

**LEGAL CONSTRUCTION FOR SETTLEMENT
OF SPATIAL PLANNING DISPUTES AFTER THE LAW
NO.11 OF 2020 ABOUT JOB CREATION APPLIED**

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ABSTRACT

Based on experts' observations, in Indonesia, there are many phenomena of structural disputes in the use of space, namely disputes caused by policies and or decisions of public officials, both at the central and regional levels, which cause many victims in society and impact a very wide area. Before the birth of the Job Creation Law, Law Number 26 of 2007 concerning Spatial Planning regulated spatial disputes and their resolution. Still, the arrangements were unclear and often led to confusion with the mechanism for resolving spatial use violations through administrative/criminal sanctions. This study examines the Legal Construction of Spatial Planning Dispute Resolution After the Job Creation Law was enacted. The research is normative legal research with a statutory approach taken from secondary and tertiary data, which is then analyzed. And will be analyzed by descriptive-analytical methods. The results of the study show that at the time the Job Creation Law was issued, legal reconstruction was carried out by clarifying the rules regarding spatial planning disputes, which consisted of (1) Categorizing spatial planning disputes as one of the instruments for controlling spatial use, (2) clarifying the identification of spatial planning disputes, (3) clarifies the subject and object of spatial planning disputes, (4) clarifies the mechanism for resolving spatial planning disputes and (5) clarifies the authority of each Central and Regional government.

Berdasarkan pengamatan para ahli, di Indonesia banyak terjadi fenomena perselisihan struktural dalam pemanfaatan ruang, yaitu perselisihan yang diakibatkan oleh kebijakan dan atau keputusan pejabat publik, baik di pusat maupun di daerah, yang menimbulkan banyak korban di masyarakat dan dampaknya. wilayah yang sangat luas. Sebelum lahirnya UU Cipta Kerja, Undang-Undang Nomor 26 Tahun 2007 tentang Penataan Ruang mengatur sengketa tata ruang dan penyelesaiannya. Namun, pengaturannya masih belum jelas dan sering menimbulkan kerancuan dengan mekanisme penyelesaian pelanggaran pemanfaatan ruang melalui sanksi administratif/pidana. Studi ini mengkaji Konstruksi Hukum Penyelesaian Sengketa Penataan Ruang Pasca UU Cipta Kerja diundangkan. Penelitian ini merupakan penelitian hukum normatif dengan pendekatan perundang-undangan yang diambil dari data sekunder dan tersier, yang kemudian dianalisis. Dan akan dianalisis dengan metode deskriptif-analitik. Hasil kajian menunjukkan bahwa pada saat UU Cipta Kerja diterbitkan, dilakukan rekonstruksi hukum dengan memperjelas

aturan mengenai sengketa tata ruang, yang terdiri dari (1) Mengkategorikan sengketa tata ruang sebagai salah satu instrumen pengendalian pemanfaatan ruang, (2) memperjelas identifikasi sengketa tata ruang, (3) memperjelas subjek dan objek sengketa tata ruang, (4) memperjelas mekanisme penyelesaian sengketa tata ruang, dan (5) memperjelas kewenangan masing-masing Pemerintah Pusat dan Daerah.

Kata Kunci: *Dispute, Spatial Law, Legal Construction.*

A. INTRODUCTION

The coexistence of various overlapping areas of legality poses a challenge to the concept of the legal order. Observations such as the blurred distinction between domestic law and regulatory inconsistencies and dualism between public and private law, hybrid law-making processes, broader perceptions of legal actors, dissolution of pre-existing boundaries and creation of new boundaries in law raise questions. Fundamental to the concept of the legal order (Burchardt, 2022).

Beyond this aspect, the notion of spatial Laws suggested here consists of various features guided by concepts from topology, the branch of mathematics that analyzes the qualitative properties of space. This approach has been adopted interdisciplinary, including in different social science disciplines. A topological perspective can offer new insights into various subject matters and be a fruitful legal approach (Fletcher, 2016). In the context of multiple legalities, a topology-inspired system of spatial law provides categories for conceptualizing and characterizing sets of legal elements and their interactions, including phenomena such as overlap and hybridity (Manullang, Kusumadewi, Tompul, & Nurwanty, 2022).

Globalization also influences spatial law, which greatly affects the nation's existence as an economical controller. Most of the economic, social, and political issues are related to the failure of the government to carry out its role properly. In legal institutions, the state must recognize the public as unable to meet their basic needs in providing basic social services (Blank & Rosen-Zvi, 2010).

Spatial planning is needed considering that space is a container that includes land, sea, and air space, including space inside the earth as a limited area unit (Sinaga, 2020). Humans and other living creatures need space to carry out their activities and survive. Spatial use has been regulated strictly and hierarchically in spatial planning, from national, provincial, district/city spatial plans to detailed spatial plans. In its utilization, land, sea, and air space often create conflicts or disputes individually with community groups, legal entities, or even certain agencies, which lead to debates in spatial planning (ATR/BPN, 2022).

In 2019 the Ministry of Agrarian Affairs and Spatial Planning noted that based on the audit results of controlling spatial use violations conducted from 2015-2018, 6,621 locations in Indonesia indicated violations, and the most widespread were in the area of

Java Island. As many as 5,286 locations and from the many findings of audit violations of spatial planning, not least of which it turns out that the spatial disputes that occur are spatial planning disputes. Of course, law enforcement is different between conflicts and breaches of spatial planning.

From the time the Job Creation Law was issued until now, it has become a Government Regulation instead of a Law (Now is government regulation instead of legislation). What is meant by spatial planning is that disputes are disputes between stakeholders in the implementation of spatial planning, where settlement is prioritized through deliberations. If no agreement is found, the parties can resolve it through court or out of court agreed by the parties to the dispute (Manullang, Prasetya, Kusumadewi, & Zakaria, 2021).

Based on Government Regulation no. 21 of 2021, spatial planning disputes arise due to policies or decisions of public officials (central and regional), involving many victims and causing widespread impacts, which include social, economic, and political dimensions. The increasing dynamics of development, population growth, and growing need for space trigger friction between individuals, community groups, legal entities, institutions, or even agencies that lead to disputes and spatial planning. Meanwhile, disputes and spatial planning can also be triggered by implementing spatial planning mandates or policies related to spatial planning, which are difficult to implement in the field.

Reflecting on Indonesia, based on the observations of experts, there is a phenomenon of structural disputes in the use of space, namely disputes caused by policies and or decisions of public officials, both at the center and at the regions, which cause many victims in society and have an impact on a very wide area, which includes various dimensions, including social dimensions, economic dimensions, political dimensions, which are woven in such a way that the wider community is only considered as an "object," while in Law Number 26 of 2007 concerning Spatial Planning Article 65, the community is given space to participate in the implementation of spatial planning, both in the preparation of spatial plans, in the use of space, as well as in controlling the use of space. Spatial planning disputes are one of the things that hinder the realization of orderly spatial planning.

Some previous research, for example, conducted by (Arief & Ramadani, 2021) nggraeny Arief, Rizki Ramadani entitled "Omnibus law on job creation and its implications for the basic concept of Limited Liability Companies," which discusses the implications of the Limited Liability Company Law, several provisions in the Omnibus Law on job creation have expanded the meaning of Limited Liability Companies by presenting an individual. Besides, it also removes the company's minimum capital limit, which is feared will cause vulnerability for business continuity. Furthermore, research conducted by (Suryati, Disurya, & Sardana, 2021) entitled "legal review of Omnibus Law Job Creation law" where the results of the research (1) umbrella, the omnibus Law is not regulated in law Number 12 of 2011 concerning the formation of laws and

regulations, therefore omnibus Law in the Indonesian context is narrated as a law, (2) The Importance of the role of society in the formation, (3) Law is a product of politics as a source of the binding force of Law, (4) in addition, the proportionality of the number of laws needs to be considered to avoid inharmonious and multi-interpretive regulations.

Related to the previous research above needs to be explained comprehensively superior legal construction because the two articles above only focus on implementing the law of Job Creation. Therefore, this study is intended to see the ideal construction of Job Creation law. Before the enactment of the Job Creation Law, there was a misunderstanding of the position of spatial disputes in the enforcement of spatial law as one of the instruments for controlling spatial use in the framework of realizing spatial order. This research answers how the construction of spatial use dispute resolution after the entry into force of the Job Creation Law.

B. METHOD

The writing of this journal uses a normative research approach, which is a process to find the rule of law, legal principles, and legal doctrines to answer the legal issues faced. The research approach used is philosophical and analytical, that is, research that focuses on rational, critical analytical, and philosophical views and ends with a conclusion that aims to produce new findings to answer the main problem that has been determined. The analysis used is a descriptive analytical method, namely by describing the applicable laws and regulations related to the theory of law and positive law enforcement practices related to the problem (Marzuki, 2016).

This research was investigated using library materials (secondary materials) or library law research, which in general were addressed to research on legal principles, research on legislation, research on legal constructions of spatial planning dispute resolution, using legal sources such as:

1. The primary law source is material binding on the problems to be studied. Examples are the 1945 Constitution, laws, government regulations, regulations instead of rules and others.
2. The secondary source of law is data materials that explain primary data legal materials. Examples are journals, reports, research results, scientific papers, etc.
3. Tertiary sources of law are data materials that provide information about primary and secondary rules. Examples are legal language dictionaries, encyclopedias, magazines, mass media and the internet.

C. RESULTS AND DISCUSSION

1. The Concept of Legal Construction

Regarding legal construction, Bruce R. Hopkins argues that construction in legal science is the construction of laws, also known as legal interpretation, which

means predicting the meaning of laws, a practice that courts often carry out. One reason for interpreting legislators is to determine whether the meaning behind a regulation is valid. According to Steven H. Gifis, Legal construction is the interpretation of something that needs to be clarified to determine the meaning of an ambiguous part (Wallace & Wild, 2013). According to Susan Ellis Wild, Construction is the process of interpreting the constitution, laws, or implementing instruments. Lawrence B. Solum distinguishes between interpretation and construction. Interpretation is finding communicative content (roughly, linguistic meaning in context) of written law. At the same time, construction determines the legal consequences of legal texts, including legal content, doctrine, and judge's decisions (Solum, 2020). Legal construction (Rechtsconstructie), according to Logemann, includes (Mangesti, 2019):

- a. Analogy Construction is the cons (Solum, 2020)truction process carried out by finding the ratio ledes (genus) of a law and then applying it to other things that are not regulated by that law.
- b. Legal Refinement Construction (rechtsverfijning), namely that if the existing laws and regulations cannot be used and or violate the value of justice, then the written legal provisions should not be applied or the scope of the applicable laws and regulations is narrowed (restrictive).
- c. Construction of Argumentum a contrario, namely applying regulations by interpreting or interpreting otherwise about upholding the value of justice.

Fatimah and Andora explain the difference between conflict and dispute. The term conflict means a dispute or conflict that occurs between two or more people. At the same time, the dispute can be divided into two meanings, namely in the broad and narrow sense (Fatimah & Andora, 2010). In a broad sense, dispute causes differences of opinion, quarrels, debates, disputes, and struggles between parties interested in an object. Meanwhile, in a narrow sense, disputes mean only cases resolved in court (Idamatussilmi, 2021).

In general, conflict can occur anywhere as long as there is interaction or relationship between human beings, individuals, and between individuals and one group and another. Susan said that society experiences social changes, either in value or structure, caused by social movements based on various interest forms (Susan, 2019). Dahrendorf views disputes as occurring because of interests in social relations between coordinated groups in the system. Communities outside the system will not be involved in this conflict of interest. Dahrendorf linked interests to the structure of power and authority, in which some groups exercise control over other groups based on this power and authority (Situmorang & Ketaren, 2021).

In this case, it causes disputes because groups are not in the power or authority structure, so they are affected by these interests. The consequence of Dahrendorf's theory in the dispute identification map is that there is an apparent interest that turns into a manifest interest. Pseudo-interest occurs when a person or

group of people (in this case, can be interpreted in terms of central and regional institutional structures) realize that they are only the target of policies.

From the point of view of spatial use disputes, the implications of Coser's theory are also related to the existence of external and internal disputes. Regulations related to cross-sectoral use of space can raise disputes internally and externally regarding implementing policies in the regions or the community/actors of these policies. However, following the basis of Coser's theory on the function of the dispute, the selected dispute and settlement will be viewed from the function of the dispute in alternative dispute resolution or the result after the dispute. On alternative dispute resolution, according to Bartos and Wehr, Coster's view is clarified by the Coercive theory, which sees the dispute phase can occur in various forms of dispute behavior manifested in coercive and non-coercive actions (Syawaludin, 2014). In an alternative dispute resolution process, action is more directed at non-coercive action. It is more directed at finding a way out of a dispute or potential dispute. Non-coercive actions can be in the form of negotiations, giving awards, or cooperation as a strategic step in dispute resolution.

In the theoretical study of legal Science, the dispute is part of the conflict. Conflicts can be latent or manifested. Conflicts or disputes that have surfaced are called disputes. Referring to the Indonesian dictionary, disputes are defined as everything that causes differences of opinion, disputes, or disputes (Orlando, 2017).

According to Margono, a dispute is when a party feels disadvantaged, then the party who feels disadvantaged conveys their dissatisfaction to the second party (Yasa, Budiarta, & Arini, 2021). According to Syahrani, a dispute is a dispute that occurs between parties due to a violation of an agreement (default) that has been stated in a contract or agreement, either in part or in whole. According to Chomzah, a dispute is a conflict between two or more parties that originates from a different perception of an interest or property right, which can lead to legal consequences for both (Yahya, 2022). From some of these meanings, it can be concluded that a dispute is a dispute that occurs due to differences in perceptions or defaults on an agreement between two or more parties.

2. The Ideal of Legal Construction for Settlement of Spatial Planning Disputes After Law No.11 Of 2020 About Job Creation Applied

Spatial utilization is an effort to realize spatial structure and patterns in accordance with spatial planning through the preparation and implementation of programs and their financing to achieve spatial planning objectives. Spatial structure is the arrangement of settlement centers and a network system of infrastructure and facilities that function as supports for the socio-economic activities of the community, which hierarchically have a functional relationship. In contrast, spatial pattern 3 is the distribution of spatial allotment within an area, including a spatial allotment for the protection function and spatial allotment for the cultivation function.

Utilization of space as one of the 3 systems in spatial planning is carried out through the implementation of programs, both vertically and underground, including the description of the main program indications contained in the regional spatial layout plan, which are carried out in stages according to the period of the main program indications spatial use stipulated in the spatial plan and synchronized with the implementation of space utilization for the surrounding administrative area by taking into account the minimum service standards in the provision of facilities and infrastructure. The settlement of spatial use disputes in Law 26 of 2007 (Article 67) is:

- a. Settlement of spatial planning disputes in the first stage is based on the principle of deliberation to reach a consensus.
- b. Suppose no agreement is reached on the dispute settlement, as referred to in paragraph (1). In that case, the parties may make efforts to resolve the dispute through the court or outside the court, following the provisions of the laws and regulations.

In the elucidation of Article 67 Paragraph (1), what is meant by spatial planning disputes being disputes between stakeholders in implementing spatial planning? Dispute resolution efforts begin with settlement through deliberation to reach a consensus. In Paragraph (2) Out of, court dispute settlement is agreed upon by the disputing parties. Dispute resolution outside the court includes settlement by deliberation to reach a consensus and alternative dispute resolution, among others, by mediation, conciliation, and negotiation.

Law no. 11 of 2020 concerning Job Creation does not directly explain the settlement of space use disputes but is regulated in Government Regulation No. 21 of 2021. Article 148 of PP 21 of 2021 concerning the Implementation of Spatial Planning explains the Control of Utilization. Space is done through:

- a. assessment of the implementation of the Conformity of the Space Utilization Activity and the independent state of the MSE actor;
- b. RTR embodiment assessment;
- c. provision of incentives and disincentives;
- d. the imposition of sanctions; and
- e. settlement of Spatial Planning disputes.

In principle, the strategic position of spatial planning disputes in controlling spatial use lies in the spatial use control instrument for prevention and law enforcement against violations of spatial use.

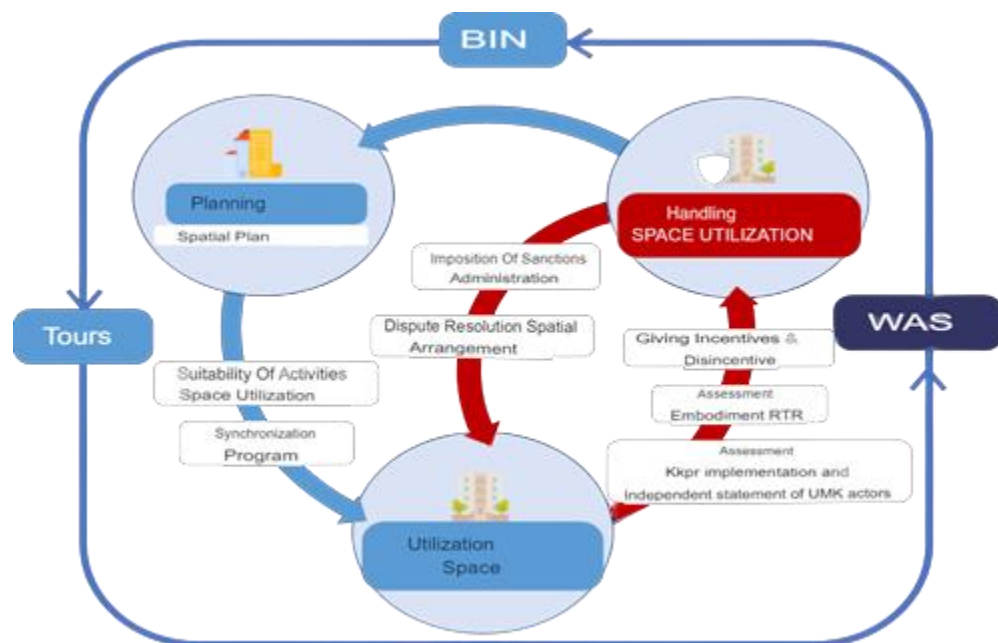


Figure 1. *Flow of Space Utilization Control*

Source: Directorate for Controlling the Utilization of Space and Land,
Ministry of ATR/BPN

After the Job Creation Law issuance, spatial planning disputes are national spatial use disputes, inter-regional spatial use disputes, and/or spatial use disputes between stakeholders in the implementation of spatial planning. Spatial Planning Disputes in the form of disputes that occur as a result of:

- a. Changes in policy, namely disputes that occur as a result of changes in policy, which are disputes caused by:

- 1) Spatial Plan Changes

A spatial Plan, abbreviated as RTR, is the result of spatial Planning, which contains the Spatial Structure Plan and Spatial Pattern Plan. Spatial Structure is an arrangement of settlement centers and a network system of infrastructure and facilities that function as supports for the community's socio-economic activities, which hierarchically have a functional relationship. The spatial pattern is the distribution of space allotment in an area, including space allotment for the protection function and space allotment for the cultivation function. Changes to Spatial Plans are changes to the content of Spatial Plans in the form of Spatial Structure Plans and Spatial Patterns as a spatial planning process system, spatial utilization, and control of spatial use.

- 2) Sectoral policy changes

Sectoral policies are economic policies specifically aimed at certain sectors. Each Ministry/Agency issues its policy for its sector, such as Forestry, Agriculture, Energy, Mineral Resources, Maritime Affairs, Fisheries, et cetera. Sectoral Policy Changes, namely sectoral policy

changes, directly and indirectly, affect Spatial Planning, a system of spatial planning processes, spatial use, and control of spatial use. Examples of Sectoral Policy Changes; Determination of forest area boundaries that differ from those stipulated in the regional spatial layout plan.

3) Development policy changes

Development policy is a guideline that forms the basis for activities in the development sector with specific targets to realize changes for the better. The changes in question certainly indicate a better life by achieving prosperity through improving the community's quality/standard of living. It is a unified procedure for planning development to produce long-term, medium-term and annual development plans carried out by elements of state administration and society at the central and regional levels. Examples of Development Policy Changes; Changes in the formulation of development policies in the form of policies, strategies, and programs in the Regional Medium Term Development Plan (RPMD), which have an impact on the spatial planning process.

- b. Implementation of Spatial Utilization, i.e., Disputes arising from the implementation of Spatial Utilization activities which are disputes caused by externalities or impacts of Spatial Utilization activities regulated in the RTR. Disputes caused by externalities or impacts of Spatial Utilization activities regulated in the Spatial Plan. Spatial Utilization is an effort to realize Spatial Structure and Spatial patterns following the RTR through the preparation and implementation of programs and their financing. Study the Changes in Space Utilization Activities by using the following variables:

- 1) activity location
- 2) Type of Activity
- 3) Building Base Coefficient Plan; if there is a building plan in the activity plan
- 4) Building Floor Coefficient Plan; if there is a building plan in the activity plan
- 5) Provisions for Building Arrangements
- 6) Activity Implementation Requirements; minimal infrastructure, risk requirements, special provisions, and Zoning Arrangement Techniques
- 7) Activity Implementation Requirements; minimum infrastructure, risk requirements, special provisions, and Zoning Arrangement Techniques
- 8) Activity Implementation Requirements (min Infrastructure, risk requirements, special provisions, and Zoning Arrangement Techniques

The Parties in the Spatial Planning Dispute consist of:

- 1) Natural persons; are individuals and/or corporations.
- 2) The central government; is the President of the Republic of Indonesia, who holds the power of the government of the Republic of Indonesia and is

assisted by the Vice President and Ministers as referred to in the 1945 Constitution of the Republic of Indonesia.

- 3) The regional government; is the head of the region as an element of regional government administration that leads the implementation of government affairs which is the authority of the autonomous region.
- 4) Public; are individuals, groups of people, including customary law communities, corporations, and/or other non-governmental stakeholders in the implementation of spatial planning.

The object of spatial planning disputes is the use of space in objects in the form of Protected Areas and Cultivation Areas which give rise to disputes over the use of space between stakeholders. A protected Area is designated with the main function of protecting environmental sustainability, including natural and artificial resources. Cultivation Area is an area determined with the main function to be cultivated based on the conditions and potential of natural, human, and artificial resources. Space is a container that includes land, sea, and air space, including space inside the earth as a single territory, where humans and other creatures live, carry out activities and maintain their survival (Novianti, Manullang, & Joka, 2021). Spatial planning disputes also occur in Spatial Structure and Spatial Patterns. Spatial Structure is an arrangement of settlement centers and a network system of infrastructure and facilities that function as supports for the community's socio-economic activities, which hierarchically have a functional relationship. The spatial pattern is the distribution of spatial allotment in an area which includes space allotment for the protection function and space allotment for the cultivation function.

In the Job Creation Law, the authority to resolve disputes by Ministers, Governors, and Regents/Mayors is emphasized. The authority of the Minister in resolving Spatial Planning Disputes includes Spatial Planning Disputes that occur between the Central Government and the Community, between provincial Regional Governments and Regency/City Regional Governments, between provincial Regional Governments, and between the Central Government and provincial Regional Governments or Regency/City Regional Governments. The authority of the Governor in resolving Spatial Planning Disputes includes Spatial Planning Disputes that occur between the Provincial Regional Government and the Community, between the Provincial Regional Government and the Regency/City Regional Government.

Both in the Spatial Planning Law and after the issuance of the Job Creation Law, the settlement of Spatial Planning Disputes in the first stage was attempted based on the principle of deliberation to reach a consensus. The benefits of deliberation as an alternative dispute resolution (Cahyani, 2022):

- a. Dispute settlement system through informal, simple and flexible means
- b. Low cost

- c. Conflict resolution that is acceptable to both parties.
- d. Spatial use dispute resolution can be done through negotiation, mediation and conciliation.

In the case of settlement of the Spatial Planning Dispute, if no agreement is reached, the Parties may seek settlement of the Spatial Planning Dispute through the courts; or out of court. Settlement of Spatial Planning Disputes through the court, as referred to, is carried out following the provisions of the laws and regulations. Settlement of Spatial Planning Disputes out of court is carried out through Negotiations, Mediation, or Conciliation. Negotiation is one of the settlements of spatial planning disputes facilitated by a negotiator. Negotiations are usually carried out in cases of less complex disputes (Nita, 2019). Negotiations can be carried out if communication between the disputing parties is still well established, mutual trust, and a desire to resolve the problem through an agreement.

Etymologically, the term mediation comes from the Latin *mediare*, which means to be in the middle (Handayani & Syaflawar, 2017). The mediator must be able to safeguard the interests of the disputing parties fairly and equally to foster the trust of the disputing parties. The terminological definition of mediation can be seen in Supreme Court Regulation 01 of 2016 concerning Mediation Procedures in Court. Mediation is a way of resolving disputes through a negotiation process to obtain an agreement between the parties assisted by a mediator. The mediator is neutral because the interested parties are the determining directors. The purpose of mediation is to resolve disputes between parties by involving a neutral and impartial third party.

The definition of Conciliation in the Black's Law Dictionary states that: "Conciliation is the adjustment and settlement of a dispute in a friendly, unantagonistic manner used in courts before trial with a view towards avoiding trial and in labor dispute before arbitration. The Court of Conciliation is a court with proposed terms of adjustments, so as to avoid litigation." If translated, it can be interpreted as follows: "Conciliation is the adjustment and resolution of disputes in a friendly and non-antagonistic way used in court before trial with the aim of avoiding trials and disputes (labor before arbitration). Conciliation Court is a court by submitting terms of detention, to avoid litigation."

According to Law Number 30 of 1999, Conciliation is a form of dispute resolution outside the court with the ultimate goal of achieving peace between the disputing parties. Conciliation has similarities with mediation. Both of these ways involve third parties to resolve the dispute peacefully. However, according to Behrens, there is a difference between these two terms. Namely, conciliation is more formal than mediation. The conciliator has a bigger role than the mediator (Surya, 2017). The conciliator has the right to make in writing an alternative dispute resolution. The conciliator is usually recognized for his competence and experience and professionally recognized for his ability to act as a mediator. The

conciliator gives his opinion and helps the disputing parties with a list of alternatives that can be chosen to resolve the dispute. If the parties agree, the parties themselves will determine the choice of dispute resolution between them, which will be stated in a written agreement.

The role of society in the implementation of spatial planning is so great, including in the implementation of space utilization; however, in society, there is still a dispute over the use of space in line with the increasing dynamics of development, increasing population growth, and increasing needs for space, which triggers a friction between individuals, community groups, legal entities, institutions, or even government agencies. Spatial planning Dispute is a dispute between stakeholders in the implementation of spatial planning, namely between individuals, between the Central Government and local governments, between local governments, between the Central Government and local governments and communities, which in the first phase is pursued based on the principle of deliberation for consensus. If there is no agreement in this deliberation, the parties may make efforts to resolve the dispute through the court or out of court by the provisions of laws and regulations. What and how the dispute resolution space utilization, which is part of the implementation of spatial planning, will be made in the form of Dispute Resolution module space utilization.

D. CONCLUSION

Space is important because it is a container for all human activities on land, sea, air and even within the earth. For this reason, the regulated space includes land, sea, and air space, including room inside the world as a single territorial unit. A place where humans and other creatures live, carry out activities and maintain their survival. In the implementation of spatial planning, there are efforts to achieve spatial planning goals through the implementation of spatial planning, space utilization and spatial utilization control. In practice, spatial planning creates disputes and violations. Law Number 26 of 2007 concerning Spatial Planning regulates spatial disputes, but it needs to be clarified and often causes confusion in the resolution. Often violations of spatial use are resolved by spatial planning dispute resolution mechanisms. Therefore, at the time the Job Creation Law was issued, a legal reconstruction was carried out by clarifying the rules regarding spatial planning disputes, which consisted of (1) Categorizing spatial planning disputes as one of the instruments for controlling spatial use, (2) clarifying the identification of the emergence of spatial planning disputes, (3) clarifies the subject and object of spatial planning disputes, (4) clarifies the mechanism for resolving spatial planning disputes and (5) clarifies the authority of each Central and Regional government.

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