

Analysis Of The Application Of Spatial Planning Principles In The Regional Spatial Plan (RTRW) Of Lebak District Towards Mining Activities In The Gunung Liman Area

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Abstract

The Lebak Regency spatial planning plan was prepared based on Lebak Regency Regional Regulation Number 2 of 2014 concerning the Lebak Regency Regional Spatial Plan for 2014-2034 with the aim of creating a highly competitive and sustainable Regency regional space based on agriculture, plantations, tourism and mining. To realize this, spatial planning is needed based on the principles of spatial planning contained in Article 2 of Law Number 26 of 2007 concerning Spatial Planning. The research method used is the normative juridical method. The normative juridical method is defined as research on statutory rules, both from the perspective of the statutory hierarchy (vertical) and the harmonious relationship of legislation (horizontal). The purpose of this writing is to find out how the application of spatial planning principles in the Lebak Regency Spatial Planning Plan for Mining Activities in the Mount Liman Area is Reviewed Based on Law Number 26 of 2007 concerning Spatial Planning. Based on the results of the discussion, it can be concluded that the regional government has attempted to control spatial planning and supervision of illegal gold mining in Lebak Regency. Regulations for mining activities in Lebak Regency Regional Regulation Number 2 of 2014 concerning Lebak Regency Spatial Planning for 2014-2034. Article 64 paragraph (5) letter c does not allow mining in protected areas. However, there is a discrepancy in the application of spatial planning principles in the 2014-2034 Lebak Regency Regional Spatial Plan, namely consisting of the principle of integration, the principle of harmony, harmony and balance, the principle of sustainability, the principle of efficiency and effectiveness as well as the principle of legal certainty and justice. This is due to the determination of the Cirinten sub-district area as a mining area.

1. Introduction

Indonesia is an archipelago that has abundant natural resources that must be preserved and developed in order to remain a source of life support for humans and other living things, for the continuity and improvement of the quality of life. As stipulated in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia states that the earth, water and natural resources contained therein are controlled by the state and to be used for the prosperity of the people. Achieving the welfare and prosperity of the Indonesian people, various kinds of production and business activities are carried out to support development. Indonesia is very rich in natural resources so that mining is one of the industrial businesses that can be relied upon to bring in foreign exchange for Indonesia [1]. Mining is a series of activities in the context of efforts to search, excavate, process, utilize and sell minerals, coal, geothermal and oil and gas. However, mining is classified into two types of mining, namely official mining and illegal mining. Official mining is mining that has a permit and has a special mining site while unofficial (Illegal) mining is mining that does not have a permit from the government and does not have a special mining site.

The area that has mining potential is Lebak Regency, precisely in the Gunung Liman area. The mining potential in Lebak Regency is gold ore. This fact attracts the interest of business actors, the surrounding community and the community outside Lebak Regency to utilize and manage the results of mining excavation materials, business actors from small and medium scale to medium and above to be interested

in mining activities because the mining business is very profitable for business actors. However, in reality, mining does not have a business license or is illegal [2]. Illegal mining activities themselves generally cause several problems, namely: harming the state, in the form of loss of state revenue from the taxation sector, damaging and polluting the environment, and harassing the law. This problem is followed by other problems, namely, mining accidents, an uncondusive business climate, brokering practices, thuggery and prostitution. Illegal mining by communities has led to significant environmental degradation and hazardous mining activities [3].

One form of provision to make rules and organize the designation, use, and maintenance of one of them is spatial planning. Law No. 26 of 2007 concerning spatial planning provides a definition of spatial planning is a system of spatial planning processes, space utilization, and control of space utilization. Spatial planning as a form of spatial planning is a means (legal instrument) to guarantee and harmonize various interests in the use of space, both economic development interests, social, cultural, and ecological interests [4]. Law Number 26 of 2007 concerning Spatial Planning, mandates that in order to realize a safe, comfortable, productive, and sustainable regional space based on the Archipelago Concept and National Resilience, spatial planning is needed based on the principles of spatial planning namely:

- 3.1. The principle of integration;
- 3.2. integration;
- 3.3. harmony, harmony, and balance;
- 3.4. sustainability;
- 3.5. usefulness and efficacy;
- 3.6. openness;
- 3.7. togetherness and partnership;
- 3.8. protection of the public interest;
- 3.9. legal certainty and justice; and
- 3.10. accountability

As well as those that can provide protection for spatial functions and prevent negative impacts on the environment due to space utilization. These spatial planning rules must be applied and realized in every regional spatial planning process [5]. The regulation of space or land utilization in Lebak Regency is regulated in Regional Regulation Number 2 of 2014 concerning the Regional Spatial Plan of Lebak Regency Year 2014-2034 . The Gunung Liman area located in Lebak Regency is a geological protected area and a cultivation area for mining activities. However, in practice, the space in the area is utilized for mining activities. The amount of mining in the Gunung Liman area has caused the environment to be damaged, for example causing floods and landslides [6].

The Regional Government of Lebak Regency through spatial planning policies has attempted to direct in order to create orderly space utilization, but in reality in the field the Regional Regulation on the Regional Spatial Plan has not been able to realize orderly space utilization. Currently, in the field, there are still regional space utilization activities that are not in accordance with the allocation area as regulated in the Regional Regulation on the Regional Spatial Plan. The problem above must be considered by the government, namely the problem of illegal mining. Illegal mining is carried out without permits, operational procedures, and regulations from the government. This causes losses to the state because it illegally exploits natural resources, distributes and sells the mining products illegally, thus avoiding taxes. Therefore, the government must apply strict rules against parties who carry out illegal mining. So the government has an obligation in order to form a number of regulations relating to spatial planning, both regulations at the national level and at the regional level.

2. Methodology

This part explains how the research is conducted, research design, data collecting techniques, instrument development, and data analysis techniques.

Legal research according to Marzuki, legal research is a process for finding legal rules, legal principles, and legal doctrines in order to answer the legal problems at hand [7]. The research method used by the author in answering the problems in this study is to use the normative juridical method, the normative juridical method is defined as research on the rules of legislation, both in terms of the hierarchy of legislation (vertical) and the harmony of legislation (horizontal). The normative juridical approach is "an approach that refers to the applicable laws and regulations". Based on the existing doctrine, it can be concluded that what is meant by normative legal research is one type of legal research methodology that bases its analysis on applicable laws and regulations that are relevant to the legal issues that are the focus of the research [8].

Normative legal research is also commonly called doctrinal legal research or also called library research. It is called doctrinal legal research because this research is only aimed at written regulations, so the research is very closely related to the library because this normative law will require secondary data in the library [9]. The research specification used in this research is qualitative research. Qualitative research is an approach in conducting research that is oriented towards natural phenomena or symptoms. Qualitative research is basic and naturalistic or naturalistic, and cannot be done in a laboratory, but in the field [10]. Library research is data collection technique by conducting an examination of books, literature, notes, and various reports related to the problem to be to be solved [11]. The writing in this research is descriptive, because is to analyze, describe, and summarize various conditions.

3. Results and discussions

3.1 Spatial Planning Policy Toward Mining Activities Reviewed Based on Law Number 26 of 2007 concerning Spatial Planning

Mining is one of the leading commodities in assisting development, both national and regional development, this is because the value of mining commodities can be utilized to improve the welfare of the community. Natural resources as a source for mining and energy activities are utilized from the ecological system, therefore the fundamental requirement that must be obeyed is not to violate the carrying capacity of the ecosystem. In order to create the greatest prosperity of the people and so that people can enjoy sustainable development in a good and healthy environment which is the right of the entire Indonesian nation as regulated in article 28 letter H of the 1945 Constitution of the Republic of Indonesia [12]. Law Number 26 of 2007 concerning Spatial Planning does not mention and regulate the regulation of mining, but this spatial planning law generally regulates the spatial planning system, space utilization, and control of space utilization. Article 5 paragraph (2) of Law Number 26 of 2007 concerning Spatial Planning divides the spatial pattern based on the main function of the area, which consists of protected areas and cultivation areas. Protected areas are areas designated with the main function of protecting the preservation of the environment which includes natural resources and artificial resources. Cultivation areas are areas designated with the main function to be cultivated on the basis of the condition and potential of natural resources, human resources, and artificial resources. Mining activities in protected forest areas are protected areas as geological protected areas and cultural heritage areas.

The handling of spatial utilization and control issues in the regions still needs further attention. The local government has attempted to conduct spatial control and supervision of illegal gold mining in Lebak Regency. Regulations for mining activities in Regional Regulation of Lebak Regency Number 2 of 2014 concerning the Regional Spatial Plan of Lebak Regency Year 2014-2034. Article 64 paragraph (5) letter c no mining is allowed in protected areas. Spatial planning policies in the Lebak Regency RTRW are regulated in Article 7 paragraph (2) including:

- a. Increased food security and regional-based agribusiness;
- b. Optimization of natural tourism areas, cultural tourism, and artificial tourism;
- c. Development of environmentally sound mining potential;
- d. Improved quality and equitable coverage of regional infrastructure and facilities;
- e. Improved preservation function of protected areas;

- f. Improvement and stabilization of the function and role of strategic areas; and
- g. Improved regional functions for national defense and security.

Furthermore, the authority of the Regency / City Government is regulated in Law Number 26 of 2007 concerning Spatial Planning Article 11 paragraph (1) The authority of the regency / city government in the implementation of spatial planning includes:

- a. regulation, guidance, and supervision of the implementation of spatial planning of regency/city areas and regency/city strategic areas;
- b. implementation of district/city spatial planning;
- c. implementation of district/city strategic area spatial planning; and
- d. cooperation in spatial planning between districts/cities.

In paragraph (2) The authority of the district / city government in the implementation of spatial planning of the district / city area includes:

- a. district/city spatial planning;
- b. district/city spatial utilization; and
- c. control of space utilization in the district/city area

The implementation of the mining policy of the local government, in this case the Energy and Mineral Resources Agency, also exercises their authority, namely guidance. In order to realize mineral and coal management that meets the principles of externality, accountability, and efficiency, it is necessary to provide guidance on the implementation of mining business management and the implementation of mining business activities (Siti Airinda Marennu, 2019). Law Number 26 of 2007 concerning Spatial Planning Article 13 paragraph (1) The government conducts spatial planning guidance to provincial governments, district / city governments, and the community. In paragraph (2) Spatial planning guidance is carried out through:

- a. coordination of spatial planning implementation;
- b. socialization of laws and regulations and socialization of guidelines in the field of spatial planning;
- c. providing guidance, supervision, and consultation on the implementation of spatial planning;
- d. education and training;
- e. research and development;
- f. development of spatial planning information and communication systems;
- g. dissemination of spatial planning information to the public; and
- h. development of community awareness and responsibility

The implementation of mining business management is not only carried out by the Government but also by local governments in accordance with their authority. Therefore, the implementation of guidance must be carried out based on standardized guidelines and standards in order to obtain clarity and certainty for business actors conducting business activities in the mineral and coal sector [13]. The Government provides opportunities for business entities, cooperatives, individuals, and surrounding communities to conduct mineral and coal mining businesses. Based on Article 35 of Law Number 3 of 2020 concerning Mineral and Coal Mining regulates that:

- (1) Mining Business is carried out based on Business Licenses from the Central Government.
- (2) Business Licensing as referred to in paragraph (1) is carried out through granting:
 - a. Business identification number;
 - b. Standard certificate; and/or
 - c. Permissions.
- (3) The permit as referred to in paragraph (2) letter c consists of:
 - a. IUP;
 - b. IUPK;
 - c. IUPK as Continuation of Contract/Agreement Operation;
 - d. IPR;

- e. SIPB;
 - f. Assignment Permit;
 - g. Transportation and Sales License;
 - h. IUJP; and
 - i. IUP for Sales
- (4) The Central Government may delegate the authority to grant Business Licenses as referred to in paragraph (2) to the provincial Regional Government in accordance with the provisions of laws and regulations.

The government must perform in accordance with the stipulated spatial plan. Similarly, the implementation of development in Lebak Regency requires a basis for planning, utilization and control of space. To overcome this problem, the involvement and participation of indigenous peoples is needed [14]. Based on Lebak Regency Regional Regulation Number 2 of 2014 concerning the Regional Spatial Plan of Lebak Regency 2014-2034 Article 76 paragraph (1) The implementation of spatial planning is carried out by the Regency government by involving the role of the community at the stages of spatial planning, spatial utilization; and control of spatial utilization. Before carrying out this role, the District Government can carry out a process of proof or verification of the symptoms of environmental damage caused by the activities of mining business actors. Then the District Government can coordinate with the Provincial Government periodically to report on environmental conditions and mining activities carried out by miners. The involvement of indigenous peoples and the Regency Government in maintaining and supervising environmental sustainability can at least reduce the number of violations that can lead to environmental damage. The existence of policies that have been carried out by the government is expected to minimize illegal mining efforts [15].

3.2 Discrepancies in the Application of Spatial Planning Principles Toward Mining Activities in Lebak Regency

Spatial planning activities have 3 (three) forms of implementation, namely spatial planning, space utilization and control of space utilization. The three spatial planning activities are a unity that cannot be separated from one another which is then outlined in a spatial plan product in the form of a Regional Spatial Plan (RTRW) hierarchically from the center to the regions. Spatial planning must be summarized in a development plan as a reference in the implementation of sustainable development planning in Indonesia [16]. Spatial planning activities carried out always refer to that all people's lives, including the economy to build a just and prosperous society, so there needs to be regulatory action for integrated regional development in accordance with regional spatial plans at the provincial and district/city levels [17].

The regional spatial plan (RTRW) is the basis for providing recommendations for directing spatial utilization [18]. The functions of the regional spatial plan (RTRW) itself include:

1. Reference in the preparation of the Regional Long-Term Development Plan (RPJPD) and the Regional Medium-Term Development Plan (RPJMD).
2. Reference in space utilization/regional development.
3. A reference for realizing balanced development within the region.
4. A reference for the location of investment in the region by the government, the community, and the private sector.
5. Guidelines for the preparation of detailed spatial plans in the region.
6. The basis for controlling space utilization in the arrangement/development of the region which includes the establishment of zoning regulations, licensing, provision of incentives and disincentives, and imposition of sanctions; and,
7. Reference in land administration

Lebak Regency is a regency in Banten Province, Indonesia. Its capital is Rangkasbitung. The regency is bordered by Serang Regency and Tangerang Regency to the north, Bogor Regency and Sukabumi Regency to the east, the Indian Ocean to the south, and Pandeglang Regency to the west. Lebak Regency is famous for its mining activities, namely gold mining, namely in the Cikotok area, the area has been

widely recognized as Indonesia's first gold mine. Mining activities in Cikotok began since the Dutch colonial era in 1988. Not only around the Cikotok area, gold mining activities in Lebak Regency were also carried out in Bayah District which was previously the location of the Cikotok gold ore processing plant, and then spread to other areas in Lebak Regency which also had gold potential [19].

Gold mining is an activity that has been carried out for quite a long time in Indonesia, but its implementation is still carried out manually using simple methods. People who initially became farmers of vegetables, fruits, and rice fields turned into gold miners, as their economic activities. However, this mining activity usually does not have permission from government agencies in accordance with applicable laws and regulations, which is abbreviated as PETI (Unlicensed Gold Mining), PETI activities that are not followed by proper Operational Implementation Standards (SOP) can have a negative impact on the environment. The negative impact of PETI activities on the environment mainly causes changes in environmental aesthetics, damaged flora and fauna habitats, decreased soil quality, decreased water quality, decreased groundwater levels, dust and noise. The characteristics of ex-mining land are characterized by the appearance of sandy soil, the top soil layer is almost absent, vegetation and nutrients are minimal, soil acidity is high, the average Hg content is 2.4-4.17 ppm [20].

Each Regional Spatial Plan (RTRW) already contains space allocations for mining activities, both in mining designation areas and in other areas where mining activities are still possible. The designation of mining areas in the Regional Spatial Plan (RTRW) is useful for determining appropriate and appropriate space utilization. In Law No. 26 of 2007 concerning Spatial Planning (UUPR) there are several classifications in spatial planning such as, spatial planning based on the system, which consists of regional systems and internal urban systems, spatial planning based on the main function of the area, which consists of protected areas and cultivation areas, spatial planning based on administrative areas consisting of national spatial planning, provincial spatial planning, and district / city spatial planning. Of course, each region has a different regional space, so that the UUPR which regulates spatial planning nationally gives the provincial government the right to regulate its own space, according to its circumstances and does not conflict with the law [21]. Because the purpose of spatial planning is to realize an environment that is safe from disasters, it is a concern for the government to determine which areas can be built and which areas must be protected so that there is no subsidence that results in disasters.

Spatial planning is very important in a regional development, so the spatial planning process must be prepared by considering and paying attention to many aspects so as to produce quality planning and can be implemented properly. Spatial Planning of Lebak City is contained in Regional Regulation of Lebak Regency Number 2 Year 2014 concerning the Spatial Plan of Lebak Regency Year 2014-2034. Regional Regulation of Lebak Regency Number 2 of 2014 concerning the Regional Spatial Plan of Lebak Regency 2014-2034, based on these regulations there are 4 (four) types of mining developed in Lebak Regency. Consisting of mineral mining, coal mining, geothermal mining and oil and gas mining.

Mineral mining allotment areas as referred to in paragraph (1) letter a in the form of Mining Business Areas (WUP) include, metal mineral mining in the form of gold, iron sand, titanium, galena, and manganese with an area of approximately 144.474 (one hundred forty-four thousand four hundred seventy-four) hectares located in Ciligrang Subdistrict, Bayah Subdistrict, Cibeber Subdistrict, Cirinten Subdistrict, Cigemblong Subdistrict, Panggarangan Subdistrict, Gunungkencana Subdistrict, Lebakgedong Subdistrict, Cipanas Subdistrict, Cihara Subdistrict, Bojongmanik Subdistrict, Banjarsari Subdistrict, Cijaku Subdistrict, Muncang Subdistrict, Leuwidamar Subdistrict and Sobang Subdistrict. Based on the author's analysis, the Lebak RTRW is inconsistent with the principles of spatial planning regulated in Law No. 26 of 2007 concerning Spatial Planning.

According to Herman Hermit "as the most important legal principle is justice, the direction and framework of thought and approaches in any arrangement (substance of legislation), including the Spatial Planning Law, must be imbued with the principle of justice" [22]. According to Article 2 of Law No. 26 of 2007, the term 'spatial planning', in which there are several principles or principles that

become the basis. Spatial planning is organized based on the principles of: (a) integration; (b) harmony, harmony, and balance; (c) sustainability; (d) empowerment and success; (e) openness; (f) togetherness and partnership; (g) protection of the public interest; (h) legal certainty and justice; and (i) accountability [23].

The Lebak Regency RTRW is not in accordance with the principle of integration, namely, the damage caused by gold miners in the customary forest area. This can happen in Lebak because Cirinten District in the Lebak RTRW is categorized as a mining area. While there is a customary *kesepuhan* in Cirinten sub-district, namely the Gunung Liman area, Lebak, Banten, which is the customary forest area of *Kasepuhan Cibarani*. The principle of integration, meaning that spatial planning is organized by integrating various interests that are cross-sectoral, cross-regional, and cross-stakeholder. The stakeholders include the government, local government, and the community. This principle of integration can be understood because basically this spatial planning is held to ensure all interests involved in the utilization of space, both as a resource and as a place for human life and activities that must include cross-generational interests. It can be added, that integration also means involving all parties involved (target or affected) in spatial planning from planning to law enforcement. Based on the principle of integration, the Regency RTRW has overruled the interests of the community, which here is the indigenous people of *Kasepuhan Cibarani*.

Besides not being in accordance with the principle of integration, the Lebak Regency RTRW is also not in accordance with the principles of harmony, harmony and balance, that spatial planning is carried out by realizing harmony between spatial structures and spatial patterns, harmony between human life and the environment, balance between growth and development between regions and between economic areas and between urban areas and rural areas [24]. The indigenous people of *Kasepuhan Cibarani* consider Mount Liman sacred, meaning that in carrying out their daily lives, the indigenous people of *Kasepuhan Cibarani* must not damage the environment of Mount Liman. Activities that cannot be done are mining. Mount Liman is sacred and should not be damaged. *Pamali*, it can cause disaster. Many people will suffer. Residents believe that damage will cause qualms. The form is *kasantap*, *kabadi*, and *kasibat* which means *kesambet* or possession of spirits. More than that, tornadoes, floods, and severe fires can occur that will devastate the village. Therefore, the *Cibarani* village chief said that customary law requires residents to protect the mountain from greedy and irresponsible hands for generations. Any damage caused by human activities must be repaired as soon as possible. Not only that, activities such as farming, gardening, farming, or entering the forest are canceled every Tuesday and Friday [25]. Based on this, there is a misalignment between the Lebak Regency RTRW and human life with the environment.

The Lebak Regency RTRW is also not in accordance with the principle of sustainability, namely, The principle of sustainability means that spatial planning is carried out by ensuring the preservation and sustainability of the carrying capacity and capacity of the environment by taking into account the interests of future generations. It is necessary to maintain and sustain the system of life on this earth through the preservation of the functions and capabilities of natural resources and human resources as a unity of space and the environment which is a requirement for the continuity of the life of mankind and other living things. The affirmation of the "carrying capacity" and "capacity" of the environment is to provide guidance on the limits to which and how the livelihood resources are utilized so that their functions and capabilities are preserved. Every mining activity must have an impact on the environment, in fact mining activities that already have a permit still cause damage.

The determination of Cirinten Sub-district in the Lebak RTRW is categorized as a mining area making some people from outside want to utilize it to meet economic needs. The emergence of PETI activities is difficult to avoid, because it is a form of community access to natural resources and the environment. PETI is a mining business carried out by individuals, groups of people or companies / foundations with legal entities whose operations do not have licenses from central or regional government agencies in accordance with applicable laws. Activities carried out by PETI include extraction, processing of mining

seeds, and amalgamation to obtain gold. PETI activities can cause environmental damage and pollution in the activity area and the area downstream from the PETI location. The occurrence of environmental damage is mainly due to the use of mercury for gold extraction, which is widely practiced in small-scale gold mining [26]. The environmental impact felt by the community, especially related to mining activities in the area of Gunung Liman, Lebak, Banten, which is the customary forest area of Kasepuhan Cibarani, is the destruction of the forest ecosystem, and can cause damage such as landslides and floods. What is clear is that the main function here is to regulate water management, because Mount Liman is the main source of water for the surrounding community [27].

Another principle discrepancy related to RTRW Kabupaten Lebak namely the principle of empowerment and usefulness, the principle of empowerment and usefulness is that spatial planning is carried out by optimizing the benefits of space and the resources contained therein and ensuring the realization of quality spatial planning (Tahir, 2022). The indigenous people of Kasepuhan Cibarani feel that they can prosper even without mining. All because of the preserved nature. Cibarani residents call their area a blessed village because the springs and forests from Mount Liman bring many blessings. One of them is the agricultural and plantation products that prosper 1,900 residents. They are able to empower themselves with cloves, durian, coffee, palm sugar, and others. The crops are sold to Rangkasbitung, which is 65 kilometers away with a travel time of 2.5 hours. The route is winding with paved roads and some rocky dirt roads or rebates. Based on this, the spatial planning that should be done is to optimize the space to be used as an agricultural and plantation area.

The principles that must be applied in spatial planning are the principles of legal certainty and justice, meaning that spatial planning is organized based on the law / provisions of laws and regulations and that spatial planning is carried out by considering a sense of community justice and protecting the rights and obligations of all parties fairly with legal certainty guarantees. However, RTRW Kabupaten Lebak in its implementation raises legal uncertainty and justice, because the determination of Cirinten District in the Lebak RTRW is categorized as a mining area. Meanwhile, there is a community of kasepuhan cibarani in gunung liman which is an area in Cirinten sub-district. The RTRW does not explain in detail which locations in the Cirinten sub-district area are categorized as mining areas.

Legal uncertainty then arises, because it is stated in the Regional Regulation of Lebak Regency, Banten Province Number 8 of 2015 concerning Recognition, Protection and Empowerment of Kasepuhan Customary Law Communities, regarding human relations, especially indigenous peoples with nature, there are customary institutions that regulate harmonious interactions between them and their forest ecosystems. The spread of the Kasepuhan indigenous community has resulted in a large number of Kasepuhans scattered in Lebak Regency, the Kasepuhan community inhabits the slopes of the mountains and occupies areas around the forest, This makes the Kasepuhan community dependent on the agricultural sector (huma and rice fields). RTRW Kabupaten Lebak is not in accordance with the community's sense of justice, because the Kasepuhan community still obeys the rules and fears the existing sanctions, therefore the community prioritizes ecological interests influenced by their knowledge and experience in viewing customary forests rather than economic interests [28]. Based on the author's analysis, the RTRW of Lebak Regency listed in the Regional Regulation of Lebak Regency Number 2 of 2014 concerning the Spatial Plan of Lebak Regency 2014-2034, has several incompatibilities with the principles of spatial planning listed in Law No. 26 of 2007 concerning Spatial Planning.

4. Conclusion

Based on this description, it can be concluded that spatial planning policy consists of policies by the central government and local governments. The authority of the regency/city government in the implementation of regency/city spatial planning includes, regency/city spatial planning, regency/city spatial utilization, and regency/city spatial utilization control. The regulation of space or land utilization in Lebak Regency is regulated in Regional Regulation Number 2 of 2014 concerning the Regional

Spatial Plan of Lebak Regency 2014-2034. The purpose of this policy is to realize a highly competitive and sustainable Regency area based on agriculture, plantations, tourism, and mining.

The Lebak Regency RTRW listed in the Lebak Regency Regional Regulation Number 2 of 2014 concerning the Lebak Regency Spatial Plan 2014-2034, has several incompatibilities with the principles of spatial planning listed in Law No. 26 of 2007 concerning Spatial Planning. First, in the principle of integration, based on the principle of integration, the Lebak Regency RTRW has overruled the interests of the community, which here is the indigenous people of Kasepuhan Cibarani. Second on the principle of harmony, harmony and balance, based on this there is a misalignment between the Lebak Regency RTRW and human life with the environment. Third, the principle of sustainability, the environmental impact felt by the community, especially related to mining activities in the Gunung Liman area, Lebak, Banten, which is the customary forest area of Kasepuhan Cibarani, is the destruction of the forest ecosystem, and can cause damage such as landslides and floods. What is clear is that the main function here is to regulate water management, because Mount Liman is the main source of water for the surrounding community. Fourth, the principles of empowerment and success, based on this, the spatial planning that should be carried out is to optimize the space to be used as an agricultural and plantation area. Fifth, the principles of legal certainty and justice, the Lebak Regency RTRW is not in accordance with the community's sense of justice, because the Kasepuhan community still obeys the rules and is afraid of existing sanctions, therefore the community prioritizes ecological interests influenced by their knowledge and experience in viewing customary forests rather than economic interests.

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