

The Job Creation Act: Implication of National Strategic Project on Regional Spatial Planning (Study in Madiun City, East Java Province)

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ABSTRACT

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Purpose of the study: *This study aims to examine the implications of implementing the National Strategic Project for regional spatial planning, especially Madiun city, after the enactment of Act Number 11 of 2020 on Job Creation.*

Methodology: *This study is normative legal research using a statute and conceptual approaches. The research was conducted by analyzing laws and regulations as primary legal materials and experi notions/doctrine and literature studies as secondary legal materials.*

Results: *The study results indicate that the implementation of the National Strategic Project after the enactment of Act Number 11 of 2020 on Job Creation has implications for the existence of agricultural land, environment, economic, and social aspects in Madiun City.*

Applications of this study: *This study is expected as a consideration for the Central Government in reviewing and formulating national strategic policies that affect spatial planning in the regions. For city/district governments, this study can be used as a contribution of thought to determine the steps that need to be taken in implementing National Strategic Projects in their regions.*

Novelty/Originality of this study: *This research has a novelty by examining the laws and national strategic policies that the government has just released in recent years. The similarity of regional characteristics between Madiun City and many cities/districts that implement the National Strategic Project can provide an overview of the implications faced by the regions.*

Keywords: Job Creation, National Strategic Project, Spatial Planning.

INTRODUCTION

The second period of President Joko Widodo's governance began with efforts to create a globally competitive investment climate. To achieve its aim, one of the breakthroughs made in the legal field is by revamping several regulations through Act Number 11 of 2020 on Job Creation, promulgated on November 2, 2020 (Suryati S, 2021). According to the Academic Draft, Act Number 11 of 2020 on Job Creation was enacted to focus on trimming the bureaucratic flow that was considered to hinder investment and facilitate the regulation of the National Strategic Project.

Act Number 11 of 2020 on Job Creation, which is currently declared conditionally unconstitutional through the Constitutional Court Decision Number 91/PUU-XVIII/2020, has brought significant changes by overhauling 79 laws, including Act Number 26 of 2007 concerning Spatial Planning. In accordance with the considerations of Act Number 11 of 2020 on Job Creation, the amendment to Act Number 26 of 2007 on Spatial Planning was made to create spatial synchronization to improve the quality of the investment ecosystem.

Some of the general provisions in Act Number 11 of 2020 on Job Creation related to spatial planning are provisions regarding National Strategic Project and National Strategic Area. National Strategic Project was first regulated in 2016 through Presidential Instruction Number 1 of 2016 on Acceleration of National Strategic Project's Implementation followed by Presidential Regulation Number 3 of 2016 on Acceleration of National Strategic Project's Implementation as frequently amended and last by Presidential Regulation Number 109 of 2020. Based on Presidential Instruction Number 1 of 2016 on Acceleration of National Strategic Project's Implementation, the definition of a National Strategic Project is a strategic project for equitable distribution and development growth, implemented by both the Central Government and Province, City/District Government, and/or business entities to improve people's welfare and regional development, while the National Strategic Area is exclusive and has a national priority value based on some reasoning, mainly because it affects the state sovereignty, economy, social and cultural affairs, state defense and security, and/or the environment (Muazir, 2019).

Discussing National Strategic Project and National Strategic Area, the Central Government currently implements economic development in some areas of Java Island by issuing Presidential Regulation Number 79 of 2019 and Presidential Regulation Number 80 of 2019. Both regulate the acceleration of economic growth in many districts/cities of West Java province to East Java province, including the area around Mount Wilis referred to "Selingkar Wilis" Area. The accelerating economic development program is carried out to increase regional competitiveness to positively influence investment growth and a sustainable and integrated national economy improvement (Directorate of Spatial Planning and Land, National

Development Planning Agency Republic of Indonesia, 2016).

Based on the Annex III. 22 of Presidential Regulation Number 80 of 2019, the development plan for the Selingkar Wilis area includes airport construction, toll, and road in the 235 km Selingkar Wilis area. Regarding the National Strategic Project in question, Madiun City is one affected region due to the Wilis road construction route traversing its territory. The determination of the National Strategic Project in the Madiun City region potentially brings a major influence on spatial planning to the city. Moreover, based on the Central Statistics Agency of East Java Province's data, Madiun City is one of the regions with the third smallest area of 38 cities/regencies in East Java, as follows:

Table. 1
Land Area of City/Regency in East Java

No.	City/Regency	Land Area (km)
1.	Mojokerto City	20.1
2.	Blitar City	32.57
3.	Madiun City	33.92
4.	Pasuruan City	35.29
5.	Probolinggo City	56.67

Source: East Java Province's Central Bureau of Statistics, 2020.

The condition of a narrow area, increasing population density aggravated with the obligation to provide space for National Strategic Projects, will bring some consequences for the Madiun City Government, especially during the transformation of spatial planning provisions through Act Number 11 of 2020 on Job Creation. The phenomenon of increasing space requirements, which is inversely proportional to the limited available space, must be faced by Madiun City.

Based on the description above, the authors wish to analyze the problems in the form of a statement sentence: (1) the general provisions of Act Number 11 of 2020 on Job Creation that affect Regional Spatial Planning and (2) the logical consequences of implementing the National Strategic Project in Madiun City's spatial planning. The authors examine the importance of this study considering the acceleration of economic development in Indonesia through the intensively implemented national strategic projects in the regions. This strategic national development certainly impacts spatial planning in the area, which ultimately influences all aspects of life in the community.

RESEARCH METHOD

This study is normative legal research using a statute and conceptual approaches (Marzuki, 2019). The research was conducted by analyzing laws and regulations as primary

legal materials and expert notions/doctrine and literature studies as secondary legal materials. The legal materials were then analyzed by legal interpretation using deductive reasoning through examining the major premise (laws and regulations, expert notions/doctrine, and literature) to analyze the minor premises (two problems in this study).

DISCUSSION

1. The general provisions of Act Number 11 of 2020 on Job Creation affect Regional Spatial Planning.

The spatial planning needs to be arranged because of limited available space on this earth while the population is growing, including all human activities inside it. Realizing the importance of spatial planning, the government then promulgates an Act that specifically accommodates spatial planning in Indonesia for the first time through Act Number 24 of 1992 on Spatial Planning as a part of sustainable development implementation on a national level scale (Junef, 2017).

Along with the growth of community life, Act Number 24 of 1992 on Spatial Planning was deemed no longer suitable to Indonesia's spatial planning needs, then replaced by Act Number 26 of 2007 compiled by prioritizing the principles of decentralization and autonomy to the greatest extent possible for the regions, covering regulatory activities, implementation, and supervision of spatial planning based on a regional approach with administrative boundaries (Elucidation of Act Number 26 of 2007 on Spatial Planning).

Decentralization's implementation for spatial planning is under the 1945 Constitution of the Republic of Indonesia, Article 18 paragraph (1), which contains that the Republic of Indonesia is divided into provinces, districts, and cities with their regional governments. In a unitary state, the highest power remains in the Central Government. Regions are given the broadest possible authority except for government affairs stipulated by law as affairs of the Central Government (Mahmuzar, 2020).

Based on Act Number 23 of 2014 on Regional Governance as frequently amended and last by Act Number 11 of 2020 on Job Creation, government affairs are classified into three (3): absolute government affairs, general government affairs, and concurrent government affairs. For these categories, absolute government affairs are classified as affairs wholly held by the Central Government, including defense and security, fiscal-monetary, religion, judiciary, and foreign policy. General government affairs are under the authority of the President as the head of governance. Furthermore, concurrent government affairs are shared between the Central Government, Provincial Governments, and Regency/City Governments, divided into mandatory and optional affairs. The mandatory affairs are still further divided

into two categories: those related to basic services and those not related to basic services.

Based on that distribution, spatial planning is a part of mandatory affairs related to basic services. The Regional Government has the authority to hold spatial planning affairs within its territory according to the Laws and Regulations. The spatial planning authority is an attributive authority, where the acquisition of authority comes from the Law (Marwan, 2018). The provision of spatial planning was not dynamic for almost 15 years until its finally simplified and amended by Act Number 11 of 2020 on Job Creation. These simplifications have an influence on spatial planning in the regions (Gadjah Mada University, Faculty of Law, 2020), including matters as follows:

a. Spatial Integration

Before being amended, article 6 paragraph (5) of Act Number 26 of 2007 on Spatial Planning stipulates that spatial plan covering air space, land space, sea space, and space within the earth contained in separate documents. These provisions lead to overlapping spatial planning. After the enactment of Act Number 11 of 2020 on Job Creation, the air space, land space, sea space, and earth space are integrated into a spatial planning policy. This innovation brings a positive impact on the region, especially in the preparation of spatial planning documents. It makes spatial planning documents easily accessible, thereby minimizing overlapping spatial plans.

b. Simplification of Spatial Plan Products

Before Act Number 11 of 2020 on Job Creation was promulgated, various spatial planning documents at regional and national scales potentially cause overlapping or incompatibility spatial plan (Jazuli, 2017). At least two spatial planning products exist on a provincial scale, including the Provincial Spatial Plan and the Provincial Strategic Spatial Plan. Meanwhile, three spatial planning products exist on the Regency/City scale, including Regency/City Spatial Plan, Regency/City Strategic Spatial Plan, and Detailed Spatial Planning as an itemized spatial elaboration.

As a simplification step, Act Number 11 of 2020 on Job Creation integrates the Provincial Strategic Spatial Plan into the Provincial Spatial Plan, while Regency/City Strategic Spatial Plan's substance is integrated into Regency/City Spatial Plan. With this simplification, the Spatial Planning documents in the province only consist of Provincial Spatial Plan. Meanwhile, Regency/City regions only consist of two spatial planning documents: Regency/City Spatial Plan and Detailed Spatial Planning. Therefore, the possibility of overlapping spatial planning in the regions can be minimized.

c. Acceleration of Detailed Spatial Planning Preparation and Determination

Another spatial planning problem in regions is related to the process of the Detailed Spatial Planning document, which usually takes a long time. Through Act Number 11 of 2020 on Job Creation, the promulgation of Detailed Spatial Planning in a Regional Regulation changed to promulgated in a Governor/Mayor/Regent Regulation. In this regard, Article 17 point 10 of Act Number 11 of 2020 on Job Creation stipulates that the Central Government will take over the determination of the regional Detailed Spatial Planning if the Detailed Spatial Planning product has not yet been determined by the Governor/Mayor/Regent within one month (at the latest) after the substance approval.

d. Acceleration of Spatial Plan Preparation and Determination

In addition to accelerating the preparation and determination of Detailed Spatial Planning, Act Number 11 of 2020 on Job Creation also regulate the acceleration of preparation and determination for provincial and regency/city spatial plan, as follows:

1) For the province

Based on article 17 point 13 of Act Number 11 of 2020 on Job Creation, which contains amendments to article 23 of Act Number 26 of 2007 on Spatial Planning, it is stated that the provincial Spatial Plan promulgated in Provincial Regulation no later than two months since the Spatial Plan has obtained substance approval from the Central Government. However, suppose the Spatial Plan Regulation has not been enacted until two months. In that case, the Governor is obliged to enact no later than three months in the Provincial Regulation since the Spatial Plan has obtained substance approval. Furthermore, suppose after three months, the Spatial Plan Regulation has not received an enactment from the Governor. In that case, the Provincial Regulation will be enacted by the Central Government no later than four months since the Spatial Plan has received substance approval.

2) For the regencies/cities

Based on article 17 number 16 of Act Number 11 of 2020 on Job Creation, which contains amendments to article 26 of Act Number 26 of 2007 on Spatial Planning, it is stated that Regency/City Spatial Plans are promulgated in Regional Regulations no later than two months after the Spatial Plan obtains substance approval from the Central Government. However, suppose the Regional Regulations in question have not been enacted until the period as stated above. In that case, the Regent/Mayor is obliged to enact the Regional Regulations within three months from the substance approval. Furthermore, if the Regent/Mayor does not enact the Spatial Plan within four months from substance approval, the enactment will be taken over by the Central Government.

These provisions are intended to provide legal certainty to the community. Furthermore, it requires the regional government's commitment to the Governor, Regent/Mayor, and the Regional Assembly to prioritize the acceleration of the preparation and determination of Spatial Plan in their regions.

e. Digital Provides of Detailed Spatial Plan

To support Indonesia's investment climate, Article 14 paragraph (2), in conjunction with Article 15 paragraph (1) and paragraph (2) of Act Number 11 of 2020 on Job Creation, requires regional governments to compile and provide digital Detailed Spatial Plan. The digital document is then synchronized with an electronic business licensing system to guide investors in the licensing process, including conformity regarding business location, permits regarding the environment, and approval to construct buildings (Suriadinata, 2019).

f. The national strategic policies

Act Number 11 of 2020 on Job Creation adds a provision related to Spatial Plan's review for more than a time within five years for strategic planning policy's reason. Before the Act in question was enacted, the review for more than a time in five years was only possible when the regional boundaries and national boundaries changed and natural disasters happened.

g. Base Map Preparation

In order to accelerate the base map fulfillment for the Detailed Spatial Plan, regions can use another base map in case the topographic map from the Information and Geospatial Agency is unavailable. According to the Spatial Plan scale, another base map in question must contain detailed information accuracy.

The seven points above describe spatial planning adjustments the province, regency, and city need to take.

2. The Logical Consequences for Madiun City's Spatial Planning in Implementing National Strategic Projects

In governance, the National Strategic Project is a National Long-Term Development Plan's manifestation further elaborated in the National Medium-Term Development Plan. The National Medium-Term Development Plan is a technocratic design as a guideline to ensure the achievement of the Government's vision and mission for five years (Sujadi, 2018). To accelerate its implementation, stakeholders of National Strategic Projects, namely Minister, Governor, and Regent/Major, are given the authority to change or repeal regulations considered to hinder the implementation of National Strategic Projects (Widyaningrum,

2019).

The legitimacy of the authority in question is strengthened by the promulgation of Act Number 11 of 2020 on Job Creation, which stipulates the ease of implementation of National Strategic Projects. Article 173 of Act Number 11 of 2020 on Job Creation explicitly states that based on their respective authorities, both the Central Government or Regional Governments are responsible for providing land to National Strategic Projects. The land supply was obtained by overriding the spatial plan by referring to Presidential Regulation Number 3 of 2016 on Acceleration of National Strategic Project's Implementation (Sujadi, 2018) as frequently amended and last by Presidential Regulation Number 109 of 2020.

In connection with the issuance of Presidential Regulation Number 80 of 2019 that enacted the acceleration of economic development, including the Wilis Circle area, the Governor of East Java Province then stipulated the Wilis Circle area as a National Strategic Area that will receive accelerated development (Communication and Information Office of East Java Province, 2019). The road construction on the Wilis Circle is projected to connect approximately nine regencies/cities around Mount Wilis, including Madiun City, Madiun Regency, Nganjuk Regency, Kediri Regency, Kediri City, Ponorogo Regency, Pacitan Regency, Trenggalek Regency, and Tulungagung Regency.

Following this policy, the Central Government and the East Java Provincial Government need to cooperate with the Regency/City Governments, who traversed the project path, including the Madiun City Government, to determine strategic steps to support accelerated development. The Madiun City's Government needs to increase interaction and connectivity between regions, especially with the City/Regency whose territory borders Madiun City. This interaction and connectivity are necessary to realize spatial planning coherence in the regions and avoid disparities between the regions. The good connectivity and access between regions will support the improvement of the regional economy (Muazir, *Interaksi Wilayah di Kawasan Strategis Nasional (Perbatasan) dalam Kerangka Jaringan Perkotaan*, 2019).

The implementation of this national strategic project is expected to benefit the region, especially the residents of Madiun City. Regional economic growth will be prospective after the development. However, there will be some logical consequences of implementing the National Strategic Project for Madiun City spatial planning, as follows:

- a. Adjustment of spatial patterns, infrastructure design, plans for mitigating environmental, economic, social, and cultural impacts on the zone around the National Strategic Area

The Madiun City Government needs to stage a field observation with the Provincial and Central governments to map the area passed by the National Strategic Project.

Mapping needs to be held by considering technical studies related to the impact of the National Strategic Project in the environmental, economic, social, and cultural fields. Budget allocations for land acquisition also need to be prepared according to the legal purpose of land acquisition, either realizing compensation justice, formal justice, or achieving public interests and private interests balancing (Karjoko et al., 2019).

- b. Accommodating the National Strategic Areas in Detailed Spatial Planning through Mayor Regulations
- c. Reviewing of the Regional Regulation on the 2010-2030 Madiun City Spatial Planning based on the Strategic Environmental Study

The Madiun City Spatial Plan needs to be revised/adjusted with the National Strategic Spatial Plan determined by the Central Government. Its preparation needs to involve community participation to develop Spatial Planning that balances food, energy, and environmental needs (Karjoko et al., 2020). To accommodate environmental interests, the revision of the Madiun City Spatial Plan needs to be preceded by preparing a Strategic Environmental Assessment that aims to ensure the integration of sustainable development principles with Spatial Planning Policies, Plans, and Programs. It is intended to preserve the sustainability resources and ensure the ability, safety, welfare, and generation's quality of life in the present and future.

Based on the Strategic Environmental Study, the National Strategic Area's development is categorized as a spatial plan that potentially causes environmental impacts/risks, affecting Carrying Capacity and Environmental Capacity. Therefore, it is necessary to assess based on six indicators, as follows:

1) Carrying Capacity and Environmental Capacity

This indicator was used to see the environmental impact on the structure plan and spatial pattern based on residence and living space ecosystem services. The national strategic plan is through a 16.65 hectares area in two sub-districts of Madiun City. Based on the environmental study done by Madiun City Government, the network development in two sub-districts was dominated by 14.6 hectares or 88% medium-scale residence and living space ecosystem services. Based on this data, it is concluded that the existence of the network development plan is not too risky in terms of affecting Carrying Capacity and Environmental Capacity, especially for residences and living spaces.

2) Environmental Impacts and Risks

This national strategic area is an ecosystem service area that arranges water flow and moderate medium-scale flooding. The data shows that the development plan will

bring quite risky impacts on the environment, especially for the arrangement of water flow and flooding due to the construction of this national strategic project traversing many agricultural lands and water catchment areas.

3) Performance of Ecosystem Services

Based on the Strategic Environmental Study, the development of the Wilis Circle project is quite risky to the performance of ecosystem services, especially for water supply ecosystems, because the construction of this project crosses a lot of agricultural land and water catchment areas. It will potentially produce some waste and pollution due to many passing motor vehicles.

4) Climate Change

The climate change indicator is used to see the environmental impact using services of climate control and air quality maintenance ecosystem. Based on the study, it was found that the development is quite risky to the service performance of the climate control and air quality maintenance ecosystem.

5) Biodiversity

Based on the Strategic Environmental Study, it is known that the implementation of the National Strategic Project is quite risky and has an impact on the environment since it crosses a fairly large area of food-agricultural land. Therefore, the government needs to overcome the conversion of these agricultural land problems, considering that the region also oversees the National Strategic Project in establishing Sustainable Food Agricultural Land for increasing domestic rice production capacity to national food security and sovereignty achievement.

In this regard, the government needs to realize that the main factor causing the massive conversion of agricultural land in Indonesia is economic transformation (Prasada, 2018). In this case, the development of the economy in a country tends to demand the provision of land as one of the supports for the sustainability of economic activity while the space on the earth's surface is limited (F, 2017). The land demand pressure can only be fulfilled by land conversion, mostly agricultural land (Mahmood, 2016).

The addition of the National Strategic Project in Act Number 11 of 2020 on Job Creation potentially increases the conversion of agricultural land. The amendment to Act Number 22 of 2019 on Sustainable Agricultural Cultivation System in Act Number 11 of 2020 on Job Creation also does not provide sufficient protection for agricultural lands that have not been designated as "Sustainable Food Agricultural Land". This amendment changes the cumulative requirements that oblige replacement for

agricultural land affected by National Strategic Project into alternative requirements. These provisions are antinomy since agricultural land should be continuously maintained to produce staple food for self-reliance, resilience, and national sovereignty (Soediro, 2020).

6) Natural Resource Reserve

As the planned development will pass through 14.6 hectares or 88% area dominated by high scale food-providing ecosystem services, the development of the National Strategic Project will greatly affect natural resource reserves, especially food provided in Madiun City.

Based on the study of the six indicators mentioned above, mitigation and/or alternatives to reduce environmental impacts were obtained, including regional policy drafting regarding the land conversation, regulating drainage systems, increasing Open Green Space, and several other alternatives detailed in the Strategic Environmental Assessment document.

CONCLUSION

The amendments in spatial planning regulations through the Act Number 11 of 2020 on Job Creation have provided a significant transformation for spatial planning in the regions, particularly concerning the simplification of RTRW, RDTR, and the ease of National Strategic Projects. Implementing the National Strategic Project brings some logical consequences for spatial planning in Madiun City, particularly related to the control of spatial functions and the impact on the sustainability of agricultural land, food, environment, economy, society, and culture accompanying it.

Given the limited space conditions in urban areas such as Madiun City, the National Strategic Project acceleration policy needs to be carried out with synergistic planning considering that the region has been burdened with other national strategic programs so that the principles of sustainable development can still be realized. The Madiun City Government also needs to address the potential impacts of implementing the National Strategic Project through policies, particularly policies to control the conversion of agricultural land.

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