

## THE IMPLEMENTATION OF SPATIAL PLANNING POLICIES IN REGIONS IN REALIZING GOAL NUMBER 11 OF THE SUSTAINABLE DEVELOPMENT GOALS

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**Abstract:** Spatial planning is a juridical instrument for environmental protection and management which is then used as one of the main focuses of the United Nations in the Sustainable Development Goals. However, Indonesia, which is currently focused on development and accelerating the investment, results in frequent actions that neglect the use of space and the environment. This formulation of the research is the problem regarding the implementation of spatial planning policies in the regions in order to realize goal number 11 of the Sustainable Development Goals. The purpose of this study is to examine the implementation of regional spatial planning policies in order to realize goal number 11 of the Sustainable Development Goals. The paradigm used is critical legal studies with qualitative research and using socio legal research approach. The results of the study found that problems regarding the implementation of goal number 11 of the Sustainable Development Goals in Majalengka Regency still meet some obstacles because Indonesia, which is currently focused on the development period and accelerating investment, made Regional Regulation Number 11 of 2011 concerning Spatial Plans for Majalengka Regency 2011-2031 no longer implementable as a policy product that has been implemented by the Regional Government of Majalengka Regency.

**Keywords:** Policy, Spatial Planning, Environment, Sustainable Development Goals

## I. INTRODUCTION

Automatic development requires a space for exploring the resources and as a place to build a country.<sup>1</sup> The development of Indonesia to be more advanced cannot be separated from the use of space and the environment as one of the assets in economic activity. Humans, to survive and develop, certainly make risks for the environmental damage. So we always need the implementation of development that involves space and the environment as its application process and the development process. In protecting the environment, attitudes and actions are needed so that the damage does not occur, such as through prevention and implementing development based on the environment, including creating spatial planning in accordance with environmental sustainability.

Spatial planning is an optimal means of efficient and effective use of space for all interests. So the existence of spatial planning in an area is purposed to regulate matters relating to a space unit. In order to realize this balance, spatial planning is the key to actions that can or cannot be applied on behalf of humans and the environment. Now with Law Number 11 of 2020 concerning Job Creation, the obstacle is trying to get solved for the sake of accelerating and expanding the investment. Specifically in Law Number 11 of 2020 concerning Job Creation, there is a motive to encourage economic growth by making economic development the central point by providing conveniences and incentives to business owners/investors who are considered the main business actors.<sup>2</sup>

One of the cases happened in Majalengka Regency in which there are abundant natural resources and the Regional Minimum Wage is relatively low compared to other districts/cities in West Java. Majalengka is slowly but surely predicted to be an industrial area in West Java replacing Karawang. The growth of industrial activities, which basically will always intersect with space and the environment, must be anticipated early by the Government of Majalengka Regency.

For the convenience and continuity of investment, all about licensing and policies are simplified. We can from the business licenses which are now based on licensing regulation issued by the central government. As a result, now in Majalengka Regency there is a company that should be placed in an industrial area, instead it has entered an area that should be provided for housing and agriculture.<sup>3</sup> However, this seems to be supported by the condition of Majalengka Regency which still has 1 Detailed Spatial Plan whose the designation is only for Kertajati and its spatial planning regulations which are still sourced from Majalengka Regency Regional Regulation Number 11 of 2011, concerning the 2011 Majalengka Regency Regional Spatial Plan of 2011-2031. Besides, one factor comes from the absence of regional regulations related to the environment, as confirmed by the statement from the Regional Government of Majalengka Regency, that these regulations do not exist and have not been formulated. All of these facts will become a problem when implementing goal number 11 of the sustainable development goals.

The actions that ignore the effective use of space and environmental sustainability certainly cannot be tolerated. The program from the United Nations regarding Sustainable Development Goals operates as a means to balance economic needs and ecological

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<sup>1</sup> Oekan S Abdullah, *Pembangunan Berkelanjutan di Indonesia: di Persimpangan Jalan*, (Jakarta: PT. Gramedia Pustaka Indonesia, 2016), 4.

<sup>2</sup> Sigit Ryanto, *Kertas Kebijakan Catatan Kritis Terhadap UU No 11 Tahun 2020 Tentang Cipta Kerja*, (UGM: Yogyakarta, 2020), 12.

<sup>3</sup> Based on Spatial Pattern Plan Map of Majalengka Regency 2011-2030.

sustainability<sup>4</sup>, as one of the appropriate steps to prevent damage from the effect of the development programs.

Sustainable development goals have 17 objectives covering various issues in the world for better sustainable development. The 11<sup>th</sup> objective of the sustainable development goals regarding sustainable cities and settlements which has the aim of making cities and settlements inclusive, safe, resilient and sustainable is included into the concept of spatial planning. So the concept of spatial planning for an area is one of the instruments to prevent environmental damage or pollution.

Based on the description, it is necessary to study the implementation of 11<sup>th</sup> objective of sustainable development goals in the study of spatial planning policies in the regions as a whole and continuously, because we can see that development is not merely to increase and accelerate the rate of economic, social, and ecological growth of a nation. It is also to increase the welfare of human life which in this case, is hoped that it will not endanger the lives of other creatures and their nature.

## II. THEORETICAL BASIS

Space is a natural resource that must be managed for the prosperity of the people as mandated in article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, that land and water and the natural resources contained therein are all managed by the state and used for the greatest prosperity of the people. So, in this context space must be protected and managed in coordinated, integrated, and sustainable procedures.

Law is means of development; in this case the law must encourage the process of modernization. In accordance, the legislators set various juridical foundations in carrying out various development activities, one of which is in creating laws regarding spatial planning<sup>5</sup> and as a continuation of regulations in the constitution, Law Number 26 of 2007 concerning Spatial Planning was set.

Spatial planning in its practical form is essentially a means to realize sustainable development. The role of regional and city spatial plans in the concept of sustainable development is important as a form of development policy in the allocation of natural resources and environmental management to support long-term growth and poverty alleviation.<sup>6</sup>

Regional Spatial Plan can be interpreted as the result of spatial planning for an area after going through the process of planning, utilization and control of spatial use<sup>7</sup>. A Regional Spatial Plan attempts to formulate optimal space or land utilization efforts and efficient spatial or land management for human business activities in the region in the form of sector, regional, private, or community development that is desired and can be achieved within a certain period of time.

Without a good Regional Spatial Plan, economic and social losses can occur.<sup>8</sup> Policies regarding spatial planning must also be carried out in a transparent, effective and participatory way, in order to create safe, comfortable, productive and sustainable spaces. It means that land use must be carried out in an integrated procedure by concerning the existence of open spaces, green spaces, and limiting excessive urban sprawl, so that

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<sup>4</sup> Tutut Ferdiana Mahita Paksia, Suteki, Tity Wahyu Setiawati, *Rekonstruksi Kebijakan Publik Tentang Izin Pinjam Pakai Kawasan Hutan yang Berbasis Sustainable Development*, (DIPONEGORO LAW JOURNAL: Volume 6, No. 3, 2017).

<sup>5</sup> Mochtar Kusumaatmadja, *Konsep-konsep Hukum dalam Pembangunan* (Bandung: Alumni, 2002), p. 104.

<sup>6</sup> *Ibid*, p. 62.

<sup>7</sup> I Gde Pantja Astawa, *Problematika Hukum Otonomi Daerah di Indonesia*, (Bandung: First Release, P.T. Alumni, Bandung, 2009), p. 284.

<sup>8</sup> Yunus wahid, *Pengantar Hukum Tata Ruang* (Jakarta: Kencana, 2016), p. 59.

ecological justice can be fulfilled.<sup>9</sup> Policies regarding spatial planning must also have a social function by concerning the current world developments, one of which is based on Sustainable Development Goals.

The Sustainable Development Goals provide a clear picture of the challenges and opportunities in the cities. In particular, the localization process of the Sustainable Development Goals expands on empowering local stakeholders, namely local governments who have a very important role in making sustainable development more responsive and relevant according to the needs and lives of the people in each region.<sup>10</sup>

The 11<sup>th</sup> objective of the Sustainable Development Goals is Realizing inclusive, safe, resilient and sustainable cities and settlements, it can be seen that this goal is about positioning cities at the core of sustainable development amidst rapid urbanization. The 11<sup>th</sup> of the Sustainable Development Goals marks a major step towards recognizing the transformative power of urbanization for development, and the role of local leaders to encourage bottom-up global change.

The rapid urbanization occurs in many cities in Indonesia causes local governments to immediately develop strategic spatial plans to be able to cope with and be aware of its growth. Besides, local governments are also obliged to provide safe green open spaces such as parks, city or town squares, and gardens for their people. In the context of the rapid pace of global urbanization, we know that no region can stand alone. Inter-regional cooperation needs to be built to function synergistically as a provider of food and natural resources which can always be maintained and balanced.

### III. RESEARCH METHOD

This research applies socio legal research, which is interpreted as a study of law seeing from the point of view of the social sciences on law. This research is intended to be able to find out the policies of the regional government of Majalengka Regency regarding spatial planning policies of the Sustainable Development Goals.

### IV. RESULT AND DISCUSSION

Spatial planning sets humans as a central point of which space can be utilized for their welfare or in other words, building mutual harmony between space and society for the interests of people.<sup>11</sup> A good spatial layout can be implemented from all good organizing activities called spatial planning. The spatial planning consists of three main activities namely spatial planning, spatial planning realization, and spatial control.<sup>12</sup> Law Number 26 of 2007 concerning Spatial Planning is the foundation for spatial planning regulations in Indonesia.

Law Number 26 of 2007 concerning Spatial Planning regulates the management of all living spaces on land, sea, and air, including spaces on earth as a whole where humans and other living things are involved and survive for life.<sup>13</sup> So Law Number 32 of 2009 concerning the Protection and Management of the Environment, and Law Number 26 of 2007 concerning

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<sup>9</sup> Blog Teknik Planologi, *Prinsip-Prinsip Pembangunan Berkelanjutan*, accessed on 8 September 2022.

<sup>10</sup> United Nations Development Programme (UNDP), *Localizing the Sustainable Development Goals: Making Cities for All*, (Published on 19 Oct 2016).

<sup>11</sup> Koesnadi Hardjosoemantri, *Hukum Tata Lingkungan, Seventh Edition, Fourteenth Printing* (Yogyakarta: Gadjah Mada Press, 1999) p. 2.

<sup>12</sup> Daud Silalahi, *Hukum Lingkungan dalam Sistem Penegakan Hukum Lingkungan Indonesia* (Bandung: Alumni, 2006) p. 80.

<sup>13</sup> Endang Sutrisno & Esmi Warassih, *Harmonization of Fisheries Law for Fishermen Empowerment in Indonesia*, South East Asia Journal of Contemporary Business, Economics and Law, Vol. 11, Issue 4 (Dec.) ISSN 2289-1560, p. 49.

Spatial Planning, are both correlated in the utilization of natural resources in the territorial space of Indonesia.

Related to spatial planning policies, Majalengka Regency currently has the Majalengka Regency Regional Regulation Number 11 of 2011, concerning the Majalengka Regency Regional Spatial Plan for 2011-2031 as well as 1 (one) Detailed Spatial Plan whose designation is specifically for the industrial area, namely Kertajati. Due to the the strategic location of Majalengka Regency which is near the West Java International Airport and the minimum wage for work which is still relatively low, Majalengka Regency becomes one of the favorite locations for a new industrial area in West Java. This then attracts many investors to come and start building factories around Majalengka Regency.<sup>14</sup>

Apart from the various conveniences and benefits that investors obtain, the there was a case in Majalengka Regency that there was a factory with a building that was not in accordance with the area. The inaccuracy of the building of this factory was caused because the factory which should have been in an industrial area turned out to be in the area of settlements and agriculture. This gets even worse by the position of the factory which is located right next to the school, SMPN 3 Jatiwangi, which is precisely located in Andir Village, Jatiwangi District, Majalengka Regency.

Teaching and learning activities by teachers and students at SMPN 3 Jatiwangi which should be done well and efficiently get disrupted by the existence of the factory. In addition, the condition of the factory, whose land surface is one meter higher than the school's flat land and almost surrounds the school in the shape of letter L, is the biggest side effect. The factory's position on the ground is higher than the school's position resulting in the school being frequently attacked by floods when it rains heavily for a long period of time. Initially the school informed the factory about this situation, but the factory did not respond well or provide assistance to in overcoming the problems.<sup>15</sup>

The Majalengka Regency Environmental Service in Management Field and Environmental Management functions to issue UKL-UPL and SPPL permission, as well as to monitor and serving public complaints. However, this function in monitoring and public complaints do not seem to work when a case occurs but the party who gets the bad impact does not make a complaint to the Majalengka Regency Environmental Service, just like the case that occurred between the factory and SMPN 3 Jatiwangi. In addition, now the supervisory function of the Majalengka Regency Environmental Service has some obstacles due to Law Number 11 of 2020 concerning Job Creation. Basically, the existence of Law Number 11 of 2020 concerning Job Creation has the aim of making the permission released and settled faster and easier, but this has become a dilemma for the Majalengka Regency Environmental Service because it makes the permission for Foreign investors are no longer issued by the regions but are directly handled by the Ministry of Environment and Forestry of the Republic of Indonesia.

Spatial planning which is also part of the Sustainable Development Goals with 17 goals and 169 targets also aim for the welfare of all human beings. The 17 Sustainable Development Goals include:

1. End any kind of poverty everywhere;
2. End hunger, achieve consumption security and better nutrition, and support sustainable agriculture;
3. Ensure healthy lives and promote well-being for all at all ages;

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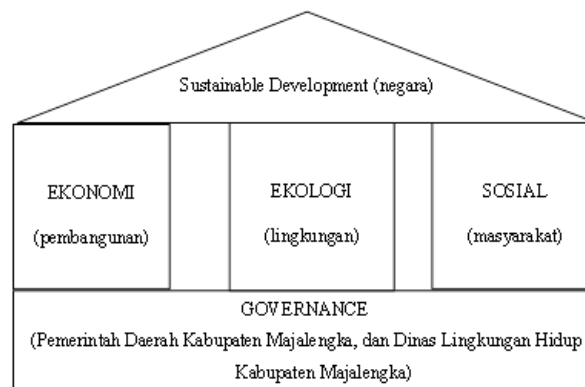
<sup>14</sup> Based on interview session with Albi as the head of Department of Public Works and Spatial Planning on Tuesday, 8 February 2022.

<sup>15</sup> Based on the interview session with Ilham as the Vice Principle of Studentship Division of SMPN 3 Jatiwangi on Friday, 25 March 2022.

4. Ensure inclusive and equal quality education, as well as support lifelong learning opportunities for all;
5. Achieve gender equality and empower all women and girls;
6. Ensure the availability and sustainable management of clean water and sanitation for all;
7. Ensure the access to affordable, reliable, sustainable, and modern energy for all;
8. Support inclusive and sustainable economic growth, full and productive employment and decent work for all;
9. Build resilient infrastructure, support inclusive and sustainable industrialization, and foster innovation;
10. Reduce inequality within and between countries;
11. Build the cities and settlements that are inclusive, safe, resilient and sustainable;
12. Ensure sustainable patterns of consumption and production;
13. Take urgent action to combat climate change and its impacts;
14. Conserve and sustainably utilize the sea, ocean, and maritime resources for sustainable development;
15. Protect, restore, and promote sustainable use of terrestrial ecosystems, manage forests in a sustainable manner, combat desertification, halt and reverse soil degradation, and halt loss of biodiversity;
16. Support peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable, and inclusive institutions at all levels;
17. Strengthen implementation measures and revitalize the global partnership for sustainable development<sup>16</sup>.

Discussion on Sustainable Development Goals has been discussed by the international community in the United Nations forum since the Stockholm Conference was held in 1972. The concept of Sustainable Development Goals operates as a means to balance economic needs and ecological sustainability which is then formulated through integration of three main dimensions namely environment, social, and economic.<sup>17</sup>

The integration relationship between the three dimensions above by Mohan Munasinghe is described as follows:



**Figure 1.** Diagram of the Main Elements of Sustainable Development<sup>18</sup>

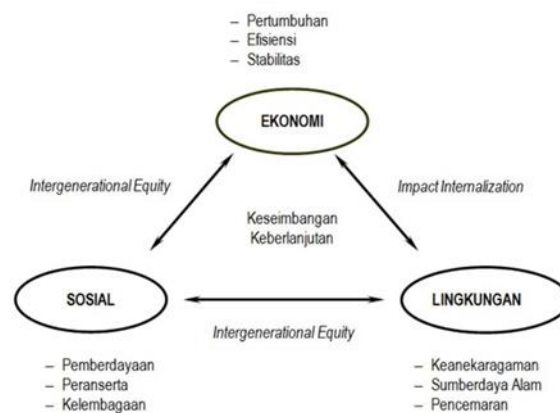
<sup>16</sup> *Tujuan Sustainable Development Goals*, Sustainable Development Goals Indonesia (online), accessed on Sunday, 31 October 2021, 22:10 WIB.

<sup>17</sup> Tutut Ferdiana Mahita Paksi, Suteki, Tity Wahyu Setiawati, *Rekonstruksi Kebijakan Publik...Op. Cit*, p. 15.

<sup>18</sup> Munasinghe, M., *Sustainable Development Triangle*, 'Sustainable Development', (Cleveland, C. J, 2007).

The scheme above shows that each dimension has its own role to realize the concept of sustainable development. The concept of sustainable development in principle consists of a mutually supportive relationship between economic development, social and environmental preservation. However, given the fact that economically efficient conditions are not necessarily aligned with social values and ecological values or conversely prioritizing ecological values can lead to conflicts with social values and economic values. So it can be seen that the three development goals do not have principles that are always aligned because there are often conflicting goals in development. Knowing that the government is the manager of all resources, the community leader, and the determinant of the country's future policies, the government's strategic role in efforts to balance and integrate the three dimensions will determine how successful a concept of sustainable development is implemented.

The government's role as the foundation for dimension integration efforts can be described in the following pattern:



**Figure 2.** Pillars of City Sustainable Building<sup>19</sup>

Following up on the spatial context which focuses on the 11<sup>th</sup> objective of the Sustainable Development Goals which relates to integrated urban planning, it is known that the 11<sup>th</sup> objective is very closely related to social, economic and environmental issues in the context of making cities and settlements inclusive, safe, stable, and sustainable.<sup>20</sup>

In realizing a livable and sustainable city, the United Nations through the United Nation-Habitat organizes a global meeting of the Habitat Conference every 20 years. Currently, the Habitat Program has reached Habitat III, resulting in a global agreement to achieve sustainable urban and settlement development (Sustainable Urbanization) in the form of a declaration of the New Urban Agenda (NUA).

The New Urban Agenda urges to encourage actions at the local level in addressing development challenges, particularly those that arise with increasing urbanization. This New Urban Agenda can be used as a guide for stakeholders in urban development at the national and regional levels, so that it can then be translated into development plans for each region.<sup>21</sup>

A spatial balance can be achieved with the presence of the 11<sup>th</sup> objective of the Sustainable Development Goals and the New Urban Agenda, so there is a need for targeted intervention from the government, one of which is in the form of policies issued by local governments. The public policies issued by local governments are one of the important keys for balance and sustainability in the future. The regulations used by Majalengka Regency in

<sup>19</sup> Tutut Ferdiana Mahita Paksi, Suteki, Tity Wahyu Setiawati, *Rekonstruksi Kebijakan Publik...Op. Cit*, p. 16.

<sup>20</sup> Global Environment Facility, *An Integrated Approach to Urban Planning and Management*, 20 Oct 2016.

<sup>21</sup> United Nation, *New Urban Agenda* (the Habitat III Secretariat, 2017), p. 5.

terms of spatial planning are in the process of updating and revising, so for now the regulatory policies used are still based on Regional Regulation Number 11 of 2011 concerning the Majalengka Regency Regional Spatial Plan for 2011-2031.<sup>22</sup>

The founding of company in Majalengka Regency certainly has a positive impact on local residents, this is because it can employ labor significantly and of course this can improve the economic quality of the community surrounding. However, no matter how big the company is, it must comply with the regulations regarding existing regional spatial plans, namely Regional Regulation Number 11 of 2011 concerning Majalengka Regency Regional Spatial Plans for 2011-2031 in order to maintain spatial balance and avoid violations on spatial planning.

Law is part of social life and thus will never exist in an environment of no social at all<sup>23</sup>. Law is an important element in the political development of a country and in this case clarifies its relationship with government policy.<sup>24</sup> Regional regulations as locality arrangements have a central role in regulating the social order of society.<sup>25</sup> Majalengka Regency actually has a regional regulation regarding regional spatial planning, namely Regional Regulation Number 11 of 2011 concerning the Majalengka Regency Regional Spatial Plan for 2011-2031, so it can be concluded that in the context of policies regarding spatial planning in Majalengka Regency, it was actually released in 2011 .

The times pass by and develop, and Indonesia is focused on development as well, whose policies then make Regional Regulation Number 11 of 2011 concerning the Majalengka Regency Regional Spatial Plan for 2011-2031 no longer able to settle the various problems occurring recently.

Law as a norm plays a central role in controlling people's behavior. This perspective confirms the view that law is a means to achieve happiness. It should be through law that all order and order are arranged in such a way that it runs as it should.<sup>26</sup> The case of a factory that should have produced in an industrial area where it is located in the area around the West Java International Airport, but in fact the factory was built and produces in a residential and agricultural area, namely in Jatiwangi District plus the condition of the factory is located right next to the SMPN 3 Jatiwangi school, is an example of the the inefficiency of Regional Regulation Number 11 of 2011 concerning Spatial Plans for Majalengka Regency 2011-2031. This incident led to a new demand that emerged and urged the Regional Government of Majalengka Regency to arrange a more effective policy.

Sustainable development is not a fixed level of alignment, but a process of resource utilization, investment direction, technological development orientation, and an institutional change that is consistent with the needs of the future and today.<sup>27</sup> In these circumstances, Regional Regulation Number 11 of 2011 concerning the Majalengka Regency Regional Spatial Plan for 2011-2031 as a form of spatial planning policy for the Regional Government

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<sup>22</sup> Based on interview session with Albi as head of Department of Public Works and Spatial Planning on Tuesday, 8 February 2022.

<sup>23</sup> Esmi Warrasih, *Pranata Hukum* (Semarang: Penerbit Pustaka Magister, 2016), p. 11.

<sup>24</sup> Endang Sutrisno–Isnaeni Jazilah, *The Licensing Policy for Groundwater Extraction and Management for Hospitality Industry in Cities in Developing Countries*, (Journal Water Policy, IWA Publishing, Vol.21, Issue 3 June, 2019), p. 1-10.

<sup>25</sup> Endang Sutrisno, Alip Rahman, Jihan Syifa Asmarani, *Konstruksi Kebijakan Lokalitas dalam Pengelolaan Sampah di Kawasan Pantai: (Issues of the Environmental Justice)* in Esmi Warassih, *Konstruksi Hukum dalam Perspektif Spiritual Pluralistik* (Yogya: Thafa Media, 2021), p. 430.

<sup>26</sup> Esmi Warassih (Preface), *Pemikiran Hukum Spiritual Pluralistik Sisi Lain Hukum Yang Terlupakan*, (Yogyakarta: Thafamedia-Kedhewa, 2016), p. iii.

<sup>27</sup> Endang Sutrisno, Ibnu Artadi, Alip Rahman, Himan Agustian, *Implementasi Kebijakan Pemerintahan Daerah Untuk Pelestarian Lingkungan Hidup Berkeadilan dengan Daerah Resapan Air di Kota Cirebon*, (1<sup>st</sup> Printing Banda Aceh: 2018), p.. 5.



of Majalengka Regency is a policy product that can no longer be implemented as a policy product that has been implemented by the Regional Government. Nowadays, Majalengka Regency, facing this demand, needs to make a new policy in the form of revising regional regulations regarding spatial planning to make it more suitable to the current situation, so that they work in line better with the current situation.

## V. CONCLUSION

The move of the West Java industrial area to Majalengka Regency was marked by the many companies being established and growing there. The presence of these companies actually has a positive and negative impact. The positive impact is the employment of local residents so that it has a good impact on economic growth, but the intensive development that in Majalengka Regency must still be adjusted to the spatial planning that already exists in the area and in order to achieve spatial balance, the planning of the spatial layout must also be in accordance with the 11<sup>th</sup> objective of the Sustainable Development Goals and the New Urban Agenda for if it is not balanced with this, development will get out of control resulting in many violations of spatial planning. In this situation, Majalengka Regency already has a regional regulation as the basis related to spatial planning, namely Majalengka Regency Regional Regulation Number 11 of 2011 concerning the Majalengka Regency Regional Spatial Plan for 2011-2031.

The occurrence of case of a factory in Majalengka Regency where the establishment is not in the industrial area, but in a residential and agricultural area instead, with its position next to a school, is an example of the implementation of spatial planning policies that are no longer efficient. This is because the policies of the Regional Government of Majalengka Regency are no longer able to settle the current situation. This can be seen from Regional Regulation Number 11 of 2011 concerning Spatial Plans for Majalengka Regency 2011-2031 as a form of Government spatial planning policy The Majalengka Regency area, which can no longer be implemented as a product of policies that have been implemented by the Regional Government of Majalengka Regency. Therefore it is coherent that the Majalengka Regency Government needs to revise the related regional regulations regarding spatial compliance by adjusting the current situation in Majalengka Regency.

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- Law No. 32 of 2009 about Environmental Protection and Management
- Law No. 11 of 2020 about Job Creation
- Regional Regulation Number 11 of 2011 concerning Spatial Plans for Majalengka Regency 2011-2031

### **Supporting Document**

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