



Legal Aspects of Regional and City Development Planning

Asep Jakaria Syifa Ajhara

Al-Ghifari University, Bandung, Indonesia
asepzakariaa6@gmail.com

Ucep Bayu Bastian

Al-Ghifari University, Bandung, Indonesia
ucepbayubastian@gmail.com

Received: 3 Juli 2023 | Accepted: 11 Agustus 2023 | Published: 30 December 2023

Abstract

The practice of urban and regional planning cannot be separated from the legal and administrative aspects of development. The legal aspect determines basic matters such as the legal basis that mandates a planning activity, the rules of how and by whom planning is carried out or the administrative process, how the legality of a plan product, and its law enforcement. Healey (1997) asserts that the planning system can be defined as a system of laws and procedures that establish the basic rules of planning practice. The development of the type of planning adopted or being carried out also affects the formulation of the legal basis of planning activities. Aspects of development administration, which are closely related to bureaucracy, determine the effectiveness and efficiency of urban and regional planning activities. Even more than that, development administration greatly influences the operationalization and successful implementation of a plan. So there is an interactive relationship between law and development administration, as well as between law and development administration with regional and city planning.

Keywords: *Development, Administration, Regional and city planning.*

1. INTRODUCTION

Law as a rule or norm has an important role in creating order in society. Legal positivism emphasizes the function of law as providing certainty, regulating citizen behavior, and maintaining order (Warjiyati, 2018). Along with that, the law is also considered as an instrument for realizing happiness, by the utility school which emphasizes mutual benefits. Apart from that, the concept of justice, which is the center of attention of the natural law school, is also included in the function of law as a guarantor of justice in social governance (Usman, 2014).

In modern social law states, plans are considered a legal element that cannot be ignored in the context of state administrative legal relations (Ridwan & Sudrajat, 2020). These plans are present in various areas of government activity, such as spatial planning, health management, and education. Almost all state and government institutions make plans as an integral part of implementing their activities.

A plan, according to Belinfante in his book "Kort Begrip van het Administratief Recht," is defined as a series of interrelated actions of state administration aimed at creating certain orderly conditions. In other words, only plans that have legal force have significance in the realm of state administrative law. A plan reflects the policy regarding what actions will be carried out by state administration in a particular field (Belinfante, 1983).

The planning process in general is a series of steps to determine appropriate actions in the future. This is done through a series of choices made taking into account the available resources. The



planning process aims to achieve a certain result or goal, and the application of law is an integral part of this process. Therefore, the understanding of law as a norm is not only applied in the realm of social regulation but also plays a role in aligning planning to achieve the desired goals (Banfield, 1973).

Planning cannot be separated from development but is an essential part of development administration itself. Development, as a planned effort towards better conditions, involves aspects of planning as well as implementation, control, supervision, and evaluation. Development administration law details government intervention in people's lives, providing a legal basis for directing planned changes. Planning administration, as an integral component, is key to achieving development goals, while law functions as a regulatory framework that regulates various aspects of the process.

The legal aspect of regional and city planning is the overall principles and rules that regulate how a city or region is organized (starting from planning, organizing, implementing, and supervising its management) and also includes the institutions and processes that make these rules come into effect in public. Thus, the legal aspect of regional and urban planning is not only a collection of rules but also includes the institutions (institutions) that make these rules implemented as well as the processes that make these rules valid and implemented in society. These legal and administrative aspects are not permanent and stable, but are dynamic, continually changing over time and changes in many factors, especially the government governance system in a country, the social dynamics of society, development paradigms and ideologies, and even the influence of global change. /globalization.

A concrete example of the role of law in planning administration can be found in the current situation in Indonesia, where the country is experiencing a transition to a spatial planning system. Previously, the applicable legal basis was Law No. 24 of 1992 concerning Spatial Planning but was deemed no longer relevant due to changes in the institutional system and decentralization of development that began in the era of regional autonomy in 2001. As a response to this change, Law No. 26 of 2007 concerning Spatial Planning, has significant implications for the legal and administrative aspects of spatial planning. Apart from that, in the realm of spatial development planning, the influence of law can also be seen through Law No. 25 of 2004 concerning the National Development Planning System (SPPN). Previously, national and regional development planning and control mechanisms referred to Minister of Home Affairs Regulation No. 9 of 1982 concerning Guidelines for Preparing Regional Development Planning and Control or what is known as P5D. These legal changes reflect adaptation to the dynamics of development and decentralization taking place in Indonesia.

The issuance of the two laws above and their derivative legislation to support operationalization has an impact on how the two main types of planning in Indonesia are implemented which are mandatory (mandatory) and determined by and as a legal basis (statutory). Where the implementation of planning includes planning principles, classification of planned products, processes and procedures, legality, institutions and division of authority, coordination and consultation mechanisms, etc.

According to H.D. van Wijk/konijnenbelt, planning can be interpreted as a special form of policy formation, which is expressed in the form of a reciprocal relationship between policy and law (HASRATUL, 2020). In other words, planning is a policy process. During the planning and implementation process, legal aspects are present and subject to legal norms.

Plans are considered as general binding regulations (Algemeen Verbindende Regeling), although there are other views which state that plans can also be considered as a decision (beschikking). Plans are defined as general arrangements because they reflect government policy. Plans serve as a tool for compiling policies issued by the government, and by establishing general norms, similar things are enforced together.



Based on this definition, plans can cover a variety of legal characteristics, including statutory regulations, policy regulations, decisions, and decrees. In the Indonesian context, variations in the legal nature of plans can be seen from the party who makes them, the contents of the plan, and the objectives of the plan. In this way, the legal consequences that arise from the legal relevance related to the plan will also be revealed.

2. METHOD

The method in this journal uses library research, namely a method of collecting data by reviewing and studying theories from various types of literature related to the research we write about in this article.

There are four stages of literature study in research, namely preparing, equipping the necessary tools, preparing a work biography, organizing time, and finally reading and recording materials that are important for research (Zed, 2008).

Library materials obtained from various references are analyzed critically and in-depth so that they can support the propositions and ideas. This data collection uses the method of searching for sources and reconstructing them from various library sources, for example, books, journals, and research that has been carried out previously.

3. RESULT AND DISCUSSION

In Indonesia, the regional and city planning approach, especially spatial planning, is dominated by comprehensive rational physical planning with a rationale for policy analysis or policy analysis. In this approach, planning is the responsibility of one planning institution and is oriented towards the public sector (Riyadi & Supriady, 2004).

In the context of regional and city planning in Indonesia, the main formal legal sources can be divided into two types, namely spatial planning legal sources, such as Law Number 26 of 2007 concerning Spatial Planning and its derivative regulations, and development planning legal sources (non-spatial), such as Law Number 25 of 2004 concerning the National Development Planning System (SPPN) and its derivative regulations.

With the enactment of Law Number 26 of 2007 concerning spatial planning, all types of spatial planning (RTR) must be made part of statutory regulations. This includes both government regulations and presidential regulations for national-level RTRs, as well as regional regulations for regional-level RTRs. Therefore, regional and city planners need to have an understanding of the basics or technical rules in designing legal language when drafting statutory regulations. This aims to ensure that plans that have been legalized do not cause legal problems in the future.

This ability is also useful in understanding and interpreting various laws and regulations which are the basis for consideration in preparing plans. Several rules for designing legal language in the planning sector involve the basis of the regulations themselves, the principles of statutory regulations, material that can be regulated, systematics, and good and correct Indonesian language rules in statutory regulations.

Classic problems in comprehensive planning involve limited data and the limited ability of planners to deal with complex problems. Therefore, other alternative approaches are sought, for example by reducing the scope of planning, such as Integrated Regional Planning, or by focusing on certain



components. For example, in Indonesia, there is a focus on infrastructure through the Integrated City Infrastructure Development Project (P3KT) and a focus on poverty alleviation through the Urban Poverty Alleviation Project (P2KP). Programs like this were finally integrated into PNPM (National Program for Community Empowerment), which was launched on April 30 2007 in Palu City, Central Sulawesi. PNPM is one of the poverty reduction programs..

Development of Regional and City Planning in Indonesia

The planning model based on comprehensive rational planning theory is very closely related to the technical or operational level of planning. This largely determines the extent to which future projections can be precise and flexible, as well as determining whether the planning is more indicative or prescriptive. In this category, types of planning include (a) macro planning, such as national (comprehensive) development planning, (b) micro-planning, (c) sectoral planning, (d) regional planning, such as Integrated Regional Planning, and (e) project planning, which focuses more on the development of the urban physical environment (Tjahjati, 2011). This approach began to develop in the 1950s and early 1960s, often applied to land use planning.

Development administration developed in response to the need in developing countries to strengthen their social, political, and economic institutions and institutions so that development can be successful. The development of development administration, both in theory and practice, follows the evolution of thinking in administrative studies, especially state administration and development studies (Kartasasmita, 1997).

In terms of its function, development administration has two sides according to Waldo (Widyaningsih, 2018) (1) Administrative development, which is an effort to improve state administration, is often referred to as administrative development, with organizational characteristics that tend to be static and follow certain patterns; and (2) Development administration, which involves guidance in the field of administration to support development planning and implementation, often referred to as administration for development, with management characteristics that are dynamic and show movements or processes. Administrative functions for development involve planning, resource mobilization, community participation, budgeting, development implementation, coordination, monitoring and evaluation, supervision, and the role of information.

The process of improving state administration and administrative development to support overall development planning and implementation requires planning. Factors that influence planning and development administration, both in terms of the type of administration and the smoothness, effectiveness, and efficiency of the administration itself, are important things to pay attention to.

The following are factors that influence or can have implications for planning and development administration, both in the type of administration, as well as the smoothness, effectiveness, and efficiency of the administration itself.

Spatial and Time Dimension Factors in Development Administration

Development planning is a crucial stage in the development process which is always related to the dimensions of space and time. The time dimension involves scheduling development stages, continuity, and time perspectives in preparing plans, such as short-term, medium-term, and long-term plans. This type of planning based on the time dimension has implications for different planning administrations.



There are three main approaches to developing countries with large populations and large areas, namely macro, sectoral, and regional development. Macro development targets the national level, with its achievement through efforts at sectoral and regional levels. These three approaches have different administrative implications and emphasize the importance of spatial and regional dimensions in development administration.

The following are several aspects related to spatial and regional dimensions in development administration: 1) Regionalization or Regionalization: The formation of regional units to sharpen the focus on a smaller spatial scope within a country, with historical, geographical, economic, or socio-cultural considerations. 2) Spatial Planning: Arranging spatial structures and patterns to optimize resources in development. 3) Regional Autonomy: Decentralization is an effort to provide greater authority to regions for effective and efficient governance and implementation of development. 4) Community Participation: The community, together with government officials, is a stakeholder in the formulation, implementation, and evaluation of every development effort. 5) Diversity of Policy: National policy must be flexible to allow for development and modification according to the unique conditions of each region.

The importance of development administration in the context of spatial and regional dimensions is to maintain unity and integrity while providing sufficient authority and responsibility to the region and its people. By considering these factors, development administration can act as a bridge between national policies and development efforts at the regional level.

Government Governance System and Planning System Factors

Changes in the government governance system, especially the shift from a centralized approach to decentralization since the era of regional autonomy, have had a major impact on planning and development administration. Changes in the development paradigm that involve the role of government from being a responsible implementer to being a regulator and facilitator also influence the planning system. In this context, the planning system includes the rules or policies used by a region or region as a basis for implementing development planning.

Policy Legalization Factors

The results of development planning are policy decisions that must be implemented. Therefore, a binding legal basis is needed. As explained at the beginning of this module, there are product plans that are mandatory and regulated by law. Apart from that, other types of planning may be mandated or required by statutory regulations, but with different types of stipulation or legalization. At the regional level, for example, legalization of plan products can take the form of Regional Regulations (Perda), regulations, or regional head decisions, and each type of legalization has an impact on different types of planning administration.

Political Factors and Ideological Views

Political aspects are generally reflected in the ideology that is the basis of a country. Ideology, as a state philosophy, is considered an element that has a significant influence on the patterns, systems, and culture applied in the implementation of a country's development (Deddy and Riyadi, 2004). There are at least three types of ideologies developing throughout the world, namely liberalism/capitalism, Marxism, and socialism.

Development administration cannot be separated from political aspects. Development administration assists political officials in making policy decisions, and there is interaction between politics and development administration. A well-functioning administration supports the creation of political stability. The ideology held by political elites can also influence the type of administration,



as well as the commitment of political elites to the development process and resource allocation can influence the smooth running of development administration.

Science and Technology Development Factors

In formulating policies, planning, and implementing development, progress in Science and Technology (IPTEK) does not only include the use of equipment but also involves various sophisticated techniques and management approaches. All these aspects collectively impact the effectiveness and efficiency of development administration.

Social and Economic Factors

Economic stability is the main goal that must be achieved in the development process. On the other hand, economic growth and favorable conditions increase the opportunities to achieve development planning goals, as well as the availability of resources to carry out development administration and implement development programs.

Socio-cultural factors are an important component that must be considered in formulating development policies and planning. The planning process itself is an effort in social learning and social mobilization. The impact on development administration includes aspects such as the culture and work ethic of administrative officials, the level of community acceptance of development programs, the level of participation and community awareness in the development planning process, and so on.

Planning Human Resources Capability Factors

Human Resources (HR) in the planning sector is a key factor as a "driver" for the implementation of development planning and development administration. Therefore, the ability of HR planners is the key to success or failure in the development planning process. A development planner is different from a sectoral planner because development planners are expected to have broad knowledge and insight, a visionary nature, as well as multi-disciplinary and intersectoral abilities.

Planning Institutional Factors

Here, planning institutions refer to government organizations that have the responsibility for implementing planning. Development planning is a complex task and is the government's responsibility to meet community needs. The planning organizational structure includes the roles and functions of the institution, resource capacity, environmental influences on the organization, and the systems that apply within the planning institution. All of these aspects can influence the smoothness of the development administration process.

The Role of Legal Aspects in Regional and City Planning

The legal aspect of regional and city planning includes all the principles and norms that regulate how a city or region is organized, planned, implemented, and supervised in its management. It also includes the institutions and processes that implement these norms in society. Therefore, the legal aspect of regional and urban planning is not only a collection of regulations but also includes institutions (institutions) that are responsible for implementing these regulations, as well as the processes that make these regulations valid and implemented in society.

Below we will explain several roles of legal aspects in regional/city planning.



1. As a legal basis for preparing plans.

Two legal products which form the legal basis or legal umbrella for the preparation of two types of plans, both at the central and regional levels, which are mandatory and mandated, are Law Number 26 of 2007 concerning Spatial Planning and Law Number 25 of 2004 concerning Planning Systems National development.

2. As a Legal Basis for Planned Products and Plan Implementation

Cities, as centers of settlement and economic activity, are expected to function as drivers of growth and stimulate economic development in the surrounding area. To achieve this, city efficiency is essential. Therefore, effective urban planning is needed, taking into account the balance of relations between the city and the surrounding area. Effective urban development planning is needed to avoid:

- a. Irregular growth of cities, which can lead to chaos.
- b. Provision of expensive and inefficient service and infrastructure facilities.
- c. Land speculation can result in doubling development costs.
- d. Irresponsible land use, which can endanger environmental sustainability.

Although urban planning is necessary for cities to function efficiently, they are useless if they are not effective. This means that the city plan must be used as a basis for the development of the city in question. This can happen if the plan does not meet needs or if it is not supported by an implementation mechanism that includes a legal basis and law enforcement in controlling its implementation.

After preparing the city plan, the next step is to determine the legal basis as the basis for implementing the plan. For example, a city's Regional Spatial Planning Plan (RTRW), when ratified or stipulated through regional regulations (Perda), not only becomes the result of planning but also becomes a legal product that is binding for the government, private sector, and society. The city's RTRW Regional Regulation and its detailed plans such as Detailed Spatial Planning Plans (RDTR) and Zoning Regulations (PZ) serve as a reference for Regional Work Units (SKPD) in prepare and implement sectoral plans. This is also the legal basis for licensing space utilization, sectoral licensing involving space (for example: mining), providing incentives and disincentives, imposing sanctions for violations of spatial planning, development budgeting, and land acquisition for the public interest.

3. As Planning Regulations or Planning Procedures

Legal products, including laws and statutory regulations, have provisions regarding planning regulations. This includes planning principles, classification of plan products, processes and procedures, legality, institutions and division of authority, coordination and consultation mechanisms, as well as other aspects. Examples are all norms, standards, and manuals in the field of spatial planning, which are known as guidelines for the field of spatial planning.

The Spatial Planning Law (UUPR) strictly regulates the contents of regional spatial planning at all administrative levels. Regulations on the content of spatial planning plans also cover matters that must be considered in preparing spatial planning plans, as well as the use of these plans to prepare Long Term Development Plans (RPJP), Medium Term Development Plans (RPJM), programs and their financing, as well as a basis for controlling space utilization.

Regarding the content of the plan, the UUPR stipulates that regional spatial planning plans must include:



- a. Regional spatial planning objectives, policies, and strategies;
- b. Spatial structure plans which include urban system plans and main infrastructure network system plans (transportation, energy, telecommunications, and water resources);
- c. Spatial pattern plans that include space utilization plans for protected areas and cultivation areas;
- d. Determination of strategic areas;
- e. Directions for space utilization in the form of indications of the main five-year medium-term program (taking into account the funding capacity of stakeholders);
- f. Directions for controlling space utilization which include directions for permits, directions for incentives and disincentives, indications for directions for zoning regulations, as well as directions for administrative sanctions;
- g. Specifically for city areas, spatial plans must also include: plans for providing green open space, non-green open space, as well as plans for providing and utilizing pedestrian networks, public transportation, informal sector activities, and disaster evacuation spaces.

4. As a Basis for Law Enforcement for Plan Violations

Consistent law enforcement against irregularities in the use of spatial planning is very important to improve the performance of national and regional spatial planning, as well as forming the basis for future development. Utilization of space for various cultivation activities, such as mining, plantations, housing, industry, etc., must be by the spatial plan. Space utilization that is not by the spatial plan can result in administrative sanctions and the threat of imprisonment and fines, according to the provisions of Law No. 26 of 2007 concerning Spatial Planning.

Law Number 26 of 2007 concerning Spatial Planning regulates three types of sanctions, namely administrative sanctions (Articles 62 to 64), civil sanctions (Articles 66, 67, and 75), and criminal sanctions (Articles 69 to 74). Administrative sanctions are given by administrative officials to parties who commit violations, which can be in the form of written warnings, temporary suspension of activities, temporary suspension of public services, location closure, revocation of permits, cancellation of permits, demolition of buildings, restoration of space functions, and/or administrative fines. Sanctions of imprisonment and fines are given by a judge after going through a judicial process to parties who commit violations, as well as officials who issue permits that do not comply with spatial planning plans. These criminal provisions are also explained in Law No. 26 of 2007 concerning Spatial Planning.

Criminal sanctions regulated in Articles 69 to 71 of Law Number 26 of 2007 are aimed at behavior that violates the obligations regulated in Article 61, namely:

- a. Comply with the spatial plan that has been determined;
- b. Utilize space by space utilization permits from authorized officials;
- c. Comply with the provisions stipulated in the space utilization permit requirements; And
- d. Providing access to areas that are declared by statutory provisions to be public property.

Apart from that, UUPR also prohibits government officials who have the authority to issue space utilization permits from issuing permits that are not by spatial planning plans. Violation of these obligations and prohibitions has consequences in the form of imprisonment and fines, in addition to administrative sanctions.

5. As a Legal Basis for Democratization and the Role of Community in Planning

In the context of spatial planning, Law No. 26 of 2007 concerning spatial planning emphasizes the importance of community participation. This is stated in the preamble to point (d) which states that the existence of limited space and the growing public understanding of the importance of spatial



planning requires the implementation of transparent, effective, and participatory spatial planning, to create safe, comfortable, productive, and sustainable space. .

Community participation is relevant in Indonesia and various countries because of the limitations of the representative democratic system which is unable to represent the diversity of community interests, especially minority groups, the poor, or those who have limited access to the political decision-making process. To overcome this, community participation is needed so that their voices can be accommodated directly in the spatial planning decision-making process.

Community participation, in this context, includes community involvement processes that enable them to influence spatial planning decision-making. It's involving regulation, guidance, implementation, and supervision of spatial planning, as explained in Article 1 of Law No. 26/2007. The main objective of community participation is to produce plan output that is better than that achieved through technocratic processes and to encourage the community and government capacity-building process.

Through active community participation in the spatial planning process, it is hoped that conflicts between various stakeholders can be reduced, especially at the stage of utilization and control of spatial use. In addition, community participation is expected to contribute to producing spatial plans that are more sensitive to the needs of various community groups, taking into account local wisdom.

Community participation is not only a way to improve the quality of spatial planning, but also a joint learning process. Through constructive and sustainable dialogue, a shared understanding of spatial planning occurs, which then contributes to the development of spatial planning. The mechanism for community participation involves the delivery of information, proposals, and suggestions through various media, as well as direct participation in spatial planning activities.

Implementation of community participation can be carried out through workshops, public consultations, and various forms of communication to capture community aspirations. Community rights, such as the right to know the spatial plan, enjoy the added value of space, receive compensation for losses, raise objections, and file a lawsuit for compensation, are regulated in UUPR and need to be taken into account in the preparation and implementation of spatial planning plans.

A community participation or participatory approach is also mandated in development planning, as embodied in Law No. 25/2004. One implementation is through a series of development planning meetings (Musrenbang), which are carried out in stages starting from the district/city level to the national level. Musrenbang is a series of forums that are an integral part of preparing the planning system and budget allocation for implementing development activities every year.

6. As a Legal Basis for Providing Public Spaces in Planning

According to Law Number 26 of 2007 concerning spatial planning, public space can be public green open space or public non-green open space which the government is obliged to provide in land use in cities in Indonesia. Public space is defined as a place for critical discussion that is open to everyone. Private citizens gather in this public space to form a public forum that aims to monitor government and state power.

The public sphere assumes the existence of freedom of speech, assembly, a free press, and the right to free participation in political debate and decision-making. Public spaces include information media such as newspapers and journals, as well as places such as coffee shops, meeting halls, and other public spaces where socio-political discussions take place. The three characteristics of public space are responsive, democratic, and meaningful. Responsive means public space can be used for various



activities and interests. Democratic means that public spaces can be used by the general public from various social backgrounds.

Law no. 26/2007 firmly stipulates the obligation of every city to allocate at least 30% of its area for Green Open Space (RTH). Of this amount, 20% is allocated for public green open space which is owned and managed by the city government for the benefit of the general public, while 10% is allocated for private green open space on private or community-owned land. This obligation is an integral part of the city planning analysis and must be included as a plan for the provision and use of green open space in regional regulations regarding the city's Regional Spatial Planning (RTRW).

7. Legal Basis for Conflict/Dispute Resolution in Spatial Planning

- a. In the context of spatial planning, conflict can be divided into four types:
- b. Conflicts over spatial planning involve human dimensions, social aspects, and the context of nation-states.
- c. Conflicts regarding spatial planning, related to methods, systems, designs, and political aspects.
- d. Conflicts in spatial planning include disputes related to natural, physical, information, and other resources.
- e. Conflict through spatial planning, including professional conflict, between organizations (government versus professional organizations), and due to tools and techniques.

Some of the main provisions in Law Number 26 of 2007 concerning spatial planning related to conflict or dispute resolution are as follows:

- a. Settlement of spatial planning disputes: Article 67 paragraph (1) of the Law stipulates that the resolution of spatial planning disputes in the first stage must be carried out through deliberation to reach consensus. Spatial planning disputes refer to disputes between stakeholders in the implementation of spatial planning. If deliberations do not reach an agreement, the parties to the dispute can use court or out-of-court settlement by statutory provisions. Out-of-court settlements involve methods such as deliberation to reach consensus, mediation, conciliation, and negotiation.
- b. Conflicts over the use of space between regions: Article 33 paragraph (1) mandates the development of watershed (DAS) management patterns in water management, involving two or more provincial and district/city administrative regions to avoid conflicts between upstream and downstream regions.
- c. Objections to development: Article 60 point c gives every person the right to obtain adequate compensation for losses resulting from the implementation of development activities by the spatial plan. Parties who feel disadvantaged also have the right to submit objections to development that is not by the spatial plan in their area.
- d. Losses related to permit cancellation: Article 37 paragraph (4) states that a space utilization permit that is canceled because it does not comply with the spatial plan can be requested for appropriate compensation from the permit granting agency.
- e. Problems after the determination of the spatial plan: Article 77 regulates that the use of space that is not by the spatial plan must be adjusted after the determination of the spatial plan. A transition period of three years is given for the legal use of space according to the previous spatial plan for adjustments. During the transition period, enforcement cannot be carried out by force. Forced control is carried out if the transition period ends and space use is not adjusted to the new spatial plan. Article 77 paragraph (3) provides the right to appropriate replacement for space uses whose permits are issued before the spatial planning plan is determined and by correct procedures.



4. CONCLUSION

Legal aspects in regional and urban planning play several important roles. This includes functions as a legal basis for the preparation of plans and planning regulations, as well as planning procedures. Apart from that, the legal aspect also acts as a legal basis for plan products and their implementation, including as a basis for law enforcement against plan violations. The legal aspect also has a role in supporting democratization and community participation in planning, providing public space, resolving conflicts or disputes, creating integration in development planning, and as a legal basis for dividing authority in planning.

With the enactment of Law No. 26 of 2007 concerning spatial planning, all types of spatial planning (RTR) must be made part of statutory regulations, whether in the form of government regulations and presidential regulations for RTR at the national level, or regional regulations for RTR at the national level. area. Therefore, it is essential for regional and city planners to at least have a basic understanding of technical principles in preparing legal texts so that plans that have been approved do not cause legal problems in the future.

Legal aspects play an important role in regional and city planning as the legal basis for preparing plans as well as planning regulations or planning procedures. Apart from that, legal aspects also form the legal basis for plan products and plan implementation, including as a basis for law enforcement for plan violations. The legal aspect also plays a role in democratization and community participation in planning, providing public space, resolving conflicts/disputes, realizing integrated development planning, and as a legal basis for the division of authority in planning.

REFERENCES

- Banfield, E. C. (1959) "Ends and Means in Planning", *International Social Science Journal* 11 (3): 361-368.
- Bratakusumah, Dedy Supriady & Riyadi. 2004. *Perencanaan Pembangunan Daerah; Strategi Menggali Potensi dalam Mewujudkan Otonomi Daerah*. Jakarta: PT. Gramedia Pustaka Utama
- Davidoff, Paul. 1965. *Advocacy and pluralism in planning*. *Journal of the American Institute of Planners* 31, November: 331-38.
- Ditjen Penataan Ruang. 2006. *Sejarah Penataan Ruang Indonesia*. Jakarta.
- Etzioni, Amitai. 1973. *Mixed scanning*. In *A reader in planning theory*, ed. A. Faludi. New York: Pergamon Press.
- Fainstein, Susan S. forthcoming, "Planning and the Just City," in Peter Marcuse et al. , eds. , *Searching for the Just City*. New York and London: Routledge.
- Forester, John 1989, *Planning in the Face of Power*. Berkeley: University of California Press
- Friedmann, John 1987, *Planning in the Public Domain: From Knowledge to Action*. Princeton: Princeton University Press.
- Friedmann, John. 1973. *Retracking America. A theory of transactive planning*. Garden City, N. Y.: Doubleday-Anchor.
- Healey, Patsy et al. , eds. 1997, *Making Strategic Spatial Plans: Innovation in Europe*. London: UCL Press.



- Kartasasmita, Ginandjar. 1997. *Administrasi Pembangunan: Perkembangan Pemikiran dan Praktiknya di Indonesia*. PT. Pustaka LP3ES
- Kuncoro, Mudrajad. 2012. *Perencanaan Daerah; Bagaimana Membangun Ekonomi Lokal, Kota, dan Kawasan?* Jakarta: Salemba Empat
- Lindblom, Charles E. 1959. The Science of "Muddling Through". *Public Administration Review*, Vol. 19, No. 2 (Spring,1959), pp. 79-88. Blackwell Publishing
- Oetomo, Andi. 2006. *Metropolitan di Indonesia: Kenyataan dan Tantangan Dalam Penataan Ruang, Bab 7: Hukum dan Kelembagaan*. Departemen Pekerjaan Umum :Jakarta
- Priyanta, Maret. 2013. *Kaidah Teknik Legal Drafting Dalam Penyusunan Peraturan Perundang-undangan di Bidang Penataan Ruang (Konsep, Teori, Struktur dan Penyusunan)*. Bahan paparan pelatihan (Bimtek) Legal Drafting, Bandung, 17-19 Maret 2013.
- Tjahjati, Budhy. 2011. Pergeseran Konsepsi dan Pendekatan dalam Perencanaan Pembangunan Wilayah dan Kota di Indonesia, dalam *Buku Menarik Pelajaran dari 50 Tahun Perjalanan Perencanaan Wilayah dan Kota di Indonesia*. Editor: Myra P Gunawan, Siti Sutriah Nurzama, Suwardjoko Warpani. Penerbit ITB bekerjasama dengan Yayasan Sujanjto Soegijoko.