The Existence of Civil Sanctions in Spatial Law Enforcement in Indonesia

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Abstract
Planning for territorial spatial arrangement is one of the problems with modern urban growth, as cities are growing faster than ever and the territorial government has to take a unique role in overseeing spatial arrangement. 2007 Law No. 26 The government is considering replacing Law Number 24 of 1992, which deals with spatial arranging, with this legislation, which unifies a courteous administration. This study's method of investigation was controlling valid research while taking the study's characteristics into account. The result of the review is the assertion that, taken as a whole, respecting legislation represents people's rights (personenrecht). In particular, laws, customs, conventions, theories, and statutes give birth to two legitimate subjects: Separately, legal substances (rechts persoon) and humans (natuurlijke persoon). Articles 66, 67, and 75 of Law Number 26 of 2007 concerning Spatial Arranging provide certain limitations on the occurrence of generous fines. If the last stated are ultimum remedium in nature, a claim based on reclamation may be used to seek for polite discipline for spatial arrangement violations in addition to official and criminal penalties.

I. Introduction
The core principles of spatial planning law are found in the preamble of the fourth paragraph of the 1945 Constitution, which also lists the national goals of the Indonesian people. It states, "To protect the entire Indonesian nation and all of Indonesia's bloodshed and to promote public welfare, educate
the life of the nation, and participate in carry out world order.” To accomplish the goals of the country, one activity that might be taken is spatial planning. According to Article 1 Point 2 of Law Number 26 of 2007 concerning Spatial Planning (henceforth referred to as the Spatial Planning Law), spatial planning is a sort of spatial organization and pattern. Contrarily, spatial planning is a system of administration, planning, and spatial utilization.

One of the problems of urban development today is planning on regional spatial planning because the development of cities is quite fast with the rate of growth of Indonesia’s population which is also quite fast, reaching 1.17% in 2022 (Badan Pusat Statistik, 2022). The logical thing about this is that the need for land is getting higher while land is limited, so that there are changes in society which, if not managed properly, will cause culture shock (Manullang, 2021). In addition, the use of space for which the need and designation are not clear, furthermore causes issues with long-lasting catastrophes, chaotic urban planning, and population issues like to those that occurred in the North Bandung Area (KBU). Activities at the KBU were triggered by the issuance of location permits which should have been tightened, because this area has the function of Bandung Raya water absorption but continues to be battered by various developments so that the springs are closed by buildings and cause no water absorption and cause flooding (Yustia & Fatimah, 2020).

One of the natural resources within the jurisdiction of the government is land, which needs to be distributed and exploited in a spatially controlled way. The legal basis for the development of a national agrarian law that promotes national objectives and interests is provided by Law Number 5 of 1960 concerning Basic Agrarian Regulations of the Republic of Indonesia. As a result, the state's right to control is contained in Article 2 and includes the elements of the state's authority, including the authority to identify the planet Earth, its surrounding oceans, space, and other natural resources, as well as their supply, utilization, and preservation. Therefore, by establishing spatial structures and
patterns, the state must ensure that the distribution and use of land remain in balance with supply in order to carry out its authority to rule.

 Particularly at the regional level, clear and specific rules are necessary for spatial planning and usage. This is as a result of regional spatial planning will greatly affect the future balance of the economy, ecology and socio-culture as well as various aspects of people's lives in the regions (Simamora & Andrie Gusti Ari Sarjono, 2022). In addition, one solution to the problem of overlapping policies and land conflicts can be implemented through the reconstruction of the current spatial planning legal system (Andjarwati, A., Yurista, A. P., & Muhammadin, 2017). The arrangement of the legal system generally emerges from a bureaucratic structure with an open system that opens wide opportunities for all parties to be involved both from the bottom-up and from the top-down in a balanced way (Manullang, 2020).

 Local government has a central role in managing space for the better. In fact, this arrangement can be categorized as an obligation for regional governments, especially in the current era of regional autonomy. So, all local governments, starting from the provincial level to the regional city/regency level, must be proactive in monitoring violations of spatial planning in their respective areas, because if this is allowed and is not monitored properly, the damage to nature will get worse and it will make it uncomfortable to live in. One of the reasons for the rapid increase and increase in agrarian problems is the National Strategic Projects which often ignore environmental and agrarian aspects, especially in terms of land use (Manullang, S. O., Nurwanty, I. I., Lestari, D., Hegasari, A. N., & Sumirah, 2023). As Article 10 of the Spatial Planning Law stipulates that regional authority in implementing spatial planning includes (Republik Indonesia, 2007):

 a. Regulation, direction, and oversight of the execution of regional and strategic area spatial planning;
 b. The execution of regional spatial planning;
c. The execution of strategic area spatial planning; and

d. The cooperation between provinces in interprovincial and interregional spatial planning as well as the facilitation of such cooperation.

legislation Number 24 of 1992 concerning Spatial Planning is the rule that has been created in the form of a legislation (Republik Indonesia, 1992). legislation Number 26 of 2007, which split it into four regimes—administrative, civil, state administrative, and criminal—replaced this earlier legislation, which was abolished. Articles 66, 67, and 75 govern civil sanctions directly. It is anticipated that the application of civil penalties in the context of spatial planning would support the implementation of spatial law enforcement.

Spatial planning enforcement of these regimes has been studied and researched which is then outlined in the form of scientific papers, including:

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<th>Author</th>
<th>Research Result</th>
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<tr>
<td>(Feliks Anugerah Mendrofa, 2022)</td>
<td>Since there are still buildings in some areas of Gunungsitoli City, particularly along rivers and the coast, the Civil Service Police Unit's control over space utilization through the Building Permit instrument cannot be considered optimal. Additionally, no IMB has been issued outside of the recommendations of the BKPRD (Regional Spatial Planning Coordinating Board) of Gunungsitoli City. This is due to a number of issues, including incomplete legislation, the community's ongoing expansion, and a shortage of sufficient human resources, making it difficult to manage how this place is used.</td>
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<tr>
<td>(Wiradira, 2022)</td>
<td>The government, which bears primary responsibility for environmental pollution and damage, ought to persist in its endeavors to eradicate or reduce the extent of environmental pollution and damage resulting from the expansion of the development wheel. A number of Examples of how cross-sectoral, cross-regional, and cross-stakeholder interests manifest include the preparation of spatial planning, the alignment of spatial structure and patterns, the alignment of human life with the environment, the embodiment of balanced growth and development between regions, and the creation of conditions for laws and regulations in the spatial planning sector that support the investment climate and ease of doing business. These interests must be taken into account when</td>
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Table 1. Previous Research Results
interpreting the government regulations pertinent to the implementation of spatial planning in PP 21 of 2021.

The Badung Regency Regional Regulation Number 26 of 2013, which prohibits permanently erecting structures on the beach boundary, has provisions governing cafe owners who establish establishments on the Kedonganan beach border. It must also consider the interests of the general public. If café owners establish their businesses on the Kedonganan beach boundary in violation of Badung Regency Regional Regulation Number 26 of 2013, they may face criminal penalties, namely imprisonment or fines under Article 115. administrative sanctions such as written warnings, a temporary halt to operations, a temporary halt to public services, the closure of a business, the revocation or cancellation of a license, the demolition of buildings, the restoration of space function,

In Indonesia, there is already Law Number 26 of 2007 concerning Spatial Planning, which divides law enforcement in this domain into four regimes: administrative, civil, state administrative, and criminal. balancing the use of natural and artificial resources while keeping human resources in mind, and harmonizing the built and natural surroundings, protecting spatial functions, and avoiding unfavorable environmental effects from space use are all necessary to achieve sustainable spatial planning.

The aforementioned studies concentrate more on how spatial planning is applied and implemented at the level of social life on the basis of current legislation. In the interim, the present study will concentrate on investigating the existence of civil penalties related to the geographical dimension that support the spatial law enforcement procedure.

2. Research Method

Normative legal research is the kind of research that was employed in this study, considering its nature. In other words, the study's examined and explained challenges seek to implement the standards or guidelines found in positive legislation. This normative legal research looks at several formal legal standards, including laws and literature, which is a theoretical idea linked to the issue under discussion.
3. Results and Discussion

A. Juridical Review of Civil Law

There are two main classifications of the European legal system: the continental legal system (civil law) and the Anglo-Saxon legal system (common law). The Anglo-Saxon legal system, which originated in England, eventually spread to the United States and its former colonies (Nurhardianto, 2015). Jurisprudence, or the corpus of earlier judges' judgments that function as a benchmark for later judges' decisions, is the foundation of this legal system. In the Anglo-Saxon legal system, customary law — law that operates dynamically in line with society dynamics — often takes primacy.

In the meantime, the civil law system has three characteristics: it is based on the codification of laws that were in force in the Roman Empire during Emperor Justinianus' reign in the sixth century BC (Soemardi, 1997); judges are independent of the president, making laws the primary source of law; and the justice system is inquisitorial (Iqbal, 2022). Laws and regulations, customs, and jurisprudence are examples of formal legal sources in the Civil Law legal system. Statutory regulations, which rank the constitution highest in the hierarchy of laws and regulations, are the primary sources of reference in the Civil Law legal system's tradition. The Indonesian state subsequently embraced this legal framework, which is evident from the traits and sources of law employed, even though its growth and application are not always rigid in real life.

The Dutch Civil Code, also known as Burgerlijk Wetboek (BW), the French Civil Code, German Law, Roman Law, and Customary Law are the sources of Indonesian Civil Law. Generally speaking, Marhainis Abdulhay divides the concept of sources of law into two categories: sources of law from a juridical viewpoint and sources of law from an ideology philosophical point of view (Abdulhay, 2018).

B. Sources of Ideological Philosophical Law
It is a source of law that is seen from individual, national or international interests which depend on the correctness of the law in accordance with the ideology adopted in a country, for example:

1. In Western bloc countries, such as in America, Britain, the Netherlands, West Germany, France, Belgium, the sources of law from a philosophical ideological point of view are liberalism and individualism (Jacques, 2011).

2. In communist bloc countries, such as in the Soviet Union, Czechoslovakia, PRC, Bulgaria Vietnam, which is a source of law from an ideological-philosophical point of view is communism, historically applied materialism, understand Leninism, Maoism (Ismail, 2017).

3. In our country which is a source of law from ideological philosophy is "Pancasila" (Pinasang, 2012).

As can be seen from the foregoing, the highest source and source of all sources of law for the nation and the state itself is myths and ways of life that are applicable to the national character. This is the philosophical-ideological perspective on the origin of law. It is possible to say that Pancasila is the source of all legal sources for people, the country, and the Indonesian state since it serves as the primary source of intellectual philosophical law for the Indonesian people and is found in daily life. In addition, Pancasila is the state's guiding concept, a repository of information, a way of life, a national myth, noble ideals of the country, the basis for the economic life system of the Indonesian nation, the source of authentic Indonesian democracy, the nation's individuality, and the unifying force of the nation. country's philosophy of life. Furthermore, the Preamble to the 1945 Constitution, the 1945 Constitution's body (contents), MPR Decrees, and other written and written legislation, both in the form of conventions and practice, provide official legal backing for Pancasila.

C. Juridical Aspects of Legal Sources

1. Material source of law, is a source of law that determines the content of
legal rules originating from people's views on life, public opinion, research results, political system, morals, religion, international developments, geography and legal politics, for example (Ishaq, 2018):

a. The 1945 Constitution (UUD) materially contains 9 main human rights, 5 main powers of the state and 5 main issues of organization and state equipment.

b. The Civil Code (KUHPer) in terms of material regulates the issue of people as legal subjects, goods as legal objects, agreements and agreements, evidence and expiration.

c. The Basic Banking Law (UU no. 14 of 1967) regulates the general definition of a bank, types of banks, how to establish a bank, bank leadership, and criminal sanctions in banking (BPHN, 1967).

2. Formal legal sources, namely various forms of existing legal rules or sources from which a regulation obtains legal force, without questioning the material/content of the legal rules themselves (Andi Bau Inggit AR, 2012). These formal legal sources include:

a) Law Number 12 of 2011's Article 7, Paragraph 1, on the Arrangement of Enactment, describes the different types and stages of laws and regulations. Law Number 13 of 2022 concerning the Moment Alteration to Law Number 12 of 2011 concerning the Arrangement of Enactment (UU 12/2011) (Republik Indonesia, 2011a) is the most recent revision to this law. Other revisions include the 1945 Constitution of the Republic of Indonesia; the People's Consultative Assembly's Declaration; Laws/Government Controls in Lieu of Laws; Government directives; Presidential proclamation; Common Direction; and Regency/City Territorial Controls.

b) The 1945 Constitution of the Republic of Indonesia (Majelis Permusyawaratan Rakyat, 2000), for example, in Article 26, Article 27, Article 28, Article 29, Article 31, Article 33 which regulates the rights of
citizens to gather, find work, embrace religion, seek education and work in the field of economy.

1. Article 26 regulates citizens and residents as civil law regulates the issue of individual rights (personenrecht) of 2 legal subjects, namely individuals (natuurlijke persoon) and legal entities (rechtspersoon). So based on article 26, private person (natuurlijke person) includes the understanding of Indonesian citizens as well as foreigners. Even so, the position of individuals who are Indonesian citizens is higher than foreigners because their rights and obligations are limited in Indonesian civil law. This restriction is to provide positive protection for the nation and the interests of the Indonesian people as a whole so that foreigners are not dominant in our country. As for the limitations on the rights and obligations of foreigners, namely they may not have a position in the Indonesian government. This reminds us of the countries of Singapore, Australia, the United States, South America and Rhodesia (now Zimbabwe) whose immigrants were smarter, more resilient and had enough capital, so that they pressured and controlled the natives in government and socio-economic life. In addition, foreigners in Indonesia are also limited to working for a certain time and their companies must be specially registered, taxes are higher, and they are not allowed to establish independent schools in the Republic of Indonesia's territory. Law No. 12 of 2006 concerning Citizenship of the Republic of Indonesia (Republik Indonesia, 2006) and Law No. 14 of 1959 concerning the Stipulation of Emergency Law No. 40 of 1950 concerning Travel Documents of the Republic of Indonesia then further regulate restrictions on the civil rights of foreigners.

2. Articles 27 and 28, which are essentially about the people's position in creating a democratic state that aims to uphold social justice and
humanity. Law No. 2 of 2011 about Amendments to Law No. 2 of 2008 concerning Political Parties and the Civil Code III concerning Association Agreements further restrict the application of this item (Republik Indonesia, 2011b).

3. Article 29 sets out the right of an Indonesian citizen to believe in God Almighty. This provision adheres to the relationship between the human person and his God or is called the Law of Worship or Religion, because it regulates the expression of the belief of the Indonesian people in God Almighty. The relationship between humans and God contains a civil element, however, the dominant civil law element comes from Western law, which only regulates the relationship between people and people in the world because, after death, he is no longer a legal subject. Thus, it can be concluded that Article 29 contains civil elements but is only limited to regulating human relations (natuurlijke persoon), namely the rights and obligations between people to respect other people in religion.

4. Article 31 This provision regulates civil law issues for every Indonesian citizen to choose a school and education according to his talents and desires which cannot be forced by anyone.

5. Article 33 states the right of every person to strive for personal and family welfare in the economic and social fields. Any work and business are the right of every person to support their social and economic life. This understanding describes the economic democracy of every person, as long as it does not cause harm to others or unfair competition, and respects the efforts of others. For these efforts, the manners and way of life of the Indonesian people are full of mutual cooperation, kinship and joint efforts. This life is ingrained in the Indonesian nation where production is carried out jointly and directed in a directed manner with the ownership of the community
itself. This illustrates that the prosperity of the shared community is prioritized, not self-interested at the expense of others. So that in economic life together it creates a company (maatschap). In a company consisting of more than 1 person to work together to seek profit.

a. MPR decisions, namely several matters relating to civil matters or events. As a source of juridical law in a formal sense, several MPR Decrees also regulate civil matters within the scope of:

1) to create new principles or outlines and principles of Civil Law that are in accordance with the personality of Indonesia, which have not yet been regulated in detail and have not contained legal sanctions and types of punishment in the civil law.

2) further elaboration of civil matters contained in the articles and explanations of the 1945 Constitution.

3) eliminating and replacing in particular the principles and issues of Civil Law which are no longer in accordance with the development of Indonesia, especially Civil Law originating from Western (colonial) Civil Law which was brought to Indonesia which in the days of the Dutch East Indies applied on the concordance principle.

Several provisions of the Civil Law regulated in this MPR decree were stated in the results of the 1978 and 1983 MPR Sessions. MPR Decree which regulated civil law included:

1) MPR Decree No. VI/MPR/2001 concerning the Ethics of National Life (Majelis Permusyawaratan Rakyat, 2001b). This decree was prepared with the intention of helping to raise awareness about the importance of upholding ethics and morals in the life of the nation and with the aim of becoming the basis for improving the quality of human beings who are faithful, pious, and have noble character as well as Indonesian characteristics in national life. This decree
contains civil elements as in Chapter II it is explained about the ethical principles of national life which promote honesty, trust, exemplary, sportsmanship, discipline, work ethic, independence, tolerance, shame, responsibility, maintaining honour and dignity as citizens nation.

The first type of national ethics is Socio-Cultural Ethics, which focuses on advancing a highly cultured nation's growth and development. Second, by putting common interests ahead of individual and group interests, political and government ethics are supposed to be able to foster harmony among participants, between socio-political forces, and between other interest groups in order to achieve the greatest possible advancement for the country and state. Third, the purpose of economic and business ethics is to enable economic and business principles and behavior—whether from individuals, organizations, or decision-makers in the field—to produce honest, just, and environment-friendly economic realities and conditions that benefit the general public. Fourthly, Fair law enforcement, treating all citizens equally and without discrimination before the law, is required under the Ethics of Equitable Law Enforcement. Fifth, the goal of scientific ethics is to protect human values, science, and technology so that the country's residents can continue to live with dignity. Sixth, environmental ethics highlights the significance of understanding how to preserve and respect the environment as well as how to organize space in a sustainable and responsible way.

2) Majelis Permusyawaratan Rakyat (2001a) issued MPR Decree No. IX/MPR/2001 on Agrarian Reform and Management of Natural Resources. In order to achieve legal certainty and protection, as well as justice and prosperity for all Indonesians, this decree encourages a
continuous process regarding the realignment of control, ownership, use, and utilization of agrarian resources. This process must be carried out in accordance with the following principles: carried out in accordance with the principles:

a) preserving the integrity of the Unitary State of the Republic of Indonesia;
b) upholding diversity in legal unification; and
c) upholding the rule of law.
d) the welfare of the populace, particularly by raising the standard of Indonesia's human resources
e) advancing democracy, upholding the law, promoting transparency, and maximizing public participation;
f) achieving justice, including gender equality;
g) preserving sustainability so that it can continue to benefit current and future generations to the greatest extent possible;
h) carrying out social, ecological, and sustainable functions in accordance with local sociocultural conditions
i) strengthening regional and sectoral integration and coordination
j) acknowledging, respecting, and defending the rights of indigenous peoples and the nation's cultural uniqueness
k) seeking a balance between the rights and obligations of the state, government, society and individuals
l) implementing decentralization

3) Laws, namely the Civil Code, the Criminal Code, the Bankruptcy Law (Faillissement Verordening), and the Author's Rights Law (Auteurswet 1912 Stb. No. 600) as amended by Law Number 19 of 2002 concerning Copyright, etc.

Inside K.U.H. Trading is regulated by several types of companies in the form of Limited Liability Companies (PT), Firma
Companies (Fa) and Limited Liability Companies, abbreviated as CV (Republik Indonesia, 1971). The principle of the company in K.U.H.D originates from Western law which is based on the principles of liberalism and individualism, but in practice Indonesia does not have the spirit of individualism and liberalism but prioritizes the spirit of mutual cooperation, so that the company system that is appropriate on the basis of kinship is a cooperative business. However, with the understanding of article 33 which contains the principles of economic democracy, business activities in the economic sector in the form of individual companies, limited liability companies (PT), firms, limited liability companies (C.V), cooperative companies and state companies (PN) still have the right to exist in the country.

1) Government Regulations (PP) refer to the regulations that are put into effect by laws. Examples of these regulations include PP No. 9 of 1975 and PP No. 10 of 1983, which are used to implement Law Number 1 of 1974 concerning Marriage, as amended by Law No. 16 of 2019, and PP No. 24 of 1997 concerning Land Registration, which is used to implement Law Number 5 of 1960 concerning Basic Agrarian Regulations.

2) Rules established by the People's Consultative Assembly, the People's Representative Council, the Regional Representative Council, the Supreme Court, the Constitutional Court, the Supreme Audit Board, the Judicial Commission, Banks Indonesia, Ministers, agencies, institutions, or commissions of the same level established by law or the Government by order of law, Provincial Regional People's Legislative Council, Governor, Regency/City Regional People's Legislative Council, Regent/Mayor, Village Head, or level are among the laws and regulations not mentioned in Article 7 paragraph (1) of Law No 12 of 2011. For instance: Ministerial
Regulations, Institutional Regulations, Agency Regulations, Regional Head Regulations, and other public agency regulations/decisions. Furthermore, during the Covid-19 pandemic, the Regional Government created many policy regulations in the context of handling health that arose due to its emergency nature and had an instructional function and even forced it with sanctions. (Syahril, Muh Akbar Fhad; Sari, Ade Risna; Usman, Fuad Fuad; Rachmadi; Sipayung, 2023)

3) Other sources of formal law, including: Treaties/International Law (agreement between countries) whether created bilaterally (between 2 countries) or collectively (many countries) which concern international private issues such as international trademarks, trade between countries through traders, agency, 6) commercial representative offices abroad; the legal precedents or rulings made by judges in civil cases at the District Court (P.N.), High Court (P.T.), and Supreme Court (MA); Doctrine, namely in the form of fresh ideas from professionals and legal academics as a result of new issues that society faces as a result of its growth; There are two types of unwritten laws or customs: religious law and state administrative decisions; customary law, which refers to long-standing customs and everyday practices found in communities, regions, and industries like industrial societies and merchants that engage in buying and selling.

If we take the systematics of sources of law from an ideological-philosophical point of view and sources of law from a juridical perspective and review the sources of law in a formal sense by comparing with the teachings of Hans Nawiasky (3) with the theory of "Die Stufenordnung der Rechtsnormen" setting out the details of the legal sequence from top to bottom, namely (Ginting, J., & Syamsuddin, 2022):
1. Grundnormen (basic norms).
2. Grundgesetzes (basic law).
3. Formelle Gesetzes (laws).
4. Verordnungen Autonome satzungen (executing regulations).

Grundgesetzes (Basic Law) and Grundnormen (Basic Norms) are fundamental laws that are not yet prepared for implementation, including the associated penalties (legal threats) for infractions. In the meanwhile, the Formelle Gesetzes (laws), Verordnungen or autonome satzungen (executing rules), and later regulations that carry actual punishments (legal threats) and control all clear norms in greater detail are ready to be put into effect. From the hypothesis of Hans Nawiasky, As may be observed, the highest place belongs to the Grundsnormen (fundamental standards). Therefore, it is evident that civil matters in Pancasila hold the highest place when comparing Hans Nawiasky's theoretical teachings with legal sources from an ideological perspective, legal sources from a juridical perspective, as well as legal sources in the formal sense in applicable Civil Law matters.

The greatest place in our nation belongs to the concept of Civil Law in Pancasila, as it is the origin of all legal sources and a source of law from the intellectual and philosophical perspective of the Indonesian people. Pancasila is the source of law in the most formal sense and is referenced in the 1945 Constitution as Grundgesetz (Basic Law). The Civil Law provisions included in MPR Decrees, Laws (UU), and Government Regulations in Lieu of Laws (Perpu) came together to form the Formalle Gesetzes at that point and further elaborations of the 1945 Constitution which contained details and regulated more clearly and completely, ready to be implemented and has contained concrete sanctions (legal threats).

Additionally, Verordnwigen/Autonome Satzungen (implementation rules), which are a source of law in a formal sense that has a lower status, are contained in Government rules (PP) and additional legislation under it
pertaining to Civil Law. Formal international treaties or agreements that are made bilaterally with two countries or multilaterally (with more than two countries) are the source of civil law. It was because of this pact that international law came into being which from the content (material) regulates public and private matters. A treaty made between countries gives rise to an agreement. Finally, International Law, which contains the contents of the problem of legal relations between people and people containing foreign elements that give rise to International Private Law (International Private Law).

D. Civil Sanctions in Spatial Law Enforcement Problems

If one pays attention, Indonesia can reflect on developed countries such as the Netherlands which were able to make urban spatial plans that were mature for hundreds of years unchanged. However, at the implementation level, spatial planning in Indonesia still has many problems. (Penelitian et al., 2017)

However, fast urbanization may also result in environmental issues in addition to having a favorable effect on economic development. In general, the issue of flooding is strongly linked to the growth of metropolitan regions, which is invariably followed by a rise in the population, activities, and land requirements for both habitation and commercial activity. Urban areas have little land, therefore places that could have been conservation zones and green spaces have been converted into residential areas. (Nagara & Associates, 2019). As a result, erosion and surface runoff are increasing as the water catchment area becomes smaller. This affects the river's siltation, or narrowing in order for the water to overflow and cause floods. This environmental damage occurred because law enforcement of the Spatial Planning Law did not run smoothly due to the government's silence over acts of spatial planning violations which created a stigma that these actions were in the right position. Even though this Law has mandated that all
Provinces, Regencies, Cities must have a Regional Spatial Plan (RTRW) which is used as a reference in implementing development. (Hastri et al., 2022).

Keeping in mind the aforementioned, Article 1 Number 1 of Law Number 26 of 2007 concerning Spatial Planning states that space is a container that includes land, sea, and air space, as well as space inside the earth as a single territorial unit, where people and other creatures live, work, and survive. The concept of space is crucial in the field of spatial planning. The sequence of development efforts includes ongoing development initiatives aimed at raising the standard of living for people throughout generations. Authority shifted throughout the regions during the reform era of development.

Thus, for the sake of sustainable development and preservation of nature, efforts that can be made include:

1. Involvement. Each and every citizen has the right and duty to participate in the process of establishing a state, government, and society, either directly or through legitimate institutions acting as middlemen and representing their interests, beginning with the stages of formulating policies, putting them into action, assessing them, and using the outcomes;

2. The application of law. In order to achieve effective governance, a democratic society must have just and impartial law enforcement, which may be achieved by developing a strong legal system that includes hardware, software, and people resources to operate the system (human ware);

3. Openness. One quality of effective governance, which encompasses all facets of public activity and interests, is transparency;

4. Reactivity. Each stakeholder’s requests and grievances must be taken into consideration in the establishment of good governance;
5. An emphasis on consensus. In order to choose the optimal option for broader interests, good governance balances competing interests;

6. Fairness. Every citizen is equally eligible to receive assistance;

7. Efficiency and Effectiveness. Using the greatest resources available, processes and institutions generate in accordance with the guidelines;

8. Accountability. Public and stakeholder institutions keep decision-makers in the public, business, and civil society sectors responsible; and

9. Strategic Vision. The public and leaders alike need to view human development and good governance from a broad and comprehensive angle.

Meeting Indonesia's sustainable development goals depends critically on effective environmental law enforcement. To do this, it is required to enhance and perfect current laws and regulations, improve institutional coordination, and raise public awareness of the environment's significance within the context of good governance (Sipayung et al., 2023). In defining policy, the government, business community, and community all have equal responsibilities to play, and this is emphasized by the good governance principle (Sipayung & Wahyudi, 2022).

In light of the foregoing debate, the following actions may be taken to reduce spatial planning infractions and the importance of spatial planning and the environment:

1. Conduct an assessment and inventory of the environment and natural resources. The purpose of the inventory is to improve understanding of the amount and quality of natural resources, as well as to establish a carrying capacity assessment and availability guarantee for sustainable natural resources;

2. Conservation of water, soil, and forests. By protecting forests, land, and water as sources of natural riches and the environment, this is done to maintain the function and carrying capacity of living and non-biological
natural resources;
3. Recommendations for raising the standard of four interconnected elements: community involvement in environmental management, commercial actors' competence, government organizations' capacity, and human resources;
4. The management of environmental pollution with the goal of lessening the poor quality and disturbance of natural processes in the air, water, and land brought about by the growing exploitation of development activities;
5. Restoration of important land. This ongoing effort is undertaken to restore the capacity of degraded forests and soils to be productive once again, and
6. Consistency in law enforcement. Weak law enforcement against spatial planning violations has implications for increasing environmental violations. With law enforcement that is consistent and not selective, it is hoped that there will be an increase in order and legal certainty in spatial planning so as to encourage responsible community participation and ensure legal protection of community rights.

The previous Spatial Planning Law, namely Law Number 24 of 1992, did not contain legal certainty because it did not regulate sanctions for spatial planning violations so that it was not legally effective. According to Soerjono Soekanto, a law is considered successful if it has a positive legal influence; at that point, it has succeeded in influencing or transforming conduct in people to the point that it is now considered legal behavior (Soekanto, 2017). When we talk about the efficacy of the law, we're talking about how well it regulates or coerces individuals to follow the law. If the variables that affect the law can operate as effectively as feasible, the law will be effective. A statutory regulation or legislation is considered successful if people follow it in order to accomplish the intended outcome. In
this case, the statutory regulation or law has succeeded in its intended purpose.

In light of this, the new Spatial Planning Law, Law Number 26 of 2007, has established a number of sanctions that are enforced and regulated more explicitly with regard to law enforcement against spatial planning violations. These sanctions include administrative sanctions (Articles 62–64), civil sanctions (Articles 66, 67, and 75), and criminal sanctions (Articles 69–74). The criminal penalties outlined in Articles 69 through 71 target the following types of actions that contravene Article 61’s regulations:
1. Adhere to the spatial plan as established;
2. Utilize space in compliance with the authorized official's spatial utilization permit;
3. Comply with the terms specified in the spatial utilization permit; and
4. Grant access to areas designated as public property by the laws and regulations.

Articles 62 and 63, however, offer administrative penalties for disregarding the significance of employing needs-based spatial design. Likewise, repressive law enforcement must be taken strictly against anyone who commits a violation in utilizing spatial planning and the environment, both for policy makers and the community and entrepreneurs who are found to damage the environment takes the form of administrative sanctions (forcible money transfers, license revocation, and government pressure), civil sanctions (compensation and/or specific acts), and criminal sanctions (jail and fines). These sanctions can also be imposed on the Land Deed Making Officer if they do not draw up a deed whose procedures do not meet the formal and material requirements (Muchsin et al., 2020).

However, the existing issues with spatial planning—namely, the prevalence of lax law enforcement—make it possible to see situations involving spatial planning in Indonesia. The application of penalties in the
spatial planning legislation whereby administrative penalties supersede criminal penalties is deemed inappropriate (Yanuari & Kusuma, 2020). This is due to the impact that is not as expected with regard to compliance with the use of space that does not improve.

Because the Spatial Planning Law is predicated on a standard for law enforcement effectiveness, it is also possible to argue that the application of the idea of criminal law enforcement effectiveness is ineffectual. Starting with the legal aspect. Regarding the timing of when criminal laws can take effect, there is a legal void. In order to obstruct the application of criminal law in the enforcement of the legislation pertaining to spatial planning. Law enforcement factors come in second. Because law enforcement has a little role in carrying out criminal laws, social issues are caused by the omission of infractions, which are then made legitimate by altering preexisting spatial patterns. Third, hardware and software are components of facilities or supporting facilities. It is vital to highlight the assistance of software facilities in the form of an ecologically sound and sustainable spatial planning paradigm when it comes to criminal law enforcement education. Which is currently still not very visible, both from law enforcement and society. Fourth, community factors are related to public awareness of the existence of the UUPR as the legal basis for enforcing spatial planning laws. If it is known that there is a spatial offense, then the criminal law will have a preventive value in terms of preventing the general public from violating existing provisions. Fifth, cultural factors is the foundation for moral principles while creating laws. This factor correlates with the previous factor. Which criminal law will not only be repressive, but also preventive. So that the value of the combined criminal law objectives will be achieved.

Thus, in addition to administrative sanctions and criminal sanctions, civil compensation sanctions can also be imposed on acts that violate spatial utilization provisions. Civil sanctions are regulated in a limited manner in
Articles 66, 67 and 75 of the Spatial Planning Law. Where Article 66 paragraph (1) explains that the community as the plaintiff can sue in the process of organizing spatial planning, that is, the government, whereas the defendant in paragraph 2 must be able to demonstrate that there hasn't been any deviation in the way that spatial planning has been organized. Article 67 paragraph (1) indicates that if a disagreement cannot be addressed by discussion and agreement, then legal action or an out-of-court settlement will be pursued in compliance with relevant laws and regulations (paragraph 2). Paragraph 1 of Article 75 provides an explanation. That every person who suffers losses as a result of a crime as regulated in articles 69, 70, 71 and 72 can claim civil compensation for the perpetrator of a crime. Article 75, paragraph 2, on the other hand, specifies that criminal procedural law governs the handling of civil compensation claims.

Nonetheless, there is considerable controversy around the regulations' standards pertaining to civil penalties, seen from the unclear who can be subject to sanctions, and what is the order in the imposition of these sanctions. In addition, there is also a void in norms regarding the imposition of sanctions in Government Regulation Number 15 of 2010 which does not regulate civil sanctions (Dewi & Wita, 2019).

4. Conclusion

Individual rights (personenrecht) of two legal subjects—individuals (natuurlijke persoon) and legal entities (rechtspersoon)—are governed by civil law. From a formal legal perspective, customs, treaties, doctrine, jurisprudence, and legislation all contain components of civil law. The Republic of Indonesia's 1945 Constitution, People's Consultative Assembly Decrees, laws, government regulations, and other laws falling under them are the components of Civil Law in Legislation. Articles 65, 66, and 75 of Law Number 26 of 2007 Concerning Spatial Planning establish civil penalties. In addition to administrative and criminal consequences, the establishment of these sanctions is a useful step
toward addressing spatial planning infractions; nonetheless, more precise regulation of standards is required to establish legal certainty.

References


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