

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

L a w
No. 24 of 1992
Dated October 13, 1992

R E

THE ARRANGEMENT OF SPATIAL LAYOUT

BY THE GRACE OF GOD THE ALMIGHTY

THE PRESIDENT OF THE REPUBLIC OF INDONESIA,

- Considering :
- a. that the spatial territory of the unitary Republic of Indonesia as the gift of God the Almighty to the Indonesian nation with the strategic location and position as an archipelago with its diverse ecosystems serving as natural resources for which the nation should be grateful to God, must be protected and managed to realize the objective of national development as the implementation of Pancasila;
 - b. that the management of diverse natural resources on land, in the sea and on the air, must be performed in a coordinated and integrated way with human resources and man-made resources in a pattern of sustainable construction by developing spatial layout in a united environment system and by maintaining the continuity of the capacity of the environment in accordance with environment oriented construction, on the basis of the Archipelagic Concept and national resilience;
 - c. that the laws related to the utilisation of space have not accomodated the demand of the progress in construction so that it is necessary to lay down the law on the arrangement of spatial layout;

Bearing in mind : 1. Article 5 paragraph (1), Article 20 paragraph (1), and Article 33 paragraph (3) of the 1945 Constitution;

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2. Law No. 5/1960 on Basic Agrarian Principles (State Gazette No. 104/1960, Supplement to State Gazette No. 2043);
3. Law No. 5/1974 on Principles of Administration in Regions (State Gazette No. 38/1974, Supplement to State Gazette No. 3037);
4. Law No. 4/1982 on Basic Stipulations on the Management of the Environment (State Gazette No. 12/1982, Supplement to State Gazette No. 3215);
5. Law No. 20/1982 on Basic Stipulations on the Defence and Security of the State of the Republic of Indonesia (State Gazette No. 51/1982, Supplement to State Gazette No. 3234), as has been amended by Law No. 1/1988 (State Gazette No. 3/1988, Supplement to State Gazette No. 3368).

With the approval of

THE HOUSE OF REPRESENTATIVES OF THE REPUBLIC OF INDONESIA

H A S D E C I D E D :

To stipulate : LAW ON THE ARRANGEMENT OF SPATIAL LAYOUT.

CHAPTER I.

GENERAL PROVISIONS

Article 1.

Referred to in this law as :

1. Space is a place which encompasses space on land, space in the sea, and space on air as a united territory, where people and other creatures live and conduct activities and maintain their lives.
2. Spatial layout is the structural manifestation and the utilisation pattern of the space, both planned and unplanned.
3. The arrangement of spatial layout is the process of spatial layout planning, spatial utilisation and control of spatial utilisation.
4. A spatial layout plan is the result of spatial layout planning.
5. A territory is space which constitutes a geographical unity together with all the elements inherent to it whose boundaries and systems are determined on the basis of the administrative aspect and or the functional aspect.
6. A region is a territory with the main function of protection or cultivation.

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7. A protected region is a region whose main function is determined to be the protection of the continuity of the environment encompassing natural resources and man-made resources.
8. A cultivation region is a region determined to be cultivated on the basis of the condition and the potential of natural resources , human resources and man-made resources.
9. Rural regions are regions which have main activities in agriculture including the management of natural resources, with the regions functioning as rural settlement areas, and as places where govern - ment services and social services are provided and economic activ - ities done.
10. Urban regions are regions whose main activities are non-agriculture, with the regions functioning as urban residential areas, and places where government services are concentrated and distributed, social services provided and economic activities done.
11. Particular regions are regions which nationally have strategic values and whose spatial layout arrangement is given priority.

CHAPTER II.

PRINCIPLES AND AIMS

Article 2.

The arrangement of spatial layout has the principles of :

- a. spatial utilisation for all interests in an integrated, efficient , effective, compatible, harmonious, balanced and sustainable way;
- b. openness, equality, justice and legal protection.

Article 3.

The arrangement of spatial layout has the following aims :

- a. the establishment of spatial utilisation with the orientation of the environment on the basis of the Archipelagic Concept and national resilience;
- b. the realisation of the regulation of spatial utilisation of pro - tected regions and cultivation regions;
- c. the realisation of spatial utilisation to :
 - 1). bring about the life of the nation which is intelligent, noble and prosperous;
 - 2). carry out the integration in the utilisation of natural re - sources and man-made resources with account taken of human re - sources;

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- 3). enhance the utilisation natural resources and man-made resources in an efficient, effective and appropriate way to improve the quality of human resources;
- 4). ensure the protection of the functions of space and prevent as well as to surmount the negative impact on the environment;
- 5). create the balance between prosperity and security.

CHAPTER III.

RIGHTS AND OBLIGATIONS

Article 4.

- (1). Everyone has the right to enjoy the benefit from space including the added value of space as a result of the arrangement of spatial layout.
- (2). Everyone has the right to :
 - a. get knowledge of spatial layout;
 - b. take part in the drawing up of spatial layout plans, spatial utilisation and the control of spatial utilisation;
 - c. obtain proper compensation over what he has to go through as a result of the implementation of construction activities in accordance with spatial layout plans.

Article 5.

- (1). Everyone is obligated to take part in the maintenance of the quality of the space.
- (2). Everyone is obligated to comply with the spatial layout plans already laid down.

Article 6.

Stipulations on the implementation of rights and obligations as referred to in Articles 4 and 5 shall be provided for in a Government Regulation.

CHAPTER IV.

PLANNING, UTILISATION AND CONTROL

First Part

General

Article 7.

- (1). The arrangement of spatial layout based on the main function of the region encompasses protected regions and cultivation regions.

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- (2). The arrangement of spatial layout based on the administrative aspect encompasses the space of National regions, Provincial/First - Level Regions, and Second-Level Regions/Regencies/Municipalities.
- (3). The arrangement of spatial layout on the basis of the function of a region and the aspect of activities encompasses rural regions , urban regions and particular regions.

Article 8.

- (1). The arrangement of spatial layout of National regions, Provincial/ - First - Level Regions and Second - Level Regions/Regencies/Municipalities shall be conducted in an integrated way and shall not be separated.
- (2). The spatial layout arrangement for regions comprising more than one Provincial/First-Level regions shall have its drawing up co-ordinated by the Minister as referred to in Article 29 paragraph (1) to be later incorporated into the Spatial Layout Plan of the Provincial/First-Level region concerned.
- (3). The arrangement of spatial layout for regions comprising more than one Second-Level regions/Regencies/Municipalities shall have its drawing up co-ordinated by the Governor/Head of first-Level Region to be later incorporated into the Spatial Layout Plan of the Second-Level Region/Regency/Municipality concerned.

Article 9.

- (1). The arrangement of spatial layout of the Provincial/First - Level Regions and Second-Level Regions/Regencies/Municipalities, in addition to space on land, also encompasses the space in the sea and the space on air up to a certain extent regulated with the laws.
- (2). The arrangement of spatial layout of the sea and the arrangement of spatial layout of the air beyond what is referred to in paragraph (1) shall be regulated in centralised way with the law.

Article 10.

- (1). The arrangement of spatial layout of rural regions, the arrangement of spatial layout of urban regions and the arrangement of particular regions as referred to in Article 7 paragraph (3) shall be established as part of the arrangement of spatial layout of National regions or Provincial/First-Level Regions or Second-Level regions/ - Regencies/Municipalities.
- (2). The arrangement of spatial layout of rural regions and urban regions shall be established to :
 - a. reach the spatial layout of rural regions and urban regions in an optimum, compatible, harmonious and balanced way in the development of human life;

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- b. improve the function of rural regions and the function of urban regions in a compatible, harmonious and balanced way between the development of the environment and the system of social life;
 - c. regulate the utilisation of the space to improve the welfare of people and prevent as well as surmount the negative impact on natural environment, man-made environment, and social environment.
- (3). The arrangement of spatial layout of particular regions is established to :
- a. develop the spatial layout of strategic regions and which are given priority in conjunction with the arrangement of spatial layout of National regions or Provincial/First-Level regions or Second-Level regions/Regencies/Municipalities;
 - b. improve the function of protected regions and the function of cultivation regions;
 - c. regulate the utilisation of the space to improve the welfare of the community and defence and security.
- (4). The management of particular regions shall be established by the Government pursuant to the prevailing laws.

Article 11.

The arrangement of spatial layout as referred to in Articles 8, 9 , and 10 is conducted with account taken of :

- a. natural environment, man-made environment, social environment and the interaction among the environments;
- b. stages, financing and management of construction as well as the development of institutional capability.

Article 12.

- (1). The arrangement of spatial layout shall be conducted by the Government with the community participating in it.
- (2). The procedure for and form of the participation of the community in the arrangement of spatial layout as referred to in paragraph (1) shall be provided for in a Government Regulation.

Second Part

Planning

Article 13.

- (1). The planning of spatial layout shall be conducted through a process and a procedure for the drawing up and determination of a plan of spatial layout on the basis of the prevailing laws.

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- (2). A spatial layout plan shall be reviewed and or improved in accordance with the type of planning periodically.
- (3). The review and improvement of spatial layout plans as referred to in paragraph (2) shall be conducted with account taken of Article 24 paragraph (3).
- (4). Stipulations on the criteria and the procedure for the review and improvement of spatial layout plans as referred to in paragraphs(1), (2) and (3) shall be provided for in a Government Regulation.

Article 14.

- (1). Spatial layout planning shall be conducted with account taken of :
 - a. compatibility, harmony and balance in the function of cultivation and the function of protection, time dimension, technology, socio-cultural factors and the function of defence and security;
 - b. the aspect of integrated management of various resources, functions of environmental aesthetics as well as the quality of space.
- (2). Spatial layout planning encompasses planning of structure and the pattern of spatial utilisation, encompassing land use system , water use system, air use system and the system of use of other natural resources.
- (3). Spatial layout planning which is connected with the function of defence and security as the sub-system of spatial layout planning, shall have its procedure for formulation provided for in a law.

Third Part

Utilisation

Article 15.

- (1). The utilisation of space shall be undertaken through the implementation of the programme of spatial utilisation together with its financing, on the basis of a spatial layout plan.
- (2). The spatial utilisation as referred to in paragraph (1) shall be realized in stages in accordance with the period of time stipulated in the spatial layout plan.

Article 16.

- (1). Development is made with respect to spatial utilisation in :

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- a. the pattern of the management of land use system, water use system, air use system and the system of use of other natural resources in accordance with the principle of spatial layout arrangement as referred to in Article 2;
 - b. apparatuses which serve as incentive of non-incentive with respect paid to the right of the population as citizens.
- (2). The stipulation on the pattern of the management of the land use system, water use system, air use system and the system of use of other natural resources in paragraph (1) point a shall be provided for in a Government Regulation.

Fourth Part

Control

Article 17.

Control of the spatial utilisation shall be exercised through activities of supervision and re-ordering of spatial utilisation.

Article 18.

- (1). Supervision over the utilisation of space shall be conducted in the form of reports, monitoring and evaluations.
- (2). Re-ordering of the utilisation of space not in accordance with the plan of spatial layout shall be conducted in the form of sanction imposition in accordance with the prevailing laws.

CHAPTER V.

SPATIAL LAYOUT PLAN

Article 19.

- (1). Spatial layout plans are distinguished into :
 - a. Spatial Layout Plan for National regions;
 - b. Spatial Layout Plan for Provincial/First-Level Regions;
 - c. Spatial Layout Plan for Regencies/Municipalities/Second - Level regions.
- (2). The spatial layout plans as referred to in paragraph (1) shall be pictured on the map of the territory of the state of Indonesia, the regional maps of Provinces/First-Level Regions, regional maps of Regencies/Second-Level Regions, and regional maps of Municipalities/Second-Level-Regions, while the level of accuracy shall be provided for in a law.

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Article 20.

- (1). The Spatial Layout Plan of National regions constitutes the strategy and orientation of the policy on the utilisation of the space of the state territory, encompassing :
 - a. national goal of spatial utilisation for the improvement of public welfare and defence and security;
 - b. structure and pattern of spatial utilisation of national regions;
 - c. criteria and pattern of management of protected regions, cultivation regions and particular regions.
- (2). The Spatial Layout Plan of National regions contains :
 - a. determination of protected regions, cultivation regions, and particular regions nationally set forth;
 - b. norms and criteria of spatial utilisation;
 - c. guide in the control of spatial utilisation.
- (3). The Spatial Layout of National Regions serves as a guide for :
 - a. formulation of basic policies regarding spatial utilisation in national regions;
 - b. realisation of integration, linkage and balance of development among regions and inter-sectoral harmony;
 - c. guidance in the location of investments undertaken by the Government and or the community;
 - d. spatial layout arrangement of the Provincial/First-Level regions and Regencies/Municipalities/Second-Level Regions.
- (4). The period of time of a Spatial Layout Plan for a National region is 25 years.
- (5). The Spatial Layout Plan for a National region shall be stipulated in a Government Regulation.

Article 21.

- (1). The Spatial Layout Plan for Provincial/First-Level regions constitute the spelling out of the strategy and orientation of policies regarding the utilisation of space of national regions into the strategy and structure of spatial utilisation of the Provincial/First-Level Regions, encompassing :
 - a. the goal of the utilisation of space of Provincial/First - Level regions for the improvement of public welfare and defence and security;

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- b. structure and pattern of spatial utilisation of Provincial/First-Level regions;
 - c. guidance in the control of spatial utilisation of Provincial/First Level regions.
- (2). The Spatial Layout of Provincial/First-Level regions contains :
- a. guidance in the management of protected regions and cultivation regions;
 - b. guidance in the management of rural regions, urban regions and particular regions;
 - c. guidance in the development of residential regions, regions and forestry, agriculture, mining, industries, tourism and other regions;
 - d. guidance in the development of the system of rural and urban settlement;
 - e. guidance in the development of the system of regional infrastructures encompassing infrastructures of transportation, telecommunications, energy, water and environmental management;
 - f. guidance in the development of regions given priority;
 - g. guidance in the policies of land use system, water use system, air use system, and the system of use of other natural resources and man-made resources.
- (3). The Spatial Layout Plan of Provincial/First-Level regions shall serve as a guide for :
- a. formulation of basic policies regarding the utilisation of space in the Provincial/First-Level regions;
 - b. realisation of integration, linkage and balance in the inter-region development of Provinces/First-Level Regions and inter-sectoral harmony;
 - c. guidance regarding the location of investments implemented by the Government and or the community;
 - d. spatial layout arrangement of Regencies/Municipalities/Second Level regions which serve as the basis on which supervision is conducted over the licensing of construction locations.
- (4). The period of time of the Plan of Spatial Layout of Provincial/First Level Regions is 15 years.
- (5). The Spatial Layout Plan of Provincial/First-Level regions is stipulated in a regional regulation.

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Article 22 .

- (1). The Plan of Spatial Layout of Regencies/Municipalities/Second-Level Regions serves as the spelling out of the Spatial Layout Plan of Provincial / First-Level regions into the strategy of the implementation of spatial utilisation of Regions/Municipalities/Second - Level regions, encompassing :
 - a. the goal of spatial utilisation of Regencies/Municipalities / Second-Level Regions to uplift public welfare and defence and security;
 - b. the plan of structure and pattern of spatial utilisation of Regencies/Municipalities/Second-Level regions;
 - c. the general plan of spatial layout of Regencies/Municipalities/ Second-Level regions;
 - d. general guide in the utilisation of space of Regencies/Municipalities /Second-Level regions.
- (2). The Spatial Layout Plan of Regencies/Municipalities/Second - Level regions contains :
 - a. management of protected regions and cultivations regions;
 - b. management of rural regions and the system of rural and urban settlement;
 - c. the system of development activities and the system of rural and urban settlement;
 - d. the system of infrastructures of transportation, telecommunications, energy, water and environmental management;
 - e. land use system arrangement, water use system arrangement , air use system arrangement and the arrangement of the system of use of other natural resources shall take account of the integration with human resources and man-made resources.
- (3). The Spatial Layout Plan for Regencies/Municipalities/Second - Level regions shall serve as a guide for :
 - a. the formulation of basic policies regarding spatial layout in Regencies/Municipalities/Second-Level Regions;
 - b. realisation of integration, linkage and balance in the inter - regional development of Regencies/Municipalities/Second - Level regions and inter-sectoral harmony;
 - c. determination of location for investments implemented by the Government and or the community in the Regencies/Municipalities/ Second - Level regions;

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- d. the drawing up of detailed plan of spatial layout in Regencies/- Municipalities/Second-Level regions.
 - e. the construction implementation in utilizing space for development activities.
- (4). The Spatial Layout Plan of Regencies/Municipalities/Second- Level regions shall serve as the basis on the issuance is made of the licensing of construction locations.
 - (5). The period of time of the Spatial Layout Plan for Regencies/Municipalities/Second-Level regions is ten years.
 - (6). The Spatial Layout Plan for Regencies/Municipalities/Second- Level regions shall be stipulated in regional regulation.

Article 23.

- (1). The plan for spatial layout of rural regions and the plan for spatial layout for urban regions shall be part of the Spatial Layout Plan for Regencies/Municipalities/Second Level regions.
- (2). The plan of spatial layout for particular regions in conjunction with the spatial layout arrangement of national regions constitutes inseparable part of the Plan of Spatial Layout for Provinces/First- Level regions and or the Plan for Spatial Layout for Regencies/Municipalities/Second-Level Regions is stipulated in a Presidential Decree.
- (3). Further stipulations regarding the determination of regions, guides, procedures and others necessary for the formulation of the plans of spatial layout for regions as referred to in paragraph (1) and paragraph (2) shall be laid down in Government Regulations.

CHAPTER VI.

AUTHORITY AND DEVELOPMENT

Article 24.

- (1). The state shall establish the arrangement of spatial layout for the maximum welfare of the people and its implementation is left to the Government.
- (2). The implementation of the arrangement of spatial layout as referred to in paragraph (1) gives authority to the Government to :
 - a. regulate and establish the arrangement of spatial layout;
 - b. to regulate the tasks and obligation of government agencies in the arrangement of spatial layout.
- (3). The implementation of the stipulation as referred to in paragraph (2) shall be conducted by still honouring the right inherent in people.

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Article 25.

The Government undertakes development by means of :

- a. announcing and disseminating spatial layout plans to the community;
- b. fostering and developing the awareness and responsibility of the community through counselling , guidance, education and training.

Article 26.

- (1). The license for space utilisation which is not in concordant with the Spatial Layout Plan of Regencies/Municipalities/Second- Level Regions stipulated on the basis of this law shall be declared null and void by the Head of the Region concerned.
- (2). If the license as referred to paragraph (1) can be proved to have been obtained in good faith, the losses incurred as a result of the revocation of the license shall entitle the person concerned to claim for proper compensation.

Article 27.

- (1). The Governor/Head of First-Level Region shall establish the arrangement of spatial layout for Provinces/First Level Regions.
- (2). As for the Special Region of Capital City of Jakarta, the implementation of spatial layout arrangement shall be implemented by the governor/Head of the Region with account taken of the opinions of Ministries, Institutions and other Government Agencies and with coordination with the surrounding Region pursuant to the stipulations in Law No. 11/1990 in the Composition of the Administration of the Special Region of Capital City of the State of the Republic of Indonesia of Jakarta.
- (3). If in the establishment of spatial layout arrangement as referred to in paragraphs (1) and (2) there are matters which cannot be settled in the Provinces/First-Level Regions, it is necessary to obtain the opinion and approval of the Minister as referred to in Article 29 paragraph (1).

Article 28.

- (1). Regents/Heads of Municipalities/Heads of Second-Level Regions shall establish the arrangement of spatial layout of Regencies/Municipalities /Second-Level Regions.
- (2). If in the implementation of the spatial layout arrangement as referred to in paragraph (1) there are matters which cannot be settled in Regencies/Municipalities/Second-Level Regions, it is necessary to have the opinion and approval of the Governor/Head of First - Level Region.

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Article 29.

- (1). The President shall appoint a Minister whose job it is to co-ordinate spatial layout arrangement.
- (2). The job of co-ordination as referred to in paragraph (1) includes the control of the alteration in the function of space of a region and its utilisation on a large-scale and exerting an important impact.
- (3). The alteration in the function of space of a region and its utilisation as referred to in paragraph (2) shall be stipulated after consultations with the House of People's Representatives.
- (4). The stipulation on the alteration of the function of space as referred to in paragraph (3) shall serve as the basis for the review of the Spatial Layout Plans of Provinces/First-Level Regions and the Spatial Layout Plans of Regencies/Municipalities/Second Level Regions.

CHAPTER VII.

TRANSITIONAL PROVISION

Article 30.

When this Law comes into force, all laws related to the arrangement of spatial layout already existing shall remain valid as long as they do not contradict this Law and have not been replaced on the basis of this law.

CHAPTER VIII.

CLOSING PROVISIONS

Article 31.

With the enforcement of this Law, the Ordinance of City Forming (Stads vormingsordonnantie Staatsblad of the year 1948 Number 168, Decision by the Lieutenant General Governor dated 23 July 1948 No. 13) is declared null and void.

Article 32.

This Law shall take effect as of the date of promulgation.

For public cognizance, the promulgation of this Law shall be published in the State Gazette of the Republic of Indonesia.

Promulgated at J A K A R T A
On October 13, 1992

Validated at J A K A R T A
On October 13, 1992

MINISTER/STATE SECRETARY OF
THE REPUBLIC OF INDONESIA

THE PRESIDENT OF THE REPUBLIC OF
INDONESIA

signed

signed

M O E R D I O N O

S O E H A R T O

STATE GAZETTE OF THE REPUBLIC OF INDONESIA NO. 115/1992.

ELUCIDATION

(TO BE CONTINUED)

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E L U C I D A T I O N
O N
THE LAW OF THE REPUBLIC OF INDONESIA
NUMBER : 24 OF 1992
R E
THE ARRANGEMENT OF SPATIAL LAYOUT

GENERAL

1. The space of the territory of the state of Indonesia as a place where man and other creatures live and conduct activities is the gift of God the Almighty to the Indonesian Nation. This gift of God the Almighty calls for gratitude and must be protected as well as managed. The space that God bestows and its utilisation must be developed and conserved to the optimum and sustainably for the sake of the continuity of life with quality.

Pancasila as the state's principle and philosophy provides conviction that happiness in life can be acquired if it is based on compatibility, harmony and balance, both in the life of man as an individual, in the relation between one person and another, the relation between man and nature, and the relation of man and God the Almighty. This conviction must be used as a guideline for spatial layout arrangement.

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The 1945 Constitution as the constitutional foundation obligates that natural resources be used for the maximum welfare of people. This welfare of people must be enjoyed, both by the present generation and the coming generation.

The Broad Lines of the State's Course stipulates that development should not only pursue physical welfare or spiritual satisfaction, but also balance between the two. Therefore, space must be utilised in a compatible, harmonious and balanced way in a sustainable development.

2. The Territory of the State of the Republic of Indonesia is the totality of the state's territory encompassing land, sea and space on the basis of the prevailing laws, including seas and continental shelves around them, where the Republic of Indonesia has a sovereign right or legal authority pursuant to the Convention of the United Nations of 1982 on Marine Law.

Space as part of natural resources does not recognize regional boundaries. However, if space is linked with its arrangement, there must be clear boundaries, functions and systems in a totality.

Geographically, the location and seat of the state of Indonesia as an archipelagic state is very strategic, both in the national and international interest. In terms of ecosystem, the natural conditions are very unique in that the country occupies a cross position in the equator between two continents and two oceans with its tropical weather, seasons and climate.

Therefore, the space of the territory of the state of Indonesia is a big asset of the Indonesian nation which must be capitalized on in a co-ordinated, integrated way and as effectively as possible with account taken of the political, economic, social and cultural factors as well as the factors of defence and security, and the continuance of the environmental capacity to support national development in order to attain justice and prosperous society. In other words, the concept in the arrangement of spatial layout of the state of Indonesia is the Archipelagic Concept.

3. Space encompasses land space, sea space and air space together with the natural resources deposited in them for life and living. The activities of man and other living creatures need space as location for various space utilisations or on the reverse space may be a place for various activities, in consonant with local natural conditions and the technology applied. Although space is not occupied by man such as vacuum space, the layer below the earth crust, a volcano's crater, the space has effect on the environment and can be utilised for activities and the continuity of life.

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It is realized that the availability of space itself is unlimited. If the utilisation of space is not well arranged, it is very likely that there shall be inefficiency in the utilisation of space and there shall be a decline in the quality of space. Therefore, it is necessary to have space arrangement to regulate its utilisation on the basis of the magnitude of the activities, the type of activities, the function of location, space quality, and environmental aesthetics.

4. The territorial space of a state as a natural resource comprises various space territories as a sub-system. Each sub-system encompasses the aspects of politics, economy, social affairs, culture, defence and security and institutionalisation with different varieties and supporting capacity, one different from the other.

The entire state territory of Indonesia consists of national territory, Ist Level Region/Provincial Territory and Regency/Ind Level Region Municipality territory, respectively constituting space sub system according to administrative boundaries.

In the sub-system there are human resources with various activities to utilise natural resources, artificial resources, and the different levels of spatial utilisation, which, in the absence of good arrangement, shall lead to imbalance in inter-regional development and the non-continuance of the environment.

The arrangement of spatial layout which is based on the characteristics and the supporting capacity and which is based on appropriate technology, shall enhance the compatibility, harmony and balance in the sub-system which also means improving the accomodating capacity.

As the management of one sub-system shall affect the other sub-system, which in the final analysis shall affect the spatial system as a whole, the arrangement of space calls for the development of a system of integration as the main feature. This means a necessity for a national policy in spatial layout arrangement which puts together policies in spatial layout arrangement.

In line with the said aim, the implementation of development, both at the Central level and at the Regional level, must be in accordance with the spatial layout plans already laid down. Therefore, the spatial utilisation shall not conflict with the spatial layout plans.

5. The spatial layout arrangement as a process of spatial layout planning, spatial utilisation, and the control of the utilisation of space constitutes a unified system which is inseparable one from another.

To guarantee the attainment of the goal of spatial layout arrangement is it necessary to have laws in a unified system which must provide a clear, firm and comprehensive basis to guarantee legal certainty for efforts to utilise space. To this end, the law on spatial layout arrangement has the following characteristics :

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- a. simple but able to encompass the possibility of development in spatial utilisation in future in line with the condition, time and place.
- b. To guarantee openness in spatial layout plans to the community so that it can boost further the participation of the community in spatial utilisation which has quality in all aspects of development.
- c. Encompassing all aspects in spatial layout arrangement as a foundation for further regulation which must be manifested in a separate regulation.
- d. Containing a number of stipulations on the process of and the procedure for spatial layout planning, spatial utilisation and control of spatial utilisation as the foundation on which further regulations are set forth.

Apart from all this, this Law shall be the foundation for evaluation and adjustment of the laws containing stipulations on the aspects of spatial utilisation already in force, namely, the laws on waters, land, forestry, mining, regional development, rural areas, urban areas, transmigration, industries, fisheries, roads, Indonesian's Continental Shelf, Indonesia's Exclusive Economic Zones, real estate and residential areas, tourism, communications, telecommunications and so forth with account taken of among other things:

- a. Law No. 4 Prp/1960 on Indonesian Waters (State Gazette No. 22/ - 1960, Supplement to State Gazette No. 1942) jo. Law No. 7/1976 on the Ratification of the Integration of East Timor into the Unitary State of the Republic of Indonesia and the formation of the Province/First-Level Region of East Timor (State Gazette NO. 35/ 1976, Supplement to State Gazette No. 3084);
- b. Law No. 5/1990 on Conservation of Biological Natural Resources and their Ecosystems (State Gazette No. 49/1990, supplement to State Gazette No. 3419);
- c. Law No. 10/1992 on the Development of Population affairs and the Development of Prosperous Families (State Gazette No. 35/1992, Supplement to State Gazette No. 3475).

Therefore, all laws which are related to the aspect of spatial utilisation may be contained in an Indonesian legal system of spatial layout arrangement.

B. ARTICLE BY ARTICLE

Article 1

The terms formulated in this article are meant for uniformity in the interpretation of this Law and its implementation regulation.

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Figure 1

The space regulated in this Law is the space in which the Republic of Indonesia owns a jurisdiction right encompassing a sovereignty right in the territorial regions and legal authority beyond the territorial regions on the basis of the stipulations of the convention concerned in connection with sea space and airspace.

The sense of space encompasses land space, sea space and airspace. Land space is the space situated over and under the land including the surface of land waters and the land side of the lowest sea line.

Sea space is the space situated over and under the surface of the sea starting from the sea side of the lowest sea line including seabed and the part of the earth underneath, where the Republic of Indonesia owns a jurisdiction.

Airspace is the space situated over the land space and or the sea space around the territory of the country and forms part of the earth, where the Republic of Indonesia has a jurisdiction.

In this Law, the sense of airspace is not the same as the sense or outerspace. The outerspace and its contents such as the moon and heavenly bodies are part of the universe, which is space beyond the outerspace.

Land space, sea space and airspace constitute a unity of space which cannot be separated. The land space, the sea space and the airspace have potentials which may be utilised at different levels of intensity, in the interest of the lives of man and other living creatures. The potentials are, among others, a place where activities are conducted for the fulfilment of the needs for food, industries and mining, communications lines, tourist resorts, energy resources or a place where researches and experiments are conducted.

Figure 2

Referred to as the structural manifestation of space utilisation is the structure of the elements forming the features of natural environment, social environment and artificial environment, hierarchically and structurally being inter-connected to form a spatial layout.

The manifestation of spatial utilisation structure, among others, encompasses the hierarchy of service centre such as the city centres, environmental centres, government centres, road facilities such as artery roads, collector roads and local roads; city construction design such as the height of buildings, the distance between buildings, skyline and so forth.

Referred to as the pattern of spatial utilisation is the form of spatial utilisation which describes the measurements, functions and character of activities conducted by human beings or those of nature.

The manifestation of spatial utilisation pattern also encompasses, among others, location patterns, distribution of residential areas, work sites, industries and parks, as well as the pattern of the use of land in rural areas and in urban areas.

Spatial layout which is aimed by the arrangement of spatial layout is planned spatial layout. Spatial layout which is not planned is in the form of the spatial layout which is formed naturally such as river flow areas, lakes, natural reserves, caves, mountains and so forth.

Figure 3

Self-explanatory

Figure 4

Self-explanatory

Figure 5

A territory whose boundaries and system are determined on the basis of the administrative aspect is called a government territory. A territory whose boundaries and system are determined on the basis of the functional aspect is called a region.

Figure 6

Self-explanatory

Figure 7

The conservation of the environment encompasses also natural resources and man-made resources having the nation's historical and cultural values.

Figure 8

The principle of conservation is taken into account in the cultivation of a region.

Figure 9

Self-explanatory

Figure 10

Self-explanatory

Figure 11

Self-explanatory

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Article 2

Referred to as all interests are that the arrangement of space may guarantee all interests, namely the interests of the government and the community fairly with account taken of the economically weak.

Referred to as being integrated is that the arrangement of spatial layout shall be analysed and formulated into a totality of various activities of spatial utilisation both by the government and the community. The spatial layout arrangement which is conducted in an integrated and comprehensive way encompasses, among others, considerations of the aspects of time, capital, optimum use, environmental supporting capacity, environmental accommodating capacity, and geopolitics. In considering the aspect of time, a spatial layout planning takes into account the aspects of forecast, the scope of planned territory, perception which reveals various wishes and needs as well as the aims of spatial utilisation. Spatial layout arrangement must be established in an orderly way so that it shall fulfill the process and the procedure in force in an orderly and consistent way.

Referred to as being efficient and effective is that spatial layout arrangement must be able to realize the quality of space which is consonant to the potential and function of the space. Referred to as being compatible, harmonious and balanced is that spatial layout arrangement may guarantee the realisation of compatibility, harmony and balance in the structure and pattern of spatial utilisation for inter-regional population distribution, inter-sectoral and inter-regional growth and development, as well as between sectors and regions in a unity of the Archipelagic Concept.

Referred to as being sustainable is that the spatial layout arrangement guarantees the continuance of the supporting capacity of natural resources with account taken of inter-generation physical and spiritual needs.

Article 3

The aim of the regulation on spatial layout arrangement is aimed to regulate the relationship between various activities with the function of space to attain quality utilisation of space. Referred to as the regulation on the utilisation of protected regions is the forms of the regulation of spatial utilisation in a protected region such as efforts of conservation, rehabilitation, researches, environmental tourist resorts and the like.

The arrangement of spatial layout of protected regions is aimed to :

- a. attain optimum spatial layout of protected regions;
- b. increase the function of protected regions

Meant by regulation of cultivation region utilization is forms of space utilization regulation in cultivation regions as effort of mining exploitation, forestry cultivation, agriculture cultivation, and development activities of settlements, industries, tourism, and other similar activities.

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Arrangement of spatial layout of cultivation regions is aimed at :

- a. the attainment of cultivation regions spatial layout optimally.
- b. improve the function of cultivation regions.

Referred to as realizing integration is preventing the collisions of interests harmful to inter-sectoral development activities , the regions and the community in utilizing natural resources with account taken of human resources and man-made resources through the process of co-ordination, integration and synchronization of the planning of spatial layout, spatial utilisation and spatial control.

Article 4

Paragraph (1)

Referred to in this stipulation as persons are individuals , groups of people, or legal entities. The Government has the obligation to protect the right of everyone to enjoy spatial utilisation.

Paragraph (2)

The right of everyone in the arrangement of spatial layout may be manifested in such a form that everyone may put forward a proposal, provide a suggestion or file an objection to the government in conjunction with the arrangement of spatial layout.

Proper compensation is given to people who are disadvantaged as the holders of land titles, concessions of natural resources such as forests, mining, excavated materials, fish and or space, which may prove that directly people are disadvantaged as a result of the implementation of activities of development in line with the spatial layout plans and by the alterations in the values of the space. This is based on the stipulations of the prevailing laws or customary laws and customs.

Referred to as the rights over space are the rights granted for the utilisation of land space, sea space and airspace. The right over the utilisation of land space may be in the form of the right to own and occupy a unit of space in a building as a dwelling-place, the right to conduct business undertakings such as office compounds, trading centres, resting places and or conduct social activities such as meeting halls in a unit space of a storeyed building, the right to construct and manage the infrastructures of transportation such as a fly-over, and so forth. The rights over the utilisation of sea space may be in the forms of the right to own and occupy a unit of space on a floating house, the right to conduct activities in a unit of space on a floating city and or under the sea, the right to manage marine tourism, the right to take care of sea gardens, the right to conduct sea transportation, the right to exploit marine natural resources such as fish catching, off-shore mining, and so forth.

The rights over the utilisation of airspace may be in the form of the right to use air lanes for the traffic of aircraft, the right to use the air media for telecommunications, and so forth. Referred to as proper compensation is that the value or the amount of the compensation does not reduce the level of welfare of the persons concerned.

Article 5

Paragraph (1)

The obligation in maintaining the quality of space is the reflection of everyone's sense of social responsibility with respect to spatial utilisation.

The quality of space is determined by the realization of compatibility, harmony and balance in the utilisation of space which takes heed of the factors of environmental supporting capacity such as soil structure, hydrology cycle, air cycle, the function of the environment such as water absorption areas, flora and fauna conservation, environmental aesthetics such as natural extent, landscaping, building architecture, location such as the distance between a housing estate and workplaces, the distance between a housing estate and public facilities, and structures such as the centre of the environment in a housing estate, the centre of activities in an urban region.

The sense of maintaining the quality of space encompasses also maintaining the quality of spatial layout already planned.

Paragraph (2)

Adjustment in the utilisation of space, both already having licenses and not yet in possession of licenses, must be made from time to time by the persons concerned if there is disharmony between space and spatial layout plans.

The implementation of the obligation to comply with spatial layout plans is conducted in line with the capacity of every person directly affected by the utilisation of spatial layout plans. For the badly off, pursuant to their rights to get proper compensation, the compensation shall be arranged through the arrangement of added value as a result of the alteration in the value of space.

Article 6

Self-explanatory

Article 7

Paragraph (1)

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Included in the protected regions are protected forest areas, peat areas, water absorption areas, coastal bordering lines, river bordering lines, areas around lakes/dams, areas around water springs, natural reserves, marine natural reserves, national parks, greater forest areas and natural tourist areas, cultural and scientific conservation areas and areas vulnerable to natural disasters.

Included in the cultivation regions are the production forest region, agricultural region, settlement region, industrial region, bonded zones, tourism region, places of worship region, educational region, defence and security region.

Paragraph (2)

Self-explanatory

Paragraph (3)

The composition of the functions of areas which take the form of rural areas encompasses rural residential areas, places where activities are conducted of agriculture, government, social services and economic affairs.

The composition of the functions of areas which take the form of urban areas encompasses places where non-agricultural activities are concentrated and distributed such as service and maintenance activities, social service activities and economic activities.

The functions of areas which take the form of certain areas encompass places where there are developed strategic activities determined by the criteria some of which are :

- a. activities in the field concerned both individually and jointly which has a great influence over the efforts to develop spatial layout in the surrounding areas;
- b. activities in a field which has an impact both on other activities in similar fields and activities in other fields;
- c. Activities in the field concerned which constitutes a factor which motivates the increase in the welfare of the community.

Activities in a particular area may take the form of, for example, large-scale development for industrial activities and their facilities as well as infrastructures, defence and security activities together with their facilities and infrastructures and so forth.

Article 8

Paragraph (1)

Self-explanatory

Paragraph (2)

Areas encompassing more than one administrative regions of First - Level Regions may be in the form of protected regions and cultivation regions such as river flow areas, national parks and rural areas, urban areas and particular areas.

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In the event of the said areas encompassing two or more administrative regions of First-Level Regions, the co-ordination in the drawing of spatial layout plans shall be established by the Minister as referred to in Article 29 paragraph (1).

The parts of each regions shall be integrated in the Spatial Layout Plan of the First-Level/Provincial region concerned to be later stipulated in a regional regulation.

Paragraph (3)
The areas encompassing more than one administrative areas of Second-Level Regions may be in the form of protected regions and cultivation regions such as river flow areas, water absorption areas, border areas, protected forest areas, national parks and rural areas, urban areas and particular areas.

With exception of particular areas, in the event of the said regions encompassing two or more administrative regions of Second-Level Regions, the co-ordination in the drawing up of spatial layout plans shall be conducted by the Governor/Head of First-Level Region.

The parts of each areas shall be integrated into the Spatial Layout Plan of the areas of Regencies/Municipalities/Second-Level Regions concerned to be later stipulated in a regional regulation.

Article 9

Paragraph (1)

The arrangement of spatial layout of the Provinces/First-Level Regions, and of Regencies/Municipalities/Second-Level Regions whose land borders on the sea must also encompass sea space to a certain extent. Such arrangement of spatial layout must be linked with locations and places where social activities are conducted in the regions such as places where fishermen reside and conduct their activities and so forth.

The arrangement of spatial layout of Provinces/First-Level Regions and of Regencies/Municipalities/Second-Level Regions is linked with airspace to a certain extent. Such arrangement of spatial layout is linked with the places where social activities in regions are conducted such as the limit of buildings' height, the use of broadened crossing bridges as shopping compounds.

Paragraph (2)

Self-explanatory.

Article 10

Paragraph (1)

Self-explanatory

Paragraph (2)

In rural areas there are protected regions and cultivation regions the main activities of which are agricultural cultivation.

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In urban areas there are protected regions and cultivation regions whose main activities are non-agricultural cultivation.

Paragraph (3)

Referred to as strategic regions are regions which are nationally concerned with the lives of people at large, both in terms of political, economic, social, cultural, environmental and defences and security interests.

Particular regions may be located in a totality of rural regions and or urban regions. Referred to as a strategic region which is given priority is a region which is given priority in handling in conjunction with the implementation of development, for example on a large scale for activities in industries, tourism, natural reserves, border areas and military exercise zones.

Referred to as a border is a border found on land, in the sea and in the air with a neighbouring country.

Paragraph (4)

In the case of the spatial layout planning of a particular area, the co-ordination in its drawing up shall be in the hands of the Minister as referred to in Article 29 paragraph (1).

Article 11

By taking into account the aspects mentioned in this Article, the arrangement of spatial layout is conducted to create efficient and effective utilisation of space and to maintain the continuance of the capacity of the environment.

Article 12

Paragraph (1)

The participation of the community constitutes a matter which is important in the arrangement of spatial layout because in the end the results of spatial layout arrangement are intended for the interests of all layers of the community and meant to attain the goal of the arrangement of spatial layout.

The community plays the role as the partner of the government in spatial layout arrangement. In conducting its role, the community shall use efficiently and actively its ability as a means to perform the role of the community in reaching the goal of spatial layout arrangement. The role of the community in spatial layout arrangement may be conducted by individuals, by groups of people or by legal entities.

Paragraph (2)

Self-explanatory

Article 13

Paragraph (1)

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The process of and the procedure for the drawing up of Spatial Layout Planning of National regions, Spatial Layout Planning of Provincial/First-Level regions, Spatial Layout Planning of Regencies/Municipalities/Second-Level regions shall be implemented in a directed and integrated way.

The process of and procedure for spatial layout plans shall be implemented at the National level, the First-Level Region level and the Second-Level Region level. In the drawing up and stipulation of spatial layout plans the following steps are taken :

- a. determining the direction of the development to be attained viewed from the aspects of economy, social and cultural affairs, supporting and accommodating capacities of the environment and the function of defence and security;
- b. identifying various potencies and problems of development in a planning region;
- c. formulating spatial layout planning;
- d. stipulating spatial layout planning.

Paragraph (2)

Spatial layout plans are drawn up with a perspective towards an expected future situation, with a point of departure of data, information, science and technology which may be applied, and with account taken of the diverse concepts of activities of each sector. The development of the society and the environment takes place dynamically; science and technology develops in keeping with the progress of time. Therefore, in order that the spatial layout plans already drawn up shall remain to be in keeping with the demand of construction and the development of circumstances, spatial layout plans may be reviewed and or improved periodically.

The review as mentioned above does not mean the drawing up of new plans in a totality and such a review can be conducted only on the basis of Government Regulations as meant in paragraph (4) of this article.

The types of planning are distinguished in accordance with the hierarchy of government administration, the depth of the plans and the function of areas and regions.

Paragraph (3)

This stipulation gives confirmation that, nevertheless, if the review shall affect the improvement of spatial layout plans, the rights of people must continue to be protected. In improving the spatial layout plans, the stipulations as meant in Articles 4 and 12 shall be implemented.

Paragraph (4)

Self-explanatory.

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Article 14

Paragraph (1)

The arrangement of spatial utilisation for the function of defence and security at the level of National Region Spatial Layout Plans and those of Provinces/First-Level Regions, Regencies/Municipalities/Second-Level Regions constitutes a unity of process in conjunction with the realisation of balance in the interest of public welfare and defence and security. The aspect of management in this stipulation must be taken into account in an integrated way because this shall influence the dynamics of spatial utilisation. The dynamics in spatial utilisation is reflected, among other things, in :

- a. changes in social values as a result of spatial layout plans;
- b. changes in the values of land and other natural resources;
- c. changes in the legal status of land as a result of spatial layout plans;
- d. impact on the environment;
- e. progress and capability of science and technology.

Paragraph (2) :

Referred to as the structure of spatial utilisation is the structure and system of the components of biological natural environment, non-biological natural environment, man-made environment and social environment, all of which are hierarchically and functionally inter-connected to form spatial layout.

Referred to as the pattern of spatial utilisation is the form of relationship among various aspects of human resources, natural resources, man-made resources, social and cultural affairs, economy, technology, information, administration, defence and security, the functions of protection, cultivation and environmental aesthetics, the dimensions of space and time which completely, comprehensively and qualitatively form in a unity spatial layout.

The planning of the structure and pattern of utilisation of space constitutes an activity of drawing up a spatial layout plan whose product lays stress on the arrangement of the hierarchy of the centre of residential areas and the centre of goods and services, as well as linkage between the said centres through, among other things, the system of infrastructure. The system of infrastructure includes, among other things, transportation networks such as roads, railway lines, rivers utilised as a means of transportation and networks of utilities such as, clean water, dirty water, the regulation of rain water, telephone networks, gas networks, electricity networks and the system of garbage handling.

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Land use system, water use system and air use system constitute in separable parts of the planning of the structure and pattern of space utilisation, so that the sustainability of the utilisation of land, water, air and other natural resources for activities of development and the improvement of the quality of spatial layout may continue.

Examples of other natural resources are biological natural resources such as forest, flora, fauna and non-biological natural resources such as minerals, natural oil, wind energy, sun energy, meteorological potential, climatology and geophysics.

Paragraph (3)

The activities of the planning of spatial layout for the function of defence and security because of its specific nature need a separate regulation. Nevertheless, the arrangement of spatial layout for this function remains an inseparable part of the overall effort of spatial layout arrangement of the state's territory.

Article 15

Paragraph (1)

Referred to as spatial utilisation is a series of programmes of activities to implement development which utilises the space in a period of time stipulated in a spatial layout plan.

Referred to as the financing of the program of spatial utilisation is mobilisation, priority and allocation of financing which is needed for the implementation of development.

Paragraph (2)

Spatial layout is established in stages through the preparation of the programme of activity of development implementation which is linked with the utilisation of space which may be conducted by the government and the community, both separately and jointly, in keeping with the spatial layout plan already stipulated.

The utilisation of space is established through the stages of development with account taken of resources and fund mobilisation and allocation of the financing of the programme of spatial utilisation in keeping with the spatial layout plan.

Article 16

Paragraph (1)

The sense of the management pattern of land use system, the management pattern of water use pattern, the management pattern of air - space system and the management pattern of other natural resources is the same as the arrangement of land use system, water use system, air use system and the use of other natural resources.

Referred to as the arrangement of land use system, water use system, air use system and the use of other natural resources is among others control, use and utilisation of land, water, air and other natural resources which take the forms of the consolidation of the utilisation of land, water, air and other natural resources

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as a unity of system in the interest of the community with justice. In the utilisation of land, water, air and other natural resources, factors which affect them must be taken into account such as the factors of meteorology, climatology and geophysics.

Referred to as an incentive apparatus is the regulation aimed at providing stimulation to the activities which are in line with the goal of spatial layout plans.

If the regulation shall translate into reality an incentive in conjunction with the development of spatial utilisation, through the said regulation certain facilities may be granted :

- a. in the economic field through the procedure for the awarding of compensation and reward and the procedure for the collection of room rents and joint shares; or
- b. in a physical field through the development and provision of facilities and infrastructure such as roads, electricity, drinking water, telephone and so forth to serve the development of the region in line with the spatial layout plans.

Referred to as disincentive apparatus is regulation aimed at curbing growth or reducing activities which are not in line with the spatial layout plans, for example in the forms of :

- a. the imposition of a high rate of taxation; or
- b. facilities and infrastructure being unavailable.

The implementation of incentive and disincentive may not reduce the right of a resident as a citizen. The right of a resident as a citizen encompasses the regulation over the standard and the dignity equally, the right to obtain and to maintain the space wherein to live.

Paragraph (2)

Self-explanatory.

Article 17

In order that the utilisation of space may be in line with the spatial layout plan, control is conducted through the activities of supervision and re-ordering of spatial utilisation. Referred to as supervision in this stipulation is an attempt to keep the agreement between spatial utilisation and the function of the space which is stipulated in a spatial layout plan. Referred to as re-ordering in this stipulation is an attempt to take action so that spatial utilisation already planned may be realized.

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In Regencies/Municipalities/Second-Level Regions the operation of control of spatial utilisation includes also the mechanism of licensing apart from the activities of supervision and re-ordering. Re-ordering is an action of re-ordering taken through the examination and investigation of all violations or crimes committed against the utilisation of space which are not in line with the spatial layout plans.

Article 18

Paragraph (1)

The form of reporting in this stipulation is an activity of providing information objectively regarding the utilisation of space both in keeping or not in keeping with the spatial layout plan.

The form of monitoring is an attempt or an action to observe, supervise and examine scrupulously the changes in the quality of spatial layout and the environment which are not in agreement with the spatial layout plan.

The form of evaluation is an attempt to evaluate the progress made in the activity of spatial utilisation in reaching the goal set in the spatial layout plan.

Paragraph (2)

The forms of sanctions are administrative sanctions, civil sanctions and criminal sanctions. The imposition of sanctions shall be exercised on the basis of the stipulations on sanctions which are provided for in the prevailing laws.

Therefore, although this Law does not contain an article on criminal penalties, the sanctions against spatial utilisation which is not in keeping with the spatial layout plan can still be imposed on the basis of the stipulations in the prevailing laws.

Article 19

(TO BE CONTINUED)

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Article 19

Paragraph (1)

Spatial layout plans are distinguished in accordance with the administration of the government because the authority to regulate spatial utilisation is in keeping with the division of governmental administration.

Paragraph (2)

Spatial layout plans are distinguished according to the level of accuracy because the information contained and the scale differ. In the laws regulating the maps of regions the level of accuracy may be determined with the following guidelines :

- a. the map of the territory of the state of Indonesia with the minimum accuracy level in the scale of 1 : 1,000,000.
- b. the map of a Province/First-Level Region with the minimum accuracy level in the scale of 1 : 250,000.
- c. the map of a Regency/Second-Level Region with the minimum accuracy level in the scale of 1 : 100,000 and the map of a Municipality/Second-Level Region with the minimum accuracy level in a scale of 1 : 50,000.

Included in the sense of minimum for a map scale is a spatial layout plan being able to be drawn on a map of a region with a larger scale. The Spatial Layout Plan of a Municipality/Second-Level Region needs a map with the minimum level of accuracy in a scale of 1 : 50,000 because of such factors as population density and buildings, diversity in the activities of development and the intensity of spatial utilisation in the Municipality/Second-Level Region being higher in intensity than in the Regency/Second-Level Region. This level of accuracy may change in line with the progress in science and technology.

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Article 20

Paragraph (1)

The strategy and directive in the policy of the utilisation of the space of the territory of the state shall be formulated with account taken of the capability of science and technology, data and information, as well as financing as provided for in Articles 11 and 14.

The Spatial Layout Plan of National territory which takes the form of a national strategy for the development of the pattern of spatial utilisation constitutes a government's policy which lays down the plan of structure and national pattern of space utilisation together with the criteria and pattern of handling of regions which must be protected, and of cultivation regions and other regions.

A Spatial Layout Plan of National territory includes among other: the directive for the development of the system of residence on a national scale, the network of infrastructure which serves production estate and residential estate, the determination of the region which shall be given priority with regard to its development in future on a national scale, including the determination of a particular region.

A Spatial Layout Plan of National territory shall take account of among other things :

- a. the Archipelagic Concept and National Resilience;
- b. The core of the problem in a global and international scope and the analysis of the implication of the national arrangement of spatial layout on the strategy of the system of international and regional development;
- c. Equity, growth and stability;
- d. The harmony in sectoral development and regional development aspects;
- e. Supporting capacity and the accommodating capacity of the environment.

Paragraph (2)

Referred to as the determination of protected region, cultivation region and particular region on a national scale is the regulation for the determination of the said regions on a macro and comprehensive way being established as part of the strategy and directive in the policy of the state's territorial space utilisation.

Referred to as the norms and criteria of spatial utilisation are the yardsticks in the form of location criteria and technical standards in the utilisation of the space stipulated by the laws to realize the quality of space and the orderliness of spatial utilisation.

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Paragraph (3)

This stipulation requires that the Spatial Layout Plan of National territory shall become a reference to government agencies at the central level and the regional levels as well as to the community to direct the location and utilise the space in drawing up a development programme related to spatial utilisation.

This means that in the utilisation of the space to draw up a development plan, account must always be taken of the Spatial Layout Plan of National territory. In conjunction with the drawing up of Spatial Layout Plan of National territory the following must also be carried out, such as :

- a. Sectional Spatial Layout arrangements of a national territory consisting respectively of several provinces as a unity to attain the goal of national development and realize the Archipelagic Concept as a national unity;
- b. The unity of the Archipelagic Concept through the performance of activities which form the interlink system among locations and regions, among others, land, sea and air networks;
- c. The spelling out of national economic strategy against the strategy of spatial layout and the two must be interlinked and sustainable.

Spatial Layout Plan of a National territory shall be a guideline for spatial layout utilisation of the land at the regional level and shall also be a guideline for the utilisation of the space of the sea and the air to certain extents.

Paragraph (4)

In line with the Pattern of Long-Term Development with a period of 25 years, the Spatial Layout Plan of a National territory shall be drawn up for the same period and with the perspective of a period of 25 years in future. Nevertheless, the plan of spatial layout of a national territory can be reviewed and or improved within less than 25 years if there is a change in the national policy which affects the utilisation of the space as a result of the progress in technology and because of a principal circumstance. The review and or improvement which is needed to attain the strategy and directive of a policy which has been laid down for 25 years shall be undertaken at least once in 5 years. The Plan of Spatial Layout of a National territory shall be spelled out in the 5-year programme of spatial utilisation in line with the Five-Year Development Plan. Further, the programme of spatial utilisation shall be spelled out again in annual development activity in line with the budget year.

Paragraph (5)

Self-explanatory.

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Article 21

Paragraph (1)

The strategy and structure of spatial layout of the First- Level region shall be formulated with account taken of the capability of technology, data and information as well as financing as provided for in Article 11 and Article 14.

The Spatial Layout Plan of Provincial/First-Level regions shall take into account, among other things :

- a. the Archipelagic Concept and National Resilience;
- b. the core of the problem of national interest;
- c. equity, growth and stability;
- d. orientation and policy in the arrangement of spatial layout of national-level regions;
- e. basic capital of development in First - Level Regions;
- f. potential and use system of resources in Provinces/First - Level Regions;
- g. supporting and accomodating capacities of the environment;
- h. Spatial Layout Plan of other bordering Provinces/First - Level Regions;
- i. being in harmony with the aspirations of the development and the Spatial Layout Plans of Regencies/Municipalities/Second - Level Regions.

Paragraph (2)

The Spatial Layout Plan of Provinces/First-Level Regions in the form of the Plan of the Structure of the Layout of Provinces / - First-Level Regions is a policy which provides directive with respect to spatial layout for a region, and an area of the scale of a province which shall be given priority with regard to its development in a period which suits the plan of spatial layout.

Paragraph (3)

The Spatial Layout Plan of Provinces/First - Level Regions shall be a reference for the Regional Administrations to orient the location and utilise space in formulating a development programme which is linked with the utilisation of space in the said area and at the same time shall be the basis on which recommendation regarding the orientation of spatial utilisation shall be given.

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Therefore, the utilisation of space to formulate a development plan in the Provinces/First-Level Regions must still observe the Spatial Layout Plan of Provinces/First-Level Regions.

Paragraph (4)

The Spatial Layout Plan of Provinces/First-Level Regions shall be formulated with a perspective to the future and for a period of 15 years. If within 15 years the Spatial Layout Plan of Provinces/First-Level Regions terminates, the formulation of a new spatial layout plan guarantees that the rights which are already owned by someone and whose period of validity exceeds the period of the spatial layout plan shall remain valid, such as Building Use Right, whose period is 20 years and Business Use Right, whose period is 30 years.

The Spatial Layout Plan of Provinces/First-Level Regions may be reviewed and or improved within less than 15 years if the strategy of spatial layout utilisation and structure of the Layout of Provinces/First Level Regions concerned must be reviewed as a result of the spelling out of National Spatial Layout Plan. The review and or improvement needed to attain the goals set in the strategy and structure of the Layout which is set for a period of 15 years may be undertaken once in five years. The Spatial Layout Plan of Provinces/First Level Regions shall be spelled out into the five-year programme of space utilisation in line with the Five - Year Development Plan of the Province/First-Level Region concerned. The programme of space utilisation shall be spelled out again into the annual activities of development in keeping with the budget year.

Paragraph (5)

Self-explanatory

Article 22

Paragraph (1)

The strategy of the implementation of spatial utilisation in Regencies/Municipalities/Second-Level Regions with account taken of the capability of technology, data and information as well as financing as provided for in Articles 11 and 14.

The Spatial Layout Plan of Regencies/Municipalities/Second-level Regions takes into account among other things :

- a. national interest and the interest of Second-Level Regions;
- b. orientation and policy of spatial layout arrangement of the regions classified as belonging to the National level and the level of Provinces/First-Level Regions;
- c. the core of the problem of Second-Level Regions in giving priority to the welfare of the community and to defence and security;

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- d. harmony with the aspirations of the community;
- e. supply and designation of land, water, air and other natural resources;
- f. supporting and accomodating capacities of the environment;
- g. The Spatial Layout Plans of other bordering Regencies/Municipalities/Second-Level Regions.

The General Spatial Layout Plan of Regencies/Municipalities/Second Level Regions is a policy which stipulates the location of the region to be protected and cultivated as well as the regions to be given priority as to their development within the period of time of planning.

Paragraph (2)

The system of the infrastructures of transportation, telecommunications, energy, irrigation and environmental management and the arrangement of the use system of the air constitute a unity in a Spatial Layout Plan of Regencies/Municipalities/Second-Level Regions.

Paragraph (3)

The Spatial Layout Plan of Regencies/Municipalities/Second-Level Regions shall become a guideline for the Regional Administrations to determine the locations of development activities in the utilisation of the space and in formulating the space in the regions concerned and at the same time shall become the basis on which the recommendation for the orientation of the utilisation of the space is given, so that spatial utilisation in the implementation of development shall always be in keeping with the Spatial Layout Plan of Regencies/Municipalities/Second-Level Regions already laid down.

Paragraph (4)

Self-explanatory

Paragraph (5)

The Spatial Layout Plan of Regencies/Municipalities/Second - Level Regions is formulated with a perspective to the future and for a period of 10 years. If the period of 10 years of the Spatial Layout Plan of Regencies/Municipalities/Second-Level Regions terminates, the formulation of a new spatial layout plan shall guarantee that the rights which are already owned by people and the community and whose period of time exceeds the period of time of the spatial layout plan shall remain valid, such as the Right of Building Use, whose period of time is 20 years and the Right of Business Use, whose period of time is 30 years.

The Spatial Layout Plan of Regencies/Municipalities/Second-Level Regions may be reviewed and or improved within less than 10 years if the strategy of the implementation of spatial layout of Regencies/Municipalities/Second Level Regions concerned must be reviewed as a result of the spelling out of Spatial Layout Plan of Provinces/-First-Level Regions and the dynamics of development.

The review and or improvement needed to attain the goals set in the strategy of the implementation of spatial utilisation which is set for a period of 10 years shall be undertaken at least once in 5 years.

The Spatial Layout Plan of Regencies/Municipalities/Second-level Regions shall be spelled out into the five-year programme of spatial utilisation in keeping with the Five-Year Development Plan of Regencies/Municipalities/Second-level Regions concerned. The said programme of spatial utilisation shall again be spelled out into annual activities of development in keeping with the budget year.

Paragraph (6)
Self-explanatory

Article 23

Paragraph (1)
Self-explanatory

Paragraph (2)

The particular regions referred to are regions which are strategic and are given priority in the national interest on the basis of the considerations of strategic criteria as mentioned in the stipulation in Article 10 paragraph (3).

The strategic value shall be determined among others owing to the activities which are being undertaken in the said regions :

- a. having a great influence over the effort of development of the spatial layout of the surrounding areas;
- b. having a significant impact, both on similar activities and on other activities;
- c. serving as a factor to boost the uplifting of the welfare of the community and defence and security.

Therefore, the arrangement of spatial layout of particular regions shall be considered necessary to obtain priority both in the drawing up of spatial layout plan, the implementation of the programme of spatial utilisation as well as its financing, and in the control of the spatial utilisation of the regions.

Ownership, control and management of the particular regions shall be undertaken by the Government.

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Paragraph (3)

In the government regulation on the stipulation on a region, a guideline and a procedure for the drawing up of a spatial layout plan for rural regions, regulation is made of among other things the criteria and procedure for the determination of a rural region as well as the guideline and procedure for the drawing up of a spatial layout plan of a rural region for the sake of the harmony in agricultural activities in rural regions in supporting the development of the surrounding areas, controlling the conversion of spatial utilisation on a large scale, and preventing damage to the environment. In the government regulation on the stipulation on a region, a guideline and a procedure for the drawing up of a spatial layout plan for urban regions, regulation is made of among other things the criteria and procedure for the determination of urban regions as well as the guideline and the procedure for the drawing up of urban regions administratively and functionally and the development of the surrounding areas as well as the supporting and accommodating capacities of the environment.

In the government regulation on the stipulation of a region, a guideline and a procedure for the drawing up of a spatial layout plan for a particular region, regulation is made of among other things the criteria and procedure for the determination of a region which nationally has a strategic value, the criteria for the determination of the priority in the arrangement of the space of a region, the guideline and procedure for the drawing up of a spatial layout plan for a region in connection with the size of the region, location and the activities laid down.

The drawing up of a spatial layout plan of a particular region shall be under the co-ordination of the Minister. The guidance of the management of a particular region as part of the Spatial Layout Plan of Provinces/First Level Regions shall be given by the Governor/Head of the First-Level Region concerned.

The management of the spatial layout plan for a particular region as part of the Plan of Spatial Layout of Regencies/Municipalities shall be conducted by Regents/Heads of Municipalities/Heads of Second-Level Regions concerned.

Article 24

Paragraph (1)

The sense of establishing or operating is a sense which contains in it the obligation and authority in the public law as detailed in paragraph (2) of this article.

Paragraph (2)

Institutionalisation in the establishment, authority and development of the arrangement of spatial layout at the national level shall be implemented by the Minister and at the regional level by the Governor/Head of first-Level Region and Regent/Head of Municipality/Head of Second-Level Region.

The jobs and obligations of government agencies in the arrangement of the spatial layout of the territory of the state are among others integrating the activities conducted among government agencies and those by the public.

Paragraph (3)

The sense of respecting the right owned by a person is respecting, upholding, acknowledging and complying the regulation applicable to the right owned by a person.

Referred to as the right owned by a person is all the legal interests obtained or owned on the basis of the prevailing laws, customary law, or custom. The said legal interests are among others in the form of ownership and control of land on the basis of a certain right which is acknowledged in Law No. 5/1960 on the Basic Regulation of the Agrarian Principles (known as UUPA).

Article 25

The dissemination of information on the arrangement of spatial layout to the public may be conducted through electronics media and printed media and through other media of communication. The arrangement of spatial layout shall be conducted openly, namely, every party may obtain information regarding the products of spatial layout arrangement as well as the process taken in the arrangement of spatial layout, so that the efforts to maintain the quality of spatial layout arrangement and the quality of spatial layout may be implemented in a more directed way. In developing the arrangement of spatial layout the Government shall take measures to prevent losses from being inflicted to the public as a result of the change in the value of space.

The development in the spatial layout arrangement encompasses the development of the ability of government apparatuses and the community in the drawing up of spatial layout plans, spatial utilisation, control of spatial utilisation by the agency assigned in the arrangement of spatial layout.

Included in the job of development are activities to draw up technical guidelines, technical process, procedure, standard and criteria as well as the plan of the elements forming the structure of spatial utilisation such as road networks, drinking water networks, water dripping networks, dirty water networks, the networks for the supply of standard water, telephone networks, electricity networks within the framework of spatial layout.

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The development of the role of the community in the arrangement of the space and in the uplifting of spatial quality is conducted through efforts to help grow and develop the awareness and responsibility of the community through the programmes of counselling, guidance, education and training in a sustainable way for each level of administration and for every layer of the community.

Article 26

Paragraph (1)

The license for the utilisation of the space is the license which is linked with location, spatial quality and building system in accordance with the prevailing laws, customary law and custom.

What is revoked in this paragraph is the license for the utilisation of space which is not appropriate, existing both before and after the Spatial Layout Plan of Regencies/Municipalities/Second-Level Regions stipulated on the basis of this Law.

Paragraph (2)

Referred to as a good intention is an act on the part of the party utilising the space having valid legal evidences in the form of licenses linked with the utilisation of the space not intended for self-enrichment in an excessive way and not to disadvantage other parties.

Proper compensation to the party suffering losses as a result of the revocation of the license shall be the obligation of the government agency linked with the utilisation of the space concerned.

The amount of proper compensation means not reducing the level of welfare of the party concerned. If there should be a dispute in the case of compensation given by the government, the settlement shall be made in the court of law pursuant to the prevailing stipulations. The consequence of the activities of development not in keeping with the Spatial Layout Plans of Regencies/Municipalities/Second-Level Regions is the change in the function of the space so that efforts to restore it must be made.

The restoration of the spatial utilisation shall be performed to rehabilitate the function of the space. The restoration of the function shall become the obligation of the Second-Level Region administration, pursuant to the allocation of the funds as contained in the programme of development.

Article 27

Paragraph (1)

To establish the arrangement of spatial layout in the territory of Provinces/First-Level Regions, Governors/Heads of First-Level Regions shall establish co-ordination in the drawing up of spatial layout plans, spatial utilisation and control in the spatial utilisation of Provinces/First-Level Regions.

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Paragraph (2)

Governor/Head of the Special Region of Capital City of Jakarta shall draw up the plan for spatial layout, spatial utilisation and control of the utilisation of the space in the territory of the Special Region of Capital city of Jakarta with account taken of the development plan connected with the utilisation of space from Ministries, Institutions and other Government Agencies. On the other hand, Ministries, Institutions and other Government Agencies shall adjust their planning to the Plan for spatial Lay out of the territory of the Special Region of Capital City of Jakarta.

Paragraph (3)

Self-explanatory.

Article 28

Paragraph (1)

To establish the arrangement of spatial layout in Regencies/ Municipalities/Second-Level Regions, Regents/Head of Municipalities/Head of Second-Level Regions shall make co-ordination in the drawing up of spatial layout plans, spatial utilisation, and control of the utilisation of the space in regencies/Municipalities/Second-Level Regions.

Paragraph (2)

Self-explanatory

Article 29

Paragraph (1)

The job of co-ordination referred to above encompasses the whole arrangement of spatial layout of national regions, Provinces/First-Level Regions and Regencies/Municipalities/Second Level Regions.

Paragraph (2)

The change in the function of the space of a region included in it the change in the physical form (natural extent) and its utilisation encompasses the change as a result of natural events and man-made events.

The change or conversion in the function of the space of a region with a large scale such as forest areas being turned into of mining, agriculture, residence, tourism and so forth; agricultural regions being turned into areas of mining, residence, tourism, industries and so forth; residential estate being turned into areas of industries, commerce, tourism and so forth shall need assessment and evaluation of the change in the function of space in a cross-sectoral, cross-regional and centralised ways under the co-ordination of the Minister.

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The change in the utilisation of space must be co-ordinated, among others, encompassing the change of the sea space into land space because of reclamation in tidal wave areas, the change in natural extent of hills because the mining of excavated materials of the C classification.

The change in the function of space which has already occurred after the stipulation of the Plan of Spatial Layout of Regencies/Municipalities/Second-Level Regions shall be adjusted in the Plan of Spatial Layout of Regencies/Municipalities/Second-Level Regions through the regulations of the regions concerned.

Paragraph (3)
Self-explanatory

Paragraph (4)
Self-explanatory

Article 30

With the enforcement of this Law, the existing laws connected with the arrangement of spatial layout with stipulations containing articles which do not agree with this Law must be replaced, while the stipulations which are appropriate and which are in line with the law must be provided for in the implementation regulations as the spelling out of the stipulations of this Law. For example, the stipulation in Article 14 of Law No. 5/1960 on the Basic Agrarian Principles (known as UUPA) is in line with the stipulations in this Law. Regional regulations referred to in this Law are the same regional regulations referred to in Article 14 of UUPA. As for the guideline of implementation as referred to in this Law there shall be made a government regulation on the arrangement of the use system of land as the sub-system of spatial layout arrangement.

In principle, hierarchically both in accordance with the hierarchy of the government administration and according to the type of planning, a plan of spatial layout must be made from the very general level up to a very detailed level, while its drawing up must be done in order. However, to avoid a vacuum, the arrangement of spatial layout which is lower both in terms of regional government administration hierarchy and the type of planning, may be applied pending the arrangement of spatial layout on a higher level, as far as the implementation does not contradict the stipulations in this Law.

Article 31

Self-explanatory

Article 32

Self-explanatory

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