

THE ROLE OF AGRARIAN LAW IN URBAN SPATIAL PLANNING AND REGIONAL DEVELOPMENT IN SOUTH SULAWESI: A CONTRIBUTION TO ACHIEVING SDGS 11

Adnan Lira¹

ABSTRACT

Objectives: The rapid development of Makassar City and other cities in South Sulawesi Province has intensified the critical issue of spatial planning (land use) in urban areas. If not addressed early, this could lead to sharper social conflicts and other societal problems. Ineffective implementation of spatial planning and poor supervision of land allocation exacerbate these challenges, highlighting the risk of increasing social disparities.

Method: This explanatory research employs a survey approach. Quantitative data from primary sources were used to test research hypotheses, while qualitative data from secondary sources were analyzed to complement descriptive insights. Descriptive analysis was applied to secondary data, and multiple regression analysis was conducted on primary data using a statistical analysis system (SAS) to process research variables relevant to the objectives.

Results and Discussion: The study finds that urban development patterns in South Sulawesi Province have been less than optimal due to a lack of synchronization with Provincial and Regency/City Urban Spatial Planning Plans. The research underscores the need for an integral institution with full authority over land use to enhance urban area development. Key factors positively influencing urban development patterns include legal substance, legal structure, legal culture, facilities and infrastructure, and legal awareness.

Research Implications: The study emphasizes the necessity of an integrated institutional framework to streamline urban spatial planning, reduce social disparities, and promote sustainable development. The findings align with United Nations Sustainable Development Goals (SDGs), particularly Goal 11 (Sustainable Cities and Communities) by addressing inclusive urban development and strengthening governance frameworks.

Originality/Value: This research provides a unique perspective by analyzing the intersection of legal frameworks and urban spatial planning, focusing on the role of legal culture and institutional integration in addressing land use challenges in South Sulawesi.

Keywords: urban planning, spatial planning, UUPA, Sustainable Development Goals (SDGs).

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¹ Faculty of Law Indonesian Muslim University, Makassar, Indonesia.
E-mail: m.adnanlira@umi.ac.id



1 INTRODUCTION

Land is an important element in human life and has a high meaning. In Indonesian society, there are expressions that describe the relationship between humans and land, both magical and religious. Therefore, land can be equated with a person's or a group's spirit or self-esteem. Any attempt to separate land from its owner will arouse turmoil or conflicts in society. ²Thus, the sacred value of land is so attached to a person or a group, and the existence of the values contained therein cannot be belittled, even by national development slogans that prioritize ideas or forms of public interest or the interests of the nation and state.

The 1945 Constitution of the Republic of Indonesia (hereinafter abbreviated to the 1945 Constitution), Article 33 paragraph (3) states that: "earth and water and the internal wealth contained therein are controlled by the State and used for the greatest prosperity of the people." This provision emphasizes that the earth, water, and natural resources contained therein are gifts from God Almighty to all the Indonesian people, are the principles of people's prosperity, which are controlled by the State and are aimed at achieving the greatest possible prosperity of the Indonesian people.³

Land is one of the riches of the Indonesian nation and must be utilized as much as possible for the prosperity of the people. ⁴To realize this, land utilization needs to be implemented through land regulation, control, and management. A model that can be used is land consolidation, which aims to increase land utility and use and align individual interests with the social function of land in the context of implementing development.

Mature This is the development of residential areas in urban areas that are growing rapidly. Therefore, it is necessary to optimally control and utilize land by increasing the efficiency and productivity of land use to realize an orderly and regular control and use system. Population growth and increased

² Sutedi, Adrian. *Implementation principle interest is common in procurement land for development* . Rays Graphics (Earth of Letters), 2020.

³Richard, H., M. Kn SH, and MH Agus Sudrajat . *Textbook of INDONESIA AGRARIAN LAW: History and Development* . CV Cendekia Press, 2024.

⁴ Suriadiata , Irpan . " Legal Studies The urgency Land Use in Realize "People's Prosperity ." *Journal Law , Humanities and Politics (JIHHP)* 4.6 (2024).



development in urban areas have narrowed the space for city residents to move. The need for land for housing, industry, trade, Government, and urban infrastructure has increased sharply. ⁵When cities become more metropolitan, the tendency is a very rapid population growth rate, which the city's anticipation and carrying capacity are unable to bear. This has consequences for the arrangement of urban spatial planning, which is generally less beneficial to marginalized groups in urban communities.

According to Sheah, since early on, it has been studied that the pressure of urbanization soaring so rapidly has a significant impact on urban development, especially for cities heading towards a metropolis. The pattern of urban development that tends to be concentric and centralized not only causes marginalized community groups to be increasingly pushed into the suburbs or slums, but often poor urban communities have to be satisfied with various very minimal public facilities, far different from city residents whose economy is classified as more capable who can enjoy exclusive city facilities.

In relation to the above opinion, Mc. Auslan stated that the excessive obsession with building a city into a metropolis not only causes excessive urbanization and uncontrolled horizontal expansion of the city's physical structure but also gives rise to increasingly intensive competition and conflict to obtain land in the city, and such a tendency will continue.⁶

The city's situation and conditions, which show a concentric development pattern, cause many people to hunt for land, not only for residential or settlement purposes, but land has become a commodity and is considered a very profitable business. In areas of business centers, trade, industry, elite settlements, or other strategic areas, land prices generally continue to soar and are increasingly uncontrollable because the need for land is increasing. The closer to the city center, the more expensive the land price is. In ⁷In this case, land ownership is also held by only one person or one business group. This is

⁵ Hastri , Evi Dwi , AA Muhammad Insany Rachman, and Rury Shafarinda . " Sanctions law in control utilization room area settlement through licensing by urban spatial planning . " *Journal Legal Window* 9.1 (2022): 64-80.

⁶Lira, M. Adnan. " Morphology Implementation Development Urban . " (2023).

⁷Lira, M. Adnan. "Regional and City Spatial Planning Law." (2022).



very contrary to the provisions of the Basic Agrarian (hereinafter abbreviated as UUPA).⁸

Law has provided guidelines for everyone in controlling and owning land. Articles 7 and 17 of the UUPA have firmly stated that land control may not exceed the maximum limit as long as this provision is only intended for agricultural land. Meanwhile, urban land control is free from the trap of Article 7 and Article 17 of the UUPA. There is indeed a provision in the Regulation of the Minister of Home Affairs Number SK.59/DJAI/ 970, which emphasizes that urban land control that exceeds 5 plots must obtain permission from the Minister of Home Affairs. The Ministerial Regulation does not explicitly contain restrictions or prohibitions because it does not specify how much area a person may own in each plot. This provision is only a paper tiger with no legal provisions.

The surrender of land prices and land allocation to market mechanisms is one factor that makes urban land issues increasingly complicated. Free competition that can involve everyone in the land business often results in the implementation of spatial planning becoming increasingly challenging. In addition, the ability of the Government (including local governments) to manage urban land or to build public facilities is also increasingly limited. Based on these conditions, the parties determining the direction of urban development and the use of urban space are often determined by commercial forces or at least private forces usually dominantly influence urban development or sometimes influence the power of institutions with the authority to formulate various urban development policies. Meanwhile, marginalized urban community groups are often parties that are not considered in the regulation of urban spatial planning.⁹

Evers notes that there is a tendency for large cities in developing countries to expand toward the outskirts, and the first thing that happens is the division of large tracts of land. However, there is a brief period of reclaiming

⁸ Arisaputra , Muhammad Ilham, and Sri Wildan Ainun Mardiah . " The Position of Customary Land Law in Development Administration Land in Indonesia: A Comparative Study ." *Amanna Gappa* (2019): 67-87.

⁹ Lestari, Eridani Tri, Syahrudin Nawi, and Askari Razak. " Effectiveness Regional Spatial Planning Plan Regarding " Availability of Green Open Space in Makassar City." *Journal of Lex Theory (JLT)* 5.2 (2024): 666-673.



as city builders buy up land for housing. As a result, there are many small land holdings, and reclaiming is only temporary.¹⁰

urban land phenomena , the issue of people's rights to land that have been neglected has also emerged . In various big cities, we can see empty land that is left abandoned, the problem is not because the owner does not have enough funds to build, but because the land is only used as merchandise and solo speculation to be resold later when the land price at that time is considered profitable. This is what makes city planning chaotic in its development.¹¹

Based on the description above, it is important to emphasize that land is not only an economic object but also something that has a social and essential function for human life needs. For that reason, restrictions on land control and ownership, both agricultural and urban, need to be limited.

Likewise, the Province of South Sulawesi, especially the city of Makassar, is Indonesia's fifth largest city. The problems Makassar faces are not much different from other big cities. The need for land continues to increase and the increase due to various migration factors continues to increase and has an impact on land prices in Makassar as well as other cities in the Province of South Sulawesi is increasingly expensive and social conflicts arise. On the other hand, the flow of penetration of housing investors, especially those competing to open residential areas, so land problems are increasingly crucial and the development of urban spatial planning is increasingly uncontrolled. ¹²This means that the city is increasingly not well planned. In other words, by Suyatno as a city that is too *premature suburbanization* . In other words, Surbakti stated that the implementation of urban land use is very chaotic as a consequence of inconsistent land use.

Sociologically, the development of Makassar city as well as other cities , Makassar city as the capital of South Sulawesi Province which can be said to be hyperactive obsessed as a metropolis that does not have strong carrying

¹⁰ Juneff , Muhar. " Law Enforcement in the Framework of Spatial Planning to Realize Sustainable Development ." *Journal Legal Research P-ISSN 1410* (2021): 5632.

¹¹ Kodoatie , Robert J. *Engineering and management flood city* . Andi Publisher , 2021.

¹²Sudarso, Priyo , Zulkifli Makkawaru , and Andi Tira. "CONVERSION OF AGRICULTURAL LAND INTO HOUSING DEVELOPMENT AREA IN THE FRAMEWORK OF SPATIAL PLANNING OF GOWA REGENCY." *Indonesian Journal of Legality of Law 6.1* (2023): 65-73.



capacity. The thing that began to emerge was that the development of the city felt like commercial forces had controlled it. Development increasingly directed towards economic capacity based on the zoning system , so there was segregation and polarization in city residents' social interactions.¹³ Economically prosperous citizens gathered in certain locations with exclusive facilities, while most citizens crowded together in locations with minimal facilities.¹⁴

In various disputes that have occurred, it is clear that economic power has determined the direction of urban development and the anticipation of the Provincial and Regency/City Governments in the consistency of Spatial Planning (land use) in urban areas is not visible.¹⁵

The emergence of various forms of interest in the use of land in urban areas The South Sulawesi Province, which is associated with urban land use, is based on a fact:

- (1) The increasing proportion of the population and development activities that are directly confronted with limited strategic land, thus becoming an arena for fighting over land as a commodity;
- (2) The occurrence of inconsistencies in spatial planning and land use that accommodate various interests in land, especially those controlled by economic power;
- (3) The land acquisition and compensation mechanism always raises problems that weaken the position of the people affected by the acquisition and even result in marginalization from the excesses of land acquisition.

With the increasingly rapid progress of Makassar City and other cities in South Sulawesi Province, the issue of Spatial Planning (land use) in urban areas will be increasingly crucial, even if not anticipated early will cause various forms of sharper social conflicts in society, including the emergence of various

¹³Lestari, Eridani Tri, Syahrudin Nawi, and Askari Razak. " Effectiveness Regional Spatial Planning Plan Regarding " Availability of Green Open Space in Makassar City." *Journal of Lex Theory (JLT)* 5.2 (2024): 666-673.

¹⁴Arba, HM, and M. SH. *Spatial planning and land use law land : principles law planning arrangement space and management land* . Light Graphics , 2022.

¹⁵Arkam, Arkam. "LEGAL STUDY ON THE UTILIZATION OF PROTECTED AREA SPACE IN MAKASSAR CITY." *Indonesian Journal of Legality of Law* 6.1 (2023): 198-206.



other social problems, especially if Spatial Planning (land use) in urban areas is not carried out by the established planning and supervision of the allocation of urban land by the established Spatial Planning (land use). Social disparities will be depicted more clearly.¹⁶

Based on the description above, the issue of understanding spatial planning (land use) in implementing urban area development in South Sulawesi Province is important to be studied or researched in depth as a legal problem.

2 METHODS

This research is an explanatory research with a survey approach. This classification shows the characteristics as stated, namely research on social units selected as study materials on broader social aggregates and the relationship between these social units and the total population cannot be estimated. In this case, the broad organization is Indonesian society while the social unit used as study material is urban society in South Sulawesi Province.¹⁷

In this study, quantitative analysis was used, which was conducted by first dividing the data into two groups, namely quantitative data from primary sources which were conducted to test the proposed research hypothesis and qualitative data from secondary sources to complete the descriptive analysis. Descriptive analysis was conducted on secondary data, and multiple regression analysis was conducted on primary data . *regretion) with statistical data processing system analysis system* (SAS) on research variables by developing several categories that are relevant to the research objectives.¹⁸

¹⁶ Erwahyuningrum , Rizki , Heru Kuswanto , and Habib Adjie. " Legal Problems in Determining Protected Rice Fields (LSD) Against Perpetrator Business In Indonesia." *Journal Business and Management* 3.2 (2023): 329-336.

¹⁷Sumarna, Dadang, and Ayyub Kadriah . " Research qualitative to law empirical ." *Journal Study Law Veranda* 16.02 (2023): 101-113.

¹⁸Littell, Ramon C., P.R. Henry, and Clarence B. Ammerman. "Statistical analysis of repeated measures data using SAS procedures." *Journal of animal science* 76.4 (1998): 1216-1231.



3 RESULTS AND DISCUSSION

In the principles of land use, spatial utilization is developed through land use, also called land use management pattern. Land use is an activity in the field of land in protected areas and cultivation areas through land use policies and the implementation of land use, which is carried out based on plans and time periods that have been determined in the district/city spatial plan, which serves as a guideline for local governments to determine the location of development activities in utilizing space and in compiling development programs related to the utilization of space in the area, as well as being the basis for providing recommendations for directing the utilization of space.¹⁹

policy as referred to above, is implemented for land areas that have rights, whether registered or not, as State land and customary land of customary law communities in accordance with applicable laws and regulations. The utilization and use of the land must be in accordance with the regional spatial plan, the determination of which does not affect the status of legal relations over the land, while the suitability of its use and utilization is determined based on guidelines, standards, and technical criteria set by the Government and further elaborated ²⁰ by the district/city government in accordance with the conditions of their respective regions, so that land use that is not in accordance with the regional spatial plan cannot be expanded, developed and its use improved. An example is the expansion of industry in a wetland agricultural area (technically irrigated) where the form of activities, both natural and artificial, that already exist do not comply with its designation.

Land activities are an integral part of the agrarian cycle that cannot be separated, including land regulation, control and ownership, land use, regulation of land rights and land registration. Its implementation includes determining land use activities and implementing land use activities. Determination of land use activities is carried out by taking inventory of land

¹⁹ Iswantoro , MH " Perspective Legal Land Use Regulation in Implementation Policy Field Land ." *Supremacy of Law: Journal of Legal Studies* 3.2 .

²⁰ Winati , Rahma, Yusuf Hidayat, and Anas Lutfi. " Existence and Prospects Implementation of Land Bank." *Journal of Master of Law* 7.1 (2022): 25-40.



control, use and utilization, determining patterns of adjustment of land control, use and utilization of regional spatial plans and studying the physical conditions of the region. In addition to being the main material in the framework of compiling land control management patterns, use and utilization of the results. The inventory presented in a map with a greater level of accuracy than the regional spatial plan map is managed in a land management information system, including through a land use information system.

Therefore, land rights holders are required to use and utilize the land in accordance with the RTRW and maintain and prevent land damage that can directly or indirectly cause changes to its physical or biological properties. This must be done as an effort to protect the function of the land, for example the ability of the land to withstand pressure changes or negative impacts caused by an activity, so that it can continue to support the lives of humans and other living things, such as efforts to restore damaged land, efforts to conserve agricultural land, efforts to rehabilitate land as mentioned above, land administration must be completed when land rights holders or their proxies meet the requirements to use and utilize their land in accordance with the RTRW.²¹

These requirements include: transfer of rights, assignment of rights, improvement of rights, merger, and separation of land rights. These requirements are intended to create the use and utilization of land that is Jestari , optimal, harmonious, and balanced (LOSS) in rural areas, and Safe, Sustainable, Fast , and Healthy (ATLAS) in urban areas. In addition, land rights holders in the use and utilization of land are also required to follow the requirements stipulated in the provisions of laws and regulations, including technical guidelines for land management, building construction requirements, requirements in the Environmental Impact Analysis (AMDAL), business requirements, and other provisions stipulated in laws and regulations.²²

In the use and utilization of land in protected areas, its implementation must not use natural functions and must not change the landscape and natural

²¹ Widiadnyani , I. Gusti Ayu. " Implementation of System Land Utilization and Use in the Perspective of Investment Law Insightful Environment For People's Prosperity ." *Journal of Law and Government* 1.1 (2023): 72-87.

²² Ardani , Mira Novana . " Utilization Land Use Rights for Business Use prevent land become abandoned ." *Echo Justice* 8.1 (2021): 63-79.



ecosystem.²³ In addition, the use of land in protected areas can also be increased for the benefit of education, research and development of science and technology, as long as it does not interfere with the function and protected area. Land management activities include three things, namely planning, implementation and control. In order to harmonize land management with the RTRW, these three things need to be coordinated with related agencies.²⁴

In land use planning, there are two things that need to be coordinated, namely the harmonization of the concept and material of the land use plan with the RTRW.²⁵ Based on Law Number 26 of 2007, the National Spatial Planning Management Coordination Agency (BRPTRN) has been established with Presidential Decree Number 75 of 1993, which has the following duties:

1. Conducting an inventory of resources in order to prepare and improve the national strategy for developing spatial planning patterns and their management patterns;
2. Coordinating the implementation of national strategies for developing integrated spatial planning patterns as a basis for regional and area spatial planning development policies outlined in sector development programs;
3. Organizing guidance on the implementation of spatial planning management procedures;
4. Develop and establish space management procedures;
5. Formulate and coordinate the handling and resolution of problems arising in spatial planning both at the national and regional levels, and provide direction and suggestions for solutions to the Government.
6. Coordinating the preparation of implementing regulations for Law Number 26 of 2007 concerning Spatial Planning.

²³ Moniaga , Ingerid L., and Esli D. Takumansang . " Development of Green Open Space in the City Based on Green Infrastructure and Spatial Planning Case Study : Manado City." *Journal Environment Indonesian Development* 5.4 (2016): 210-214.

²⁴ Adi, R. Kunto. " Community- Based Land Management in Supporting Agribusiness Systems and Enterprises in Indonesia." *SEPA: Journal Socio- Economics of Agriculture and Agribusiness* 11.1 (2017): 66-78.

²⁵ Prasetya , Sigit , Syahrudin Nawi, and Ilham Abbas. " Correlation Land Acquisition for the National Land Agency Office With Development Planning in the Regency Luwu ." *Journal of Lex Generalis (JLG)* 3.3 (2022): 391-403.



In Presidential Decree No. 75 of 1993, it is stated that the head of the National Spatial Planning Coordination Agency is the Minister of State Apparatus Empowerment/Head of Bappenas, where the Minister of State for Agrarian Affairs/Head of BPN is a member. Before the formation of BKTRN, a Team had actually been formed with Presidential Decree No. 57 of 1989, namely the National Spatial Planning Management Coordination Team. This team has prepared Guidelines for the Preparation of Spatial Planning in the Regions.²⁶

The guidelines contain spatial policy materials covering the hierarchy of spatial plans and criteria for determining protected areas or cultivation areas including industrial areas. In order to harmonize land use with spatial plans, efforts are made including:²⁷

1. Revise the existing protected area maps at the National Land Agency by using protected area criteria and taking into account height criteria;
2. Preparing the concept of land use planning, both in protected areas and in cultivated areas. Cultivated areas include:
 - a. Production forest areas, consisting of limited production forests, permanent production forests, conversion production forests;
 - b. Agricultural areas consist of annual crop farming, plantations, livestock and fisheries;
 - c. Mining area;
 - d. Industrial area;
 - e. Tourism area;
 - f. Residential area.

Viewed from the land aspect, the agricultural sector in a broad sense includes the management of production forests, food crop farming, plantations, animal husbandry, horticulture, and fisheries cultivation, both traditionally and in the form of agribusiness, requiring special attention. Special attention to the use of land for the land sector is based on the fact that the use of land for

²⁶ Hamja , Buhar, F. Aswir , and Saiful Ahmad. " Function Regional Authority in Spatial Planning in Border Areas Regency /City." *Journal Horizon Scientific* 1.2 (2021): 135-146.

²⁷ Ulenaung , Vernanda Yuniar . " Implementation Spatial Planning in Regional Regulations on Regional Spatial Planning (RTRW) According to Constitution Number 26 of 2007." *Lex Administratum* 7.2 (2019).



agriculture proportionally covers a very large area.²⁸ On the other hand, the use of land and its natural environment as a medium for bio-ecological life, which has a very diverse value, and within this diversity, the land that is potentially suitable for the development of the agricultural sector is relatively limited.

This is different from the use of land for non-agricultural activities, which is more determined by location factors, distance to developed centers, availability of labor, transportation networks, availability of electricity sources, clean water facilities, ports, telecommunications, and other locational factors which are attributes of the built environment (*adapted*). *environment*).²⁹

In relation to the procurement/provision of land to develop agriculture, the problem faced is how to ensure that the development of land use for non-agricultural purposes, namely housing, infrastructure development, provision of facilities and services, industrial development, does not reduce the amount of land area that is developed or that can potentially be developed for agricultural businesses; in addition to development, the use of non-agricultural land needs to be ensured so that it does not cause adverse environmental impacts on the development of the agricultural sector.³⁰

Furthermore, the provision of land for housing and settlements is regulated in Law Number 4 of 1992 concerning Housing and Settlements. Article 4 of the Law stipulates that the objectives of housing and settlement planning are to:

- a. Fulfilling housing needs as one of the basic human needs in order to improve and equalize people's welfare;
- b. Providing adequate housing and settlements in a healthy, safe, harmonious and orderly environment;

²⁸Wahid, A.M. Yunus, Naswar Bohari, and Achmad Achmad. "Enforcement of Environmental Law in the Forestry Sector (Study of Protected Forest Areas in the District Sinjai, South Sulawesi)." *Hasanuddin Law Review* 1.1 (2015): 61-73.

²⁹ Meidodga, Ishak, *et al.* "Geospatial Data Utilization in Realize System Information Land Multipurpose for Multi-Parties." *Widya Bhumi* 3.1 (2023): 62-80.

³⁰ Wandanarum, Salshabila Trianggraeni, Asya Tirta Prameswari, and Sabrina Elsa Dianti. "The Role of State Finance in Food Estate Development During the Covid-19 Pandemic in Responding to Food Security Efforts and Their Relation With Issue Environment." *Journal Acitya Ardana* 1.2 (2021): 175-183.



- c. Providing direction for regional growth and rational population distribution;
- d. Supporting development in the economic, social, cultural and other fields.

In order to realize housing and settlements as mentioned above, Article 18 stipulates that the fulfillment of the needs for settlements is carried out through the development of large-scale settlement areas that are planned comprehensively and integrated with gradual implementation. The goal is to create settlement areas that are composed of environmental units and integrate them in an integrated manner and improve the quality of the existing settlement environment in or around them.³¹ The settlement areas as referred to in Article 19 are called Ready to Build Areas (KSB) which must be determined by the Government in accordance with the urban spatial planning plan and the non-urban spatial planning plan.

The provision of land for the development of housing and settlements in the form of KSB in accordance with Article 32 is carried out by:

- a. Use of land directly controlled by •the State;
- b. Land consolidation by landowners;
- c. Release of land rights by the landowner in accordance with applicable laws and regulations.

Furthermore, it needs to be explained that the land provision activities for housing and settlements that occurred before the issuance of Law No. 4 of 1992 were aimed at developing settlements and rejuvenating the city. For that reason, the provision of land for settlement development is carried out with.

- a. Determination of land use for residential development in urban areas that have been developed in accordance with spatial planning;
- b. Arrangement of land use in suburban areas to be directed so that they can develop in accordance with planning.

Meanwhile, the provision of land for urban rejuvenation is the provision of land needed to direct land use in parts of the city that have developed (" *built-up* " areas ") to be adjusted to the requirements of more adequate urban

³¹ ADELLA, DOMINICUS REX PUTRA. *ANALYSIS OF THE GRANTING OF BUILDING USE RIGHTS BEFORE THE ISSUANCE OF MANAGEMENT RIGHTS IN COMPLETE SYSTEMATIC LAND REGISTRATION ACTIVITIES IN SAGULUNG DISTRICT, BATAM CITY* . Diss . Land College National , 2024.



life development. Although they have different handling characteristics, both require the same basic data completeness, namely special data or information regarding land ownership and use. With the completeness of the basic data, alternative plans and their implementation schedules can be determined. According to observations that is, the completeness of information data on these two aspects is generally still weak.

In order to provide the data and information, the National Land Agency has prepared photogrammetric maps for 125 cities. The aerial photography maps were available at that time for use by the relevant city Bappeda . In addition, the results of aerial photography, the development of urban land use can also be studied from the results of urban land use mapping, which has been carried out by the National Land Agency in almost all cities, district capitals, administrative cities, and sub-districts. In determining the allocation of land for residential development in developed urban areas, the main obstacle generally faced is the fact that most of the planned areas have been used by the community for various purposes, which are not always in line with housing allocation, with or without legal land rights.

In addition, every city always experiences land development dynamics (land *dynamics*). of land use) which is a side effect of economic and technological developments. Facing the dynamics of land use, urban planning needs to be directed so that it does not merely produce products in the form of urban spatial plans, but also requires an emphasis on planning as a process of adjusting land use, so that parts of the area that have experienced changes in function can be adjusted for land use, either in the form of adjusting the designation or adjusting the requirements related to the designation of the land use in question. In this connection, the control function inherent in the licensing mechanism needs to be developed and strengthened. Meanwhile, products in the form of plans are still needed as a framework for direction in the development of urban areas.

Land use planning activities in suburban areas to be directed to develop in accordance with city planning have been developed by the National Land





Agency with a land consolidation approach for some time now.³²The spatial planning of parts of the city and the laying of the necessary road infrastructure network are financed by land consolidation participants by handing over part of their land called Development Cost Replacement Land (TPBP) or *cost equivalent land (CEL)* . The land consolidation technique is one of the approaches that need to be developed to prevent the growth of suburban areas, before they develop uncontrollably into slums. Urban Area Development Patterns in South Sulawesi Province.

Essentially, space and land are basic capital and very important potential resources. This is because land is needed and utilized for various forms of development and is used to improve people's welfare. In order for space and land to be utilized effectively and efficiently in the needs of urban spatial planning, both for housing and settlements that continue to increase, it is necessary to carry out guidance and management of space and land in a directed and controlled manner.

Land is one of the important elements in urban planning, adequate and reasonable land location for each activity with limited land area and population density, in the long term affects most of the concepts of urban planning. Therefore , land use planning *is one* of the main and important reasons in considering urban spatial planning. Land use planning does not only mean using land for certain sectors, but for all sectors of development activities such as arranging development projects initiated by the Government or community self-help in accordance with urban development policies.

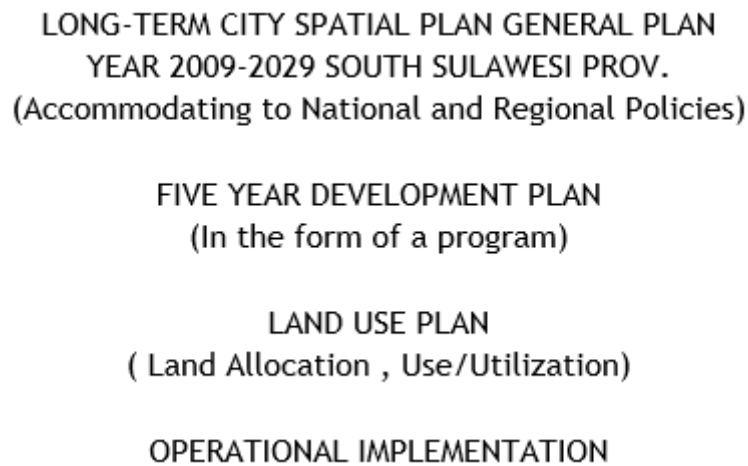
In its implementation, the components of land use are special sectors in the field of implementing government tasks that must be determined and their locations secured. Land use is one of the important elements in urban spatial planning.³³The relationship between land use and spatial planning related to the urban planning process can be seen in the image that reflects the sequence process from planning to implementation as follows:

³² Wibiseno , Tatag . "Study of Change Subdistrict Land Use Mranggen " Demak Regency as a Suburb of Semarang City." *Postgraduate Program . Diponegoro University . Semarang* (2002).

³³ Judge, Didiet Haryadi. "Spatial Directions for the Malino Nature Tourism Park in Gowa Regency." *Formosa Journal of Sustainable Research* 2.1 (2023): 127-138.

Figure 1

Relationship between Land Use and Spatial Planning Related to the City Spatial Planning Sequence Process



Based on the image above, the relationship between land use and spatial planning can be explained as follows:

- a. Each District/City Regional Government creates a City Spatial Planning General Plan (RUTRK) or Master Plan for a period of 20 years, which is adjusted to the general pattern of long-term development. The RUTRK is stated in the form of a Regional Regulation, while its implementation is stated in a Regent/Mayor Decree;
- b. The RUTRK that has been prepared, its implementation is adjusted to the National and Regional Five-Year Development Plan (Repelita). After running for five years, an evaluation is carried out on the RUTRK, whether it needs to be improved or not. This is considering the development of each urban area. If it needs to be improved, the form of improvement is carried out by making a Regional Regulation as an improvement of the existing regional regulations. The mechanism of the Five-Year Development Plan in the region is stipulated in general development programs related to land use and allocation plans .
- c. The development programs that have been prepared for a five-year period in the region, their operationalization is outlined in the form of an annual development plan, namely in the form of certain development



projects that are adjusted to the conditions of the regional area and the APBD.

- d. The operation of the RUTRK or Master Plan which is made in accordance with / synchronized with the annual development plan, in which certain areas are determined which will later be used for certain activities , such as housing development, settlements, trade centers, offices, and others. In this case, the Regional Government determines the area's land use and spatial planning.
- e. The land use and spatial planning plan for a particular area, which has been determined by the Regional Government, and the implementation of its development are also determined.

Through these stages of activity, legal certainty will be obtained, and it will also avoid the possibility of overlapping activities, which means it will be able to avoid various conflicts of interest. In addition, the possibility of development that will damage the environment can be anticipated in advance so that environmentally conscious development can truly be developed.

In South Sulawesi Province, by Regional Regulation No. 9 of 2009 concerning the Spatial Planning of South Sulawesi Province for 2009-2029, it is a description of the Mamminasata Metropolitan Spatial Planning in the form of spatial utilization patterns that can be used as a reference in developing the spatial structure of the Province and Regency/City. ³⁴ Spatial utilization patterns include: plans for establishing cultivated and non-cultivated areas (protected areas), regional economic development strategies, regional transportation system plans and implementation mechanisms and indications for regional development programs in South Sulawesi Province. ³⁵In general, the content contained in the regional spatial planning (RTRW) is a direction for:

1. Management of protected and cultivated areas;
2. Management of rural, urban and specific areas;
3. Development of residential areas, forestry, agriculture, mining, industry, tourism and other areas;

³⁴ Irfandi , Irfandi . *Implementation Warehouse Area Spatial Planning Regulations Integrated Makassar City* . Diss. HASANUDDIN UNIVERSITY, 2021.

³⁵Wahid, Abdul. " Identification Deviations in Spatial Planning in South Sulawesi Province ." *SMARTek* 7.2 (2009): 221714.



4. Development of rural and urban settlement center systems;
5. Development of land, water, air and other resource use.

The policies and strategies for spatial planning in South Sulawesi Province are carried out in the development of spatial structures and spatial patterns, including:

- a. Increasing access to urban services and economic growth centers in land and sea areas and small islands in an even and hierarchical manner;
- b. Improving the quality and reach of integrated and even service networks for transformation infrastructure, energy telecommunications and water resources throughout the province; and
- c. Development of strategic areas of the Province. (Article 5 of Regional Regulation No. 9 of 2009).

Furthermore, strategies to improve access to urban services and regional economic growth centers include:

- a. Improving interconnection between urban areas, both Mamminasata as the national activity center (PKN), regional activity centers (PKW), namely Palopo, Watampone, Pare-Pare, Barru, Pangkajene, Jeneponto and Bulukumba, as well as local activity centers (PKL) in the form of district capitals that are not included in PKN and PKW, between urban areas and rural activity centers, as well as between urban areas and surrounding areas, including small islands;
- b. potential areas that are not yet served by existing growth centers;
- c. Controlling the development of urban areas, especially coastal areas and technical irrigation areas; and
- d. Encourage urban areas and growth centers to be more productive, competitive and conducive to sustainably living. And more effective in encouraging the development of the surrounding areas, especially PKN, PKW and PKL. (Article 6 paragraph (1) of Regional Regulation No. 9 of 2009).

The South Sulawesi Provincial Spatial Plan is then further elaborated by the Regency/City in the form of spatial utilization patterns that are used as a reference in developing the spatial structure of the regency/city, such as: Makassar City Regional Regulation No. 6 of 2006 concerning the Makassar City



Spatial Plan 2005-2015, Regional Regulation No. 18 of 2003 concerning the Gowa Regency Spatial Plan 2003-2013 and other regional regulations.

The urban area development strategy that has been determined in order to support the South Sulawesi Provincial RTRW, is then explained by the Makassar City Government in the form of a city spatial planning development policy, namely:

- a. Strengthening the function of Makassar City as a maritime, commercial, educational, cultural and service city on a national and international scale;
- b. Prioritize the direction of city development towards the east, south, north corridors and limit development towards the west in order to achieve ecosystem balance;
- c. Preserving the function and harmony of the environment in spatial planning by optimizing the environmental carrying capacity and absorption capacity;
- d. Developing a city infrastructure and facilities system that is integrated with regional, national and international systems. (Article 7 of Regional Regulation No. 6 of 2006).

The realization of the development of the Makassar city area is adjusted to its physical characteristics and development, therefore Makassar is divided into:

1. Development region I, the policy basis is directed at increasing the role and function of the region based on the development of basic urban economic infrastructure;
2. Development area II, the policy is directed at the integrated development of urban residential areas;
3. Development area III, the policy is directed at kota revitalization activities;
4. integrated regional development for cultural activity centers, integrated global business centers with international standards;
5. Development region V, the main policy is directed at tourism activities.

Likewise, other regencies/cities have determined regional development areas in development area units both as centers of district service areas and



agricultural and residential activities. However, in reality there has been no synchronization between land use and RTRW either at the provincial or district/city levels, as shown in the following ³⁶table .

Table 1

Respondents' Opinions on the Suitability of Land Management with the RTRW

Category	Regency / City					Amount	%
	Makassar	Goa	Pangkep	Soppeng	Palopo		
Already appropriate	6	11	6	8	5	36	45
Less appropriate	10	2	10	8	9	39	49
It is not in accordance with	-	3	-	-	2	5	6
Amount	16	16	16	16	16	80	100

Source: Primary Data

The table above shows that 36 (45%) respondents stated that land use and RTRW were in accordance. However, 39 (49%) respondents actually thought that land use and RTRW were not in accordance, while 5 (5%) respondents viewed no conformity between land use and RTRW. ³⁷This reality means that the Regency/City Government in determining its regional development strategy, especially urban areas, has not based its policies on efforts to utilize land use with RTRW. ³⁸In addition, the implementation of RTRW in the context of urban area development has not been used as a policy reference, so that the consequences in urban area development still do not reflect a safe, orderly, smooth and healthy city. This condition occurs as a result of incomplete information data regarding land use in urban area development , so that in each regency/city there has not been any urban manifestation that is by RTRW. This is as seen in the following table.

³⁶ Prawira , Wa Ode Hesty Eka, Batara Surya, and Syafri Syafri . " Land Use Changes and Control Utilization of Outskirts Area Space : Case Study : Development of New City Areas Moncongloe Metropolitan Mamminasata ." *Urban and Regional Studies Journal* 6.2 (2024): 234-242.

³⁷ Dafid , Ari. " Authority Local Government in Spatial Planning after Enactment Constitution Number 23 of 2014 Concerning Regional Government (Mataram City Study)." *Dialogia Jurisprudence* 9.1 (2017): 029-041.

³⁸ Jazuli , Ahmad. " Enforcement law arrangement room in frame realize development sustainable ." *Journal Rechts Vinding: National Legal Development Media* 6.2 (2017): 263-282.

**Table 2***Respondents' Opinions on Data Support for Urban Area Development Information*

Category	Regency / City					Amount	%
	Makassar	Goa	Pangkep	Soppeng	Palopo		
Already supported	-	6	9	8	7	30	37
Lack of support	16	10	7	2	7	44	44
Does not support	-	-	-	4	2	6	6
Amount	16	16	16	16	16	80	100

Source: Primary Data

Based on the research data above, out of 80 respondents, 30 (37%) of them viewed the information data in the context of urban area development as supportive. On the other hand, 44 (55%) respondents viewed the information data regarding land use in urban area development as less supportive. Even 6 (8%) respondents thought that information data regarding land use in the context of urban area development was not supportive. From this study's results, the failure to realize good urban area development is due to the lack of information data on land use and even non-existence. Therefore, it is unsurprising that the development of urban areas in South Sulawesi Province is not well organized. Although there are Provincial RTRW and Regency/City RTRW, their implementation is not synchronized because each regency/city develops its urban area independently without supervision and coordination.³⁹

In land use for urban area development, coordination between agencies involved and competent in realizing the desired urban area by the RTRW is necessary. From the research results, it is known that coordination between agencies in land use has not been well established, as in the following table:

³⁹ Dahfid , Ari. " Authority Local Government in Spatial Planning After Enactment Constitution Number 23 of 2014." *Dialogia Iuridica* 9.1 (2017).

**Table 3***Agency Coordination in Land Use Management*

Category	Regency / City					Amount	%
	Makassar	Goa	Pangkep	Soppeng	Palopo		
It's been established	8	10	2	2	8	30	37
Less intertwined	8	6	14	11	8	47	59
Not connected	-	-	-	3	-	3	4
Amount	16	16	16	16	16	80	100

Source: Primary Data

The table above shows that in general respondents view that coordination between agencies in land use for the benefit of urban area development is poorly established (59%) or not well established (4%). Meanwhile (37%), who think that coordination between agencies has been established. This fact seems to be the cause of urban area development in South Sulawesi Province being so chaotic and tends to be viewed as a development activity that is not well planned. The obstacles so that coordination is not well established can be seen in the following table:

Table 4*Respondents' Opinions on Barriers to Inter- Agency Coordination in Land Use Management*

Category	Regency / City					Amount	%
	Makassar	Goa	Pangkep	Soppeng	Palopo		
Stewardship planning	6	9	2	6	4	27	34
Implementation of stewardship	9	7	9	8	7	40	50
Actions/ sanctions	1	-	5	2	5	13	16
Amount	16	16	16	16	16	80	100

Source : Primary Data

The data in the table above, implies that the obstacles that cause, so that coordination is not well established is due to the implementation of land use not being coordinated between the agencies involved. The study's results showed that 40 (50%) respondents thought coordination obstacles occurred at the land use implementation stage. While 27 (34%) respondents actually viewed that coordination was not established at the land use planning level and 13



(16%) respondents believed that the action or imposition of sanctions was not firm against land use violations.

In addition to the lack of or no coordination in the field of land use in the context of regional development, obstacles in the implementation of land use that are not well coordinated are another reason: each institution considers its agency to be the most authorized in implementing land use. ⁴⁰The study's results show a conflict of authority between agencies, as shown in the table below.

Table 5

*Respondents' Opinions About Authorized Agencies
In Land Use*

Category	Regency / City					Amount	%
	Makassar	Goa	Pangkep	Soppeng	Palopo		
Department of Spatial Planning	7	9	10	12	14	27	34
National Heritage Agency	5	3	5	4	1	40	50
Department of Spatial Planning and BPN	4	4	1	-	1	13	16
Amount	16	16	16	16	16	80	100

Source: Primary Data

Based on the data above, it appears that in general respondents view the most authorized party in land use for urban area development as the National Land Agency, namely 40 respondents (50%). Meanwhile, 27 (34%) respondents believe that the Spatial Planning Agency is the most competent in land use, and 13 (16%) other respondents view the authorities as the Spatial Planning Agency and the National Land Agency. This reality shows that land use in urban area development is institutionally handled multi- sectorally. ⁴¹Land use authority is spread across various agencies, such as the Spatial Planning and Settlement Agency, and the National Land Agency both at the Provincial and Regency/City levels, so no single institution handles it. Therefore, land use in the context of

⁴⁰Santoso, Urip , and MH SH. *Agrarian Law : A Comprehensive Study* . Prenada Media, 2017.

⁴¹Kurniawan, Muhammad Hery. *Land Use in the Framework of Urban Area Development for Housing Area Development* . Diss. UNKNOWN, 2015.



urban area development in South Sulawesi Province is needed to establish an integral institution with complete authority in the field of land use.⁴²

This is done in an effort to overcome institutional land use in the context of multi-sectorial urban area development, which turns out to be uncondusive to the development of legal regulations for land use. ⁴³Reorganizing land use, especially in the development of urban areas in South Sulawesi Province, should be done by institutions that have the authority to coordinate land use in the context of effective urban area development.

4 CONCLUSION

Provincial and Regency /City Urban Spatial Planning Plan . Therefore, land use in the context of urban area development in South Sulawesi Province is needed to establish an integral institution with full authority in land use. The implementation of urban area development patterns in South Sulawesi Province is positively influenced by legal substance , legal structure, legal culture, facilities and infrastructure, legal awareness, and the environment. At the same time, the coordination factor has a negative influence.

⁴²Umar, Fitrawan . "THE AUTHORITY OF SPATIAL PLANNING FORUM IN CONTROL OF REGIONAL DEVELOPMENT." *Journal of Urban Studies and Planning* (2024): 21-35.

⁴³Ramadan, Ahsanul Rizky, Word Muntaqo , and Iza Rumesten . " Order land displaced in frame management and utilization land ." *Repertorium : Journal Notary Law Science* 11.1 (2022): 92-103.



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