect data, namely document or literature studies, observations, and interviews. The three techniques can be used separately or in combination as appropriate. Document study is a method of data collection that is carried out by examining various written sources. (Soekanto, 2014)

In addition, the research data source consists of primary data and secondary data obtained through structured field observations at local government agencies, the Public Works and Spatial Planning Office and the Kuningan Regency Environment Office. The data is carried out in a descriptive-analytical manner, by describing the applicable legal provisions and then associated with the practice of implementing spatial planning policies.

RESULTS AND DISCUSSION

Implementation of Spatial Planning Policy of Kuningan Regency

Spatial planning is understood as a form of geographical expression of policies in the economic, social, cultural and ecological fields of society. The concept basically has alignment with city and regional planning. If law is understood as a set of rules that contain coercive orders and prohibitions and are determined by the competent authority, or as a system of binding order, then the law of spatial planning can be interpreted as the whole of principles and provisions used to regulate the process of spatial planning and space utilization. In it, geography related to economic, social, cultural, and ecological policies is also covered. (Imamulhadi, 2021)

The regulation of spatial planning in Indonesia has the main legal basis in Law Number 26 of 2007 concerning the regulation of spatial planning which is used as the legal basis for all policies for planning, use, and control of the use of regional space. This

legislation emphasizes that through spatial planning, a well-organized, livable, productive, and sustainable national area space is realized.

Space is seen as one of the important elements in the development and development of a region. In practice, the success of the development process of an area is greatly influenced by space. Negative impacts on the future of the region can be caused by errors in spatial planning. Therefore, every country, including every region in it, spatial regulation is always made one of the main priorities in the development process. To manage and arrange the space so that its use can run more optimally. (Simamora & Sarjono, 2022)

The introduction of the Strategic Environmental Assessment (KLHS) is one of the main means in preventing environmental damage. Therefore, efforts to maintain the quality of the environment need to start from the decision-making stage in development. Like environmental management instruments, the implementation of KLHS is carried out in the process of drafting and determining development planning policies. (Wedanti, 2016)

The Strategic Environmental Study (KLHS) which has been listed in Undang-Law Number 32 of 2009 concerning Environmental Protection and Management is felt that its implementation is not optimal because it can be seen from the condition and awareness of the community whose welfare, be it in health, education, the environment, is very lacking social problems that arise make the penetration of the law so thick, the result is in the demand to make changes and the development of the law itself and its relationship with other social problems will also become more intense. (Sutrisno, 2014)

The Strategic Environmental Assessment (KLHS) is known as an instrument that is applied at the initial level. With the implementation of the KLHS from the early stages, the potential for policies, plans, and programs that are not in line with the principles of sustainable development can be prevented from an early stage. In the Environmental Protection and Management Law (UUPLH), it is emphasized that the KLHS is used as the basis for the preparation and evaluation of Regional Spatial Plans (RTRW), Long-Term Development Plans (RPJP), and Long-Term Development Plans (RPJM), as well as Policies and Plans (KRP) for the development sector that have the potential to cause impacts and risks to the environment.

Thus, the KLHS must be prepared first before the RTRW is determined, which regulates the allocation and utilization of space, before the RPJP/RPJM is established which contains long-term and medium-term development planning, and before the KRP develops that have potential environmental impacts.

Therefore, the government is required to prepare the KLHS in every regional development planning as well as in the formulation of policies, plans, and programs, as well as to integrate them into the preparation or evaluation of the RTRW, RPJP and RPJM both at the national, provincial, and district/city levels. (Wedanti, 2016) The implementation of spatial planning policies in Kuningan district is essentially the process of implementing RTRW as a legal instrument for regional development that is oriented towards sustainability, conservation, and control of space utilization.

The availability of natural resources in quantity or quality is uneven, while development activities involve policies, plans and programs that require increasing natural resources. Development activities also contain the risk of pollution and environmental damage. This condition can result in a decrease in carrying capacity, carrying capacity and environmental productivity, which ultimately becomes a national burden. (Sutrisno, 2020)

Based on the findings of research at the Kuningan Regency Environment Agency (DLH). That the formulation of the Kuningan Regency RTRW has referred to the Strategic Environmental Assessment (KLHS). DLH plays a key role as a key institution for providing environmental data and sustainability analysis in the spatial planning process. DLH organizes activities to prepare Kuningan Regency KLHS documents, this program is part of the environmental damage and planning control program. This emphasizes that DLH not only provides recommendations, but also becomes the technical implementation of the preparation of KLHS.

In the RTRW, there is a Green Open Space (RTH). In accordance with the Kuningan Regency Regulation Number 11 of 2013. The form of green open space that already exists and is determined in Kuningan Regency is 17 urban forests spread across several sub-districts with the aim of managing and implementing them as a reforestation effort to prevent air pollution, maintain environmental sustainability through the protection of natural resources and water, and maintain a good balance of ecosystems from environmental, social, and cultural aspects of the community. Kuningan Regency has green open spaces that have a variety of functions, including ecological and economic functions. The green open space is spread throughout the Kuningan Regency area, both in the west, east, north, and south, with the hope that its existence can provide equitable benefits and a positive impact on the entire district area. Of the 32 sub-districts in Kuningan Regency, as many as 17 sub-districts or around 53 percent already have green open spaces. This shows that there is a high commitment of the local government in an effort to improve the quality of the environment through the development of green open spaces. (Stuart et al., 2024)

Local government regulations are realized through the preparation and revision of the RTRW that integrates the principles of sustainable development, the formation of regional regulations to support green policies, and the implementation of KLHS in the regional development planning process. The spatial planning policy serves as a guideline for local governments in determining the direction of regional development and controlling the use of space.

Implementation includes controlling space utilization, sustainable urban area arrangement, and providing green open space in accordance with national regulations. The implementation of spatial planning policies requires supervision, law enforcement, and coordination between government agencies so that the policies that have been set can be implemented effectively.

In general, the implementation of the Kuningan Regency RTRW cannot be separated from the position of this region as part of a strategic area. In sustainable development policy, the implementation of RTRW is also directed at disaster risk reduction. This shows

that the implementation of RTRW must pay attention to the aspects of disaster mitigation and land use suitability. Therefore, spatial planning policy does not solely play a role as a tool for the development preparation process, and has a role as an instrument for disaster risk reduction and environmental protection.

Legal effectiveness is a measure related to community behavior in accordance with applicable legal norms. A rule of law is said to be effective if it can be implemented consistently and supported by the application of real sanctions by law enforcement officials. (Soekanto, 2007)

Overall, the implementation of spatial planning policies in Kuningan Regency shows progress through the implementation of RTRW, strengthening conservation, and building RTH. However, there are still challenges in the form of weak law enforcement incompatibility. Thus, strengthening coordination between agencies, increasing supervision, and also community participation are key factors in realizing a sustainable spatial planning of Kuningan Regency.

Spatial Planning Policy of Kuningan Regency Based on Green Policy

Talking about the existence of law as a system or interweaving of values has long been the center of attention of ancient philosophers regarding the contradiction between the school of natural/natural law (*lex naturalis*) and the school of legal positivism (*lex humana*), namely in its quest to find absolute justice. This shows that the existence of law is measured by the content of whether or not there is value, especially the value of justice. The law cannot be accepted as a law if it does not contain an element of justice. (Sutrisno, 2014)

The existence of law in every spatial planning will be more optimal if it is supported by a law enforcement process that is carried out properly, correctly, and fairly. Therefore, law enforcement needs to be interpreted as a process to realize legal goals so that they can be realized. In order for the law to be enforced, it is first necessary to prepare an adequate legal regulatory apparatus to support spatial planning.

Law Number 32 of 2009 concerning Environmental Protection and Management (UUPLH) was drafted with the consideration that environmental damage generally occurs as a result of cause-and-effect relationships involving regional and cross-sector aspects. Normatively, Law Number 26 of 2007 concerning Spatial Planning emphasizes the urgency of integrating environmental aspects into RTRW. Spatial planning policies in Kuningan Regency in recent years have also been directed at a green policy approach that emphasizes a balance between economic growth, environmental protection, and social sustainability.

This spatial planning effort describes the results of the implementation of spatial planning policies. Effective spatial planning shows that the legal norms that govern the planning, use, and control of space utilization have run in a consistent manner and are able to produce safe spatial planning. That the success of spatial planning is highly determined by the consistency between spatial planning and the implementation of space utilization in the field.

The success of spatial planning policies is also determined by community involvement and collaboration between related parties. The involvement of the population in spatial planning, cooperation between government agencies, and synergy with the private sector and academia are important factors in realizing spatial planning. (Baihaqi et al., 2025)

Kuningan Regency has stipulated Regional Regulation Number 26 of 2011 concerning Regional Spatial Planning (RTRW) for 2011-2031. The coverage of the RTRW area is determined based on administrative boundaries which include a land area of approximately 119,571 hectares, airspace within the scope of the district, and inland areas that are included in the authority of the province. In addition, this region consists of 32 sub-districts, 15 sub-districts, and 361 villages. (Budiman et al., 2023)

Based on the findings of research at the Public Works and Spatial Planning Office (DPUTR) of Kuningan Regency. Research findings on spatial planning policy and implementation of RTRW in Kuningan Regency. Explained that spatial planning in Kuningan Regency is directed at a balance between the growth of regional development. The Kuningan Regency RTRW is the basis for issuing space utilization permits such as Building Approvals (PBG), business licensing, and infrastructure development planning. Although the RTRW is still in the process of being revised, Kuningan district still uses Regional Regulation Number 26 of 2011 concerning Regional Spatial Planning (RTRW) for 2011-2031 during the revision and refers to the West Java Provincial Regulation. Thus, the local government is committed to the revision of the RTRW to continue to prioritize the principles of environmental sustainability and development balance. It is hoped that the revised RTRW can provide legal certainty and realize sustainable regional development.

Legal policies for the spatial planning of urban areas based on green policy in Kuningan Regency have basically led to sustainable development, but its implementation still faces various obstacles. The policy of the Kuningan Regency government has placed the principle of conservation as the main direction of spatial development. However, the achievement of these policies is not fully optimal, there are problems and legal certainty. The revision of the RTRW is carried out to align policies with provincial and national RTRWs, while keeping protected areas a priority. The development of Green Open Space (RTH) is the main indicator of the success of sustainable spatial policies.

Thus, the legal policy for the spatial arrangement of urban areas based on green policy in Kuningan Regency can be said to be progressive in a regulatory manner. Efforts to strengthen legal certainty, accelerate the revision of the RTRW, increase supervision of space utilization, and expand green open space are the main recommendations so that sustainable development goals can be realized effectively.

CONCLUSION

Spatial planning activities include a series of interconnected activities, namely space planning, space use, and space utilization control, which are then poured into Regional Spatial Plan (RTRW) products in stages from the central to regional levels. The

spatial plan is carried out by determining the spatial arrangement and spatial pattern through the formulation and determination stages of spatial planning.

Spatial planning policies in Kuningan Regency must be positioned as a strategic instrument for sustainable development that integrates aspects of environmental protection, legal certainty, and community welfare. The revision of the RTRW is an important momentum to strengthen the orientation of green development because it serves as a normative and operational basis for all regional development policies. The revision of the RTRW shows that there is a need for harmonization between national, provincial, and regional regulations so that the use of space is in line with the principles of sustainable development in Indonesia. Green policy-based spatial planning requires strengthening the norms of protecting protected areas, controlling land use transfer, and increasing the proportion of green open space (RTH).

The efforts that have been made, the Kuningan Regency Government has shown the first step towards a green policy-based spatial policy, through the revision of the RTRW, the commitment to protect conservation areas and protected areas, and the development of regional environmental programs. Overall, the success of urban spatial planning based on green policy in Kuningan Regency is highly determined by the consistency of the implementation of the revised RTRW, strengthening the enforcement of spatial planning laws, and synergy between governments. Thus, the legal policy of spatial planning is not only a planning document, but also functions effectively as an instrument of sustainable and environmentally sound development.

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