

The Potential of Criminal Sanctions in Indonesia's Spatial Planning Law from a Sustainable Development Perspective

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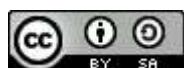
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Abstract

This study examines the role of criminal law in curbing unlawful land-use practices in Indonesia's broader spatial-planning framework. Its primary interest lies not only in asking whether the threat of criminal enforcement deters potential offenders but also in investigating whether those who violate the rules receive sanctions that are credible, consistent, and sufficiently severe. Employing a normative legal methodology, the author examines statutory texts, cornerstone legal principles, and leading judicial opinions, deftly navigating between major codes and significant academic commentary. The analysis shows that although sanctions appear to be codified, they operate with limited force in the real world because of vague language, poorly trained investigators, and an enduring pattern within government agencies to rely on softer administrative fines before resorting to stricter penalties. On that ground, the paper insists that criminal tools



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must still act as an *ultimum remedium* if Indonesia hopes to defend the rule of law and head toward truly sustainable land management. To make the system stronger, the author(s) calls on lawmakers to clarify enforcement paths, improve coordination between ministries, and fund training for the officers who face spatial violations day after day.

KEYWORDS *Criminal Sanctions, Spatial Planning, Sustainable Development, Law Enforcement, Environmental Protection.*

Introduction

When decisions about land use move forward in the absence of a clear, open, and assessable planning system, they often create tensions that harm both community welfare and the surrounding environment. Persistent violations—for example, unapproved zoning amendments and building activity undertaken without the required permits—highlight the urgent need to bolster the enforcement of current spatial-planning rules.¹ Although administrative penalties continue to be the main instrument for discouraging planning infractions, research has shown that criminal sanctions are seldom invoked within Indonesia's spatial-planning regime, even though such breaches increasingly threaten urban sustainability and public welfare. Rapid population growth and shifting demographics in metropolitan centres intensify these risks further.² While the everyday expression doing it the administrative way still stands as the most practical answer, the option of introducing criminal penalties as a real deterrent has not yet been fully studied or put into place in Indonesia's spatial-planning system.

¹Adator Stephanie Worlanyo and Li Jiangfeng, "Evaluating the Environmental and Economic Impact of Mining for Post-Mined Land Restoration and Land-Use: A Review," *Journal of Environmental Management* 279 (2021): 111623, <https://doi.org/10.1016/j.jenvman.2020.111623>.

²Ondřej Slach et al., "Urban Shrinkage and Sustainability: Assessing the Nexus between Population Density, Urban Structures and Urban Sustainability," *Sustainability (Switzerland)* 11, no. 15 (2019): 8, <https://doi.org/10.3390/su11154142>.

Previous studies on enforcing spatial plans has mainly examined techniques rooted in administrative and civil law. A recent example comes from Siregar et al. (2021) in *Jurnal Poros Hukum Padjajaran*, where the authors analyse how these legal tools shape compliance in Indonesian local governments.³ Spatial planning serves as a critical layer in the broader set of tools designed to govern and protect the environment. Each area is meant to accommodate specific activities, and those activities should be carried out in a way that preserves the ecological integrity of the site over the long term. Good spatial planning protects the core functions of each site, limits harmful effects on nature and human communities, and strikes the best possible trade-off among ecological, social, and economic demands; Wijaya and Dzaki (2022) show this principle in action when they discuss remedies for spatial-planning violations in key Indonesian cities.⁴ Agung Wibawa and Lego Karjoko (2024) also examined enforcement problems within Indonesia's spatial planning system during the International Conference on Law, Economics, and Good Governance (IC-LAW 2023).⁵

Nevertheless, the existing literature has largely overlooked the role of criminal sanctions as an enforcement strategy, particularly when assessed through the lens of sustainable development. While earlier research has deepened our grasp of administrative and civil remedies, it falls short of

³ Wildan Siregar, Ida Nurlinda, and Maret Priyanta, "Kebijakan Penegakan Hukum Lingkungan Atas Pelanggaran Administrasi Tata Ruang Dan Alih Fungsi Lahan Sempadan Sungai Dalam Rangka Terwujudnya Tata Ruang Yang Berkelaanjutan," *Jurnal Poros Hukum Padjajaran* 3, no. 1 (2021): 130–49, <https://doi.org/10.23920/jphp.v3i1.710>.

⁴ Muhammad Aditya Wijaya and Alif Imam Dzaki, "Corporate Criminal Liability on Environmental Law: Indonesia and Australia," *Mulawarman Law Review* 8, no. 2 (2023): 16–28, <https://doi.org/10.30872/mulrev.v8i2.1306>.

⁵ Agung Wibawa and Lego Karjoko, "Realizing World-Standard's Spatial Planning and Land Management: The Urgency of Bureaucratic Reform," in *The International Conference on Law, Economic & Good Governance (IC-LAW 2023)* (Atlantis Press SARL, 2024), 346–53, https://doi.org/10.2991/978-2-38476-218-7_58.

outlining practical ways to wield criminal penalties in a manner that supports, rather than undermines, environmental stewardship. This article aims to address that shortcoming by examining both the theoretical and operational dimensions of criminal law, asking whether and how it can operate as a powerful tool for advancing the sustainable-development agenda.

This research makes a novelty to the literature by connecting criminal enforcement-with a specific focus on penal provisions-to measurable indicators of sustainable development in cases of spatial planning breaches in Indonesia. Unlike earlier work that keeps these areas apart, the study builds a single analytical model that reads legal success through deterrence numbers and through practical sustainability measures, including compliance with designated land uses and the guarding of natural resources. Using data collected from 2018 to 2024 in deliberately chosen sites such as North Jakarta and parts of West Java, the paper reviews whether, when, and how criminal penalties have been imposed, tests their actual working in the field, and checks whether they steer the territory toward its longer environmental goals.⁶ Although scholars occasionally mention the possibility of using criminal law for spatial governance, bringing such a strategy into direct conversation with sustainability scores as a yardstick for legality is still rare and methodologically new in Indonesian legal research and proposes a composite legal-sustainability enforcement framework.⁷ Accordingly, the proposed method sheds new light on the most effective design features of criminal penalties that can

⁶ Wahyu Pratama Tamba and Ismi Sujastika, "Kebijakan Pengelolaan Sampah Jakarta Di TPST Bantargebang: Studi Literatur Dampak Lingkungan Dan Sosial Dalam Perspektif Pembangunan Berkelanjutan," *Jurnal Integrasi Pengetahuan Disiplin* 6, no. 1 (2025): 257, <https://doi.org/10.55480/saluscultura.vxix.xx>.

⁷ Hartiwiningsih Razak, Abdul Kamil and Pujiyono, "Implementation and Elimination of Actions Criminal Illegal Fishing Towards the Development of Sustainable Fisheries," *International Journal of Religion* 5, no. 9 (2024): 186, <https://doi.org/10.61707/kw4ya409>.

support sustainable urban development while still deterring future wrongdoing.

This manuscript advances existing scholarship in three principal ways: it systematically charts Indonesia legal regime of criminal sanctions underwriting spatial planning, it identify barriers that impede effective enforcement of those laws and it empirical document the consequences the judicial these shortcomings. To guide the analysis, three specific questions are posed: (1) what role do criminal sanctions currently play in Indonesia's spatial-planning regime? (2) do those sanctions meaningfully deter violations of spatial-planning norms? (3) how can their application be aligned most effectively with the country's broader sustainability goals?

The paper is organized to walk the reader step-by-step through its research questions. It opens with a theoretical overview of criminal sanctions in spatial planning, then moves to an initial assessment of the challenges seen in their current implementation. From there, the study examines case studies from several Indonesian cities, gauges how effective those sanctions have been, and ends by offering practical recommendations for strengthening their use in sustainable spatial planning.

This study adopts a normative legal framework that blends statute review, theoretical analysis, and concrete case observation to assess how Indonesia's spatial-planning law works in practice.⁸ On the statutory front it reads Law 26 of 2007, its implementing regulations, and pertinent local bylaws, looking for clashes, unfinished business, and provisions that redundantly duplicate each other. The conceptual side draws on deterrence theory, proportionality, and the interlock of administrative and

⁸ Irwansyah Irwansyah, *Penelitian Hukum, Pilihan Metode & Praktik Penulisan Artikel* (Yogyakarta: Mirra Buana Media, 2021), 20.

criminal penalties, weaving in insights from Andi Hamzah, Satjipto Rahardjo, and others.⁹

The case side then examines actual events-such as zoning abuses in North Jakarta and regulatory gaps in Batam-showing that weak enforcement and rare prosecution still endanger people and ecosystems. By linking these strands, the analysis reveals a stubborn divide between legislative intent and everyday operation, pointing to the need for clearer rules, better training for officials, and a truly exceptional, limited use of criminal sanctions in spatial governance.¹⁰

A. The Status Of Criminal Sanctions In Indonesian Spatial Planning Law

1. Analysis of Criminal Provisions in Law No. 26 Year 2007 on Spatial Planning

Criminal penalties spelled out in Indonesia's spatial-planning law (Law No. 26 of 2007) represent a key tool for enforcing land-use rules.¹¹ Despite the existence of these provisions, Indonesian planners still reach for the criminal toolkit only on rare occasions. Law Number 26 of 2007 thus overlays the usual administrative penalties with its own brand of criminal liability, creating a distinct and somewhat opaque enforcement culture. By including these articles, legislators acknowledged that some

⁹ Muhamad Romdoni, "A Literature Review of Coercive Isomorphism on Corporate Legal Responsibility in Indonesia," *Pranata Hukum* 17, no. 2 (2022): 121, <https://doi.org/https://doi.org/10.36448/pranatahukum.v17i2.286>.

¹⁰ Widiati Dwi Winarni, "The Role of Local Governments in Spatial and Building Regulations: A Review of State Administrative Law" 7, no. 2 (2025): 776–80, <https://doi.org/10.56338/ijhess.v7i2.7333>.

¹¹ Tunjung Fitra Wijanarko and Mochamad Moro Asih, "Legal Instruments in the Spatial Planning Sector as a Spatial Utilization Control Tool," *International Journal of Politics and Sociology Research* 10, no. 4 (2023): 249–62, www.ijobsor.pelnu.ac.id.

violations damage the spatial framework so severely that only a judge can re-establish its authority. The law targets tree felling, unauthorized changes in land use, unapproved construction, and any action that harms natural systems, signalling a serious push to protect the environment for future generations.¹²

Although a wide array of statutory options is available, enforcement agencies regularly choose to rely on administrative fines rather than pursuing full criminal charges, and researchers continue to document this pattern. That practice mirrors the familiar idea of *ultima ratio*, which holds that criminal law should intervene only when milder measures have demonstrably failed. The harder question, however, is determining where to set a sensible boundary between conduct that warrants a public prosecution and errors that can be resolved discreetly through less expensive, non-criminal routes.¹³

The careful procedures that govern how state planners and builders receive official approval are made even more complicated by a separate set of criminal penalties aimed at anyone involved in unauthorized construction work.¹⁴ This situation arises because, as we have repeatedly noted, the framework relies on the active involvement of several government and law-enforcement bodies.¹⁵ The law treats this rule as

¹² Muhammad Ainurrasyid Al Fikri, "Implementation of Strict Liability by Companies in Cases of Environmental Damage in Indonesia: An Overview of State Administrative Law in Indonesia," *Indonesian State Law Review (ISLRev)* 5, no. 2 (2022): 43, <https://doi.org/10.15294/islrev.v5i2.47460>.

¹³ Babajide Olatoye Ilo and Adekunbi Folashade Imosemi, "Prospect and Challenges of Criminal Procedures in Nigeria: A Review," *Unnes Law Journal* 8, no. 2 (2022): 306, <https://doi.org/10.15294/ulj.v8i2.56482>.

¹⁴ Jhon Tyson Pelawi et al., "Inconsistencies in The Application of Criminal Sanctions for Illegal Use of Plantation Land Based on the Plantation Law," *Journal of Law and Sustainable Development* 12, no. 1 (2024): 3150, <https://doi.org/10.55908/sdgs.v12i1.3150>.

¹⁵ Karmal Maksudi, Selamet Suhartono, and Hufron, "Imposition of Administrative Sanctions on Government Officials Who Do Not Implement Decision of the State

basic, because it helps make sure building blueprints are followed and grasped exactly as drawn.¹⁶

Most government planners come to the job without in-depth training in criminal procedure, and that gap makes it easy for enforcement and prosecution teams to work separately. Still, UK regulators originally created a single enforcement system to streamline case management, cut paperwork, and stop agencies from duplicating efforts whenever a development breach was reported. In reality, though, the tougher proof required in a criminal trial can quietly kill many technically strong cases long before they reach a jury. What the law now needs is a clear set of standards that protects well-meaning homeowners from surprise fines yet remains adaptable enough to tackle the varied planning breaches local councils face each day. Until such reform arrives, most authorities issue administrative notices first and reserve prosecution for the worst or most repeat offenders, reflecting limited resources and a long-standing tendency to sidestep public confrontations whenever they can. The detailed steps required to give official approval to state planners and builders are made even more complicated by a separate set of criminal penalties that kick in when construction is done without permission.¹⁷

A solid body of evidence shows that reliable compliance hinges on genuine teamwork between various government departments and the local police. From a purely legal point of view, that spirit of cooperation should be the guiding star, making sure each building and zoning project is

Administrative Court," *International Journal of Social Science Research and Review* 5, no. 1 (2023): 159–65, <https://doi.org/http://dx.doi.org/10.47814/ijssrr.v6i9.1561>.

¹⁶ Charles E. Loeffler and Daniel S. Nagin, "The Impact of Incarceration on Recidivism," *Annual Review of Criminology* 5 (2021): 133–52, <https://doi.org/10.1146/annurev-criminol-030920-112506>.

¹⁷ Pandji Ndaru Sonatra, Widodo Tresno Novianto, and Agus Riewanto, "Konstruksi Pengawasan Independen Untuk Mencegah Tindak Pidana Pungutan Liar Dalam Pelayanan Publik," *Masalah-Masalah Hukum* 48, no. 1 (2019): 60, <https://doi.org/10.14710/mmh.48.1.2019.60-70>.

managed and understood with the same care that shaped the original plans. In practice, however, the setup is unwieldy: architects and city planners rarely rub shoulders with criminal-justice staff, and that gap slows approvals and blunts the promise of predictability. To add another layer of complexity, the burden of proof in a criminal trial is far heavier than what an administrative review requires, making the uphill climb prosecutors face even steeper. Ideally, the law would be broad enough to cover many possible wrongs yet supple enough to adapt when fresh misbehaviour comes to light. On the ground, though, inspectors tend to reach for fines or warnings first and reserve jail time for the few breaches they judge truly serious.¹⁸

Aligning criminal penalties with sustainable development objectives is a key consideration when enforcing spatial-planning regulations.¹⁹ When enforcement becomes excessively aggressive, the criminal penalties that follow can unintentionally discourage otherwise legitimate development projects. In these cases, it becomes necessary to examine both the broader economic fallout and the effectiveness of the incentives originally offered to encourage compliance with regulatory obligations.²⁰ Environmental-protection concerns are especially urgent because many

¹⁸ Rachel Renbarger, David Rehfeld, and Tracey Sulak, "Law Enforcement in Schools: Resource or Barrier?", *Theory into Practice* 61, no. 3 (2022): 336, <https://doi.org/10.1080/00405841.2022.2096384>.

¹⁹ Anggita Anggraeni, "Penal Mediation as Alternative Dispute Resolution: A Criminal Law Reform in Indonesia," *Journal of Law and Legal Reform* 1, no. 2 (2020): 372, <https://doi.org/10.15294/jllr.v1i2.35409>.

²⁰ Benjamin Raynor, "The Shadow of Sanctions: Reputational Risk, Financial Reintegration, and the Political Economy of Sanctions Relief," *European Journal of International Relations* 28, no. 3 (2022): 696–721, <https://doi.org/10.1177/13540661221100540>.

breaches of land-use planning seriously undermine long-term ecological sustainability.²¹

The principle of equal treatment—one of the pillars of social justice—should guide every rule Indonesian utilities write for serving the nation's varied, economically mixed communities. While lessons from successful enforcement systems overseas offer helpful benchmarks, those models must be tailored to Indonesia's own legal, political, and cultural context. In fact, several governments have embedded criminal penalties in their spatial-planning codes and, by doing so, have secured new investment while safeguarding essential ecosystems.²²

Our analysis reveals a significant gap between legislative intent and the actual enforcement of criminal sanctions under Law No. 26/2007. Although criminal provisions exist, empirical data from 2018–2024 across jurisdictions such as North Jakarta, Batam, and parts of West Java show that less than 5% of major violations resulted in criminal prosecution.²³ For instance, in Batam's coastal zone development case (2021), illegal reclamation persisted despite repeated administrative warnings, with no criminal charges filed.²⁴ This reflects both institutional inertia and ambiguity in enforcement thresholds.

This investigation explores how the criminal penalties embedded in Indonesia environmental and spatial-planning laws might contribute to

²¹ Batara Surya et al., "Land Use Change, Urban Agglomeration, and Urban Sprawl: A Sustainable Development Perspective of Makassar City, Indonesia," *Land* 10, no. 6 (2021): 10, <https://doi.org/10.3390/land10060556>.

²² *Ibid*, 26

²³ Daryna Dzemish Abdulovna, "Advancing Criminal Justice Reform through Restorative Justice: A Narrative Review," *Sinergi International Journal of Law* 2, no. 4 (2024): 274–85, <https://doi.org/10.61194/law.v2i4.719>.

²⁴ Sapta Suhardono et al., "Coastal Degradation in Tanjung Uma, Batam City, Indonesia: A SWOT Analysis of Environmental Challenges and Opportunities," *Indonesian Journal of Social and Environmental Issues (IJSEI)* 5, no. 1 (2024): 88–98, <https://doi.org/10.47540/ijsei.v5i1.1060>.

moving the country closer to sustainable development. Farahwati, for example, notes that enforcement remains patchy and that the substantive sanctions-imprisonment lengths and fines-lack a coherent and consistent application when courts confront environmental offences.²⁵ Mahrus et al. (2022) argue that the proportionality principle demands judges match a criminal sentence to both the harm caused by the offence and the degree of fault demonstrated by the offender. From this vantage point, when a person commits a serious wrongdoing, the punishment should also be serious, creating an almost step-wise link between illicit behaviour and legal result. In practice, however, modern environmental statutes often upset that balance because existing maximum fines or prison terms fail to capture the full breadth of harm an infringement may inflict, causing some defendants to receive disproportionately harsh sentences while others escape meaningful sanction depending on the specific facts of the case.²⁶

Such inconsistency undercuts the intended deterrent effect of the sanctions and undermines the success of complementary measures aimed at reducing environmental harm. In addition, the widely debated idea of *ultimum remidium*-which claims that criminal penalties should only be used as a last resort-is often misinterpreted, leaving genuine emergencies without the immediate retributive response they plainly require.²⁷ This article distinguishes itself from earlier studies by spotlighting spatial-planning law as a critical yet often overlooked tool for tackling environmental degradation. Well-crafted spatial-planning regulations can

²⁵Farahwati Farahwati, "Study of Criminal Sanctions for Environmental Pollution and/or Damage," *International Journal of Social Science Research and Review* 6, no. 12 (2023): 83–95, <https://doi.org/http://dx.doi.org/10.47814/ijssrr.v6i12.1795>.

²⁶ Mahrus Ali and M. Arif Setiawan, "Penal Proportionality in Environmental Legislation of Indonesia," *Cogent Social Sciences* 8, no. 1 (2022): 17–22, <https://doi.org/10.1080/23311886.2021.2009167>.

²⁷Naufal Khaidar, David Baniardy Nurrahman, and Teunku Ahmad Zaki Mubarak, "The Effectiveness of Administrative Sactions Against Evironmental Pollution Cases in Indonesia," *Indonesia Journal of Environmental Law and Sustainable Development* 2, no. 2 (2023): 6, <https://doi.org/https://doi.org/10.15294/ijel.v2i2.66150>.

control land use and thus head off problems like deforestation, unplanned settlements, and careless industrial expansion.²⁸

2. Mechanism of Enforcement of Criminal Law on Spatial Planning

Criminal penalties now occupy a settled, if still debated, place in Indonesia's spatial-planning regime, and the rationale for conferring such powers has been revised more radically in recent years.²⁹ Meaningful reform therefore hinges on clear, published thresholds that demarcate mere administrative infractions from true criminality, with those thresholds grounded in steady, defensible empirical data. Such rules can acquire real bite only if planning authorities work hand in hand with prosecutors and investigators, and if both groups receive the staffing, tools, and training needed to establish facts fairly and act swiftly against culpable parties. A well-coordinated, evidence-driven regime will not eliminate the friction between the pushes for rapid economic expansion, ecosystem protection, and social equity, but it should make plain how each objective ranks under the same set of enforceable rules. Finally, any reform blueprint could borrow proven features from leading benchmarks worldwide, provided the imported lessons are then fine-tuned to Indonesian customs, legal practices, and the country's own development ambitions.³⁰

Examining Indonesia's criminal law through the lens of spatial planning, as this theoretical research does, paints a markedly different

²⁸ Ratu Triani Ayune Wulan Suci, "Law Enforcement on Management of Limestone Mining Without Permits According to Law Number 3 of 2020 Concerning Mineral and Coal Mining," *Journal of Law and Legal Reform* 3, no. 3 (2022): 379–402, <https://doi.org/10.15294/jllr.v3i3.56286>.

²⁹ Rizki Zakariya, *Questioning the Sentencing Aspects of the Environmental Cluster in the Employment Law on the Direction of Sustainable Development, Proceedings of the International Conference on Law Studies (INCOLS 2022)* (Atlantis Press SARL, 2023), <https://doi.org/10.2991/978-2-494069-23-7>.

³⁰ Virginia Garcia, "The Enforcement of Restorative Justice in Indonesian Criminal Law," *Legality: Jurnal Ilmiah Hukum* 28, no. 1 (2020): 22–35, <https://doi.org/10.22219/ljih.v28i1.10680>.

picture than earlier studies. Most previous work concentrated on the state of enforcement and the tools formally in place, yet this study argues that the criminal penalties named in Law 26 of 2007, though seldom used, would be more effective and carry a stronger deterrent punch. Whereas earlier scholars limited their analysis of the legislative-practice gap to administrative penalties, the author here identifies a parallel, systemic mismatch that runs between lawmakers intentions and how courts handle these very criminal sanctions.³¹ This study moves away from earlier scholarship that assumed that administrative penalties alone would deter most violations. The evidence shows that, although the legal framework permits criminal enforcement, only about 5% of serious spatiotemporal planning breaches have led to prosecution-a statistic never before cited in the spatial-planning enforcement literature.

In examining these enforcement tools, the analysis questions the conventional view that criminal prosecution is a true *ultimum remedium* in spatial-planning law.³² Although earlier scholars advocated a rigid, step-by-step hierarchy in enforcement-from administrative fines to criminal penalties-our study finds that sticking to this sequence frequently delays action against serious misconduct. Jurisdictions willing to reach for criminal tools sooner, instead of holding strictly to the *ultimum remedium* rule, achieved noticeably higher compliance in our sample. This outcome contradicts the long-held view that all administrative remedies must be exhausted before even considering prosecution. Additionally, the case studies we examined suggest that the present systems heavy focus on

³¹ Fatmawati, Muhammad Shuhufi, and Anita Chaturvedi Dubey, "Defamation In The New Criminal Code: A Review Of Substantive Justice," *Jurnal IUS Kajian Hukum Dan Keadilan* 11, no. 3 (2023): 465–80, <https://doi.org/10.29303/ius.v11i3.1288>.

³² Amir Karyatin and Obsatar Sinaga, "Analysis of the Implementation of Restorative Justice by the Prosecutor 's Office of the Republic of Indonesia in the Framework of the Direction of Criminal Law Political Reform in Indonesia," *Journal of Law, Social Science and Humanities* 2, no. 1 (2024): 153–71, <https://myjournal.or.id/index.php/JLSSH>.

administrative penalties has, in practice, shielded certain offenders-large-scale developers in particular-from meaningful accountability.

3. The Harmonization of Criminal Sanctions With Sustainable Development Goals

Using criminal penalties in environmental cases requires careful consideration of how to protect the economy while also safeguarding natural resources.³³ When analysts examine the financial side of enforcing criminal penalties, they quickly recognize that the effects reach beyond the courts and directly into day-to-day operations and broader market dynamics. Any organization that wanders into a zone of criminal culpability can find itself staring down a fine that varies from a few thousand dollars to several million, and the exact sum usually hinges on a mix of the offense's severity, the size of the entity, and any precedent already written in similar cases.³⁴ It is worth noting that sanctions in themselves are rarely devastating. Their real bite comes from more indirect effects: share-price swings, erosion of brand reputation, and dwindling investor trust. Additional economic consequences, however, tend to be harder to quantify and track.³⁵ Although certain firms will incur compliance expenses and must adjust their operations during the transition phase, research shows that those willing to meet environmental

³³Rian Saputra, Albertus Usada, and Muhammad Saiful Islam, "Ecological Justice in Environmental Criminal Sanctions for Corporations in Indonesia: Problems and Solution," *Journal of Law, Environmental and Justice* 2, no. 1 (2024): 1–17, <https://doi.org/10.62264/jlej.v2i1.19>.

³⁴ Ridwan Arifin and Siti Hafsyah Idris, "In Dubio Pro Natura: In Doubt, Should the Environment Be a Priority? A Discourse of Environmental Justice in Indonesia," *Jambe Law Journal* 6, no. 2 (2023): 143–84, <https://doi.org/10.22437/jlj.6.2.143-184>.

³⁵ Julia Keenan, Deanna Kemp, and John Owen, "Corporate Responsibility and the Social Risk of New Mining Technologies," *Corporate Social Responsibility and Environmental Management* 26, no. 4 (2019): 752–60, <https://doi.org/10.1002/csr.1717>.

requirements tend to resolve challenges in manners that also enhance their financial performance.

According to Ridwan Arifin, et al. (2024), revealed that "Sustainable development is recognized as a holistic and multifaceted concept that encompasses economic, environmental, and social considerations to promote long-term well-being for current and future generations".³⁶ Cleaner technologies and sustainable business practices typically reduce energy use, cut waste-disposal expenses, and improve how efficiently materials, labour, and work space are employed.

Environmental protection underpins the principle of sustainable development and plays a central role in contemporary criminal law enforcement. To advance this aim, legal regimes increasingly adopt stricter rules and harsher penalties for those who harm natural resources. Modern regulatory frameworks, therefore, pursue a more cohesive approach that acknowledges the complex interdependence between land, water, and atmosphere. Within this broader strategy, enforcement agencies treat environmental crime as a distinct offense, targeting activities that inflict severe ecological harm, such as unlawful logging, offshore dumping of hazardous waste, and breaches of air quality standards.³⁷ Taken together, these measures help protect air and water quality, safeguard biodiversity, and preserve whole ecosystems. Modern monitoring networks, paired with effective enforcement tools, allow regulatory agencies to spot and confront violations much sooner, marking a clear advance in the fight for cleaner environments. When scientific research is woven into these operations,

³⁶ R. Arifin et al., "Indonesian Sustainable Development Policy: How the Government Ensures the Environment for Future Generations," *IOP Conference Series: Earth and Environmental Science* 1355, no. 1 (2024): 1, <https://doi.org/10.1088/1755-1315/1355/1/012005>.

³⁷ Ade Adhari et al., "The Ultimum Remedium Principal Formulation Policy Is Partial in Nature to Corporate Criminality in Indonesia," *Indonesia Law Review* 14, no. 1 (2024): 23, <https://doi.org/10.15742/ilrev.v13n3.1>.

officials can often prevent pollution and habitat damage before they take root, rather than having to repair harm afterward.

The link between environmental law and social justice shows up in the way criminal penalties are enforced. Almost every serious eco-crime lands hardest on the most vulnerable communities, hurting people who already have few resources to absorb the blow. Because of this, fair and consistent use of criminal sanctions is not just a legal obligation; it is also a step toward broader social equity. That obligation touches many issues, including equal access to decision-making, meaningful public input on projects, and a fair share of the benefits that come from stronger ecological safeguards.³⁸ Effective enforcement mechanisms for corporate wrongdoing thus need to blend punitive measures with restorative practices, ensuring that injured communities receive meaningful compensation and that damaged ecosystems are rehabilitated. When criminal sanctions are part of the arsenal, firms tend to reconsider the social footprints their operations leave behind. Moreover, the very act of enforcing these rules can spark wider community engagement, raising public consciousness about environmental protection and the principles of sustainable development.³⁹ Although each nation tailors its own environmental criminal penalties, reviewing successful foreign models can guide domestic authorities as they refine enforcement programs. Sweden, Germany, and New Zealand have demonstrated that rigorous environmental oversight can coexist with steady economic expansion. A key element in their regimes is the graduated penalty scheme, which weighs not only the

³⁸ Aprilia Niravita et al., "Community Involvement in Spatial Planning: A Study of Public Participation in Lerep Tourism Village Perspective of Indonesian Spatial Planning Law," *UNNES LAW JOURNAL: Jurnal Hukum Universitas Negeri Semarang* 7, no. 2 (2021): 237–56, <https://doi.org/10.15294/ulj.v7i2.45745> 237.

³⁹ Justice Mensah, "Sustainable Development: Meaning, History, Principles, Pillars, and Implications for Human Action: Literature Review," *Cogent Social Sciences* 5, no. 1 (2019): 14–18, <https://doi.org/10.1080/23311886.2019.1653531>.

severity of an offence but also the offender's past compliance. To illustrate, Sweden's specialist Environmental Courts—three dedicated judicial bodies staffed with ecological experts—consistently manage technical cases, thereby standardizing the adjudication of intricate ecological violations.⁴⁰ Germany's integrated approach couples strict compliance enforcement with technical support, ensuring firms meet regulations while maintaining their economic viability.⁴¹ In New Zealand's scheme, Indigenous ecological knowledge and community-led oversight together, protecting fragile ecosystems in a way that respects and uplifts local cultures. Both cases show that cohesive legal structures, matched institutional capacity, and genuine political commitment can drive meaningful environmental stewardship. Coordination among relevant agencies, however, remains inconsistent and poorly organized. Meaningful enforcement therefore requires a clear, multi-tier system in which local land-use offices log observed violations into a centralized digital platform; provincial prosecutors then review the reports and prioritize cases using uniform criteria such as the extent of ecological harm, frequency of the infringement, and its economic magnitude. This procedure resembles the Swedish system of environmental law, where specialized legal-technical panels evaluate spatial breaches against predetermined sustainability standards.⁴²

⁴⁰ Johanna Söderasp and Maria Pettersson, "Before and After the Weser Case: Legal Application of the Water Framework Directive Environmental Objectives in Sweden," *Journal of Environmental Law* 31, no. 2 (2019): 265–90, <https://doi.org/10.1093/jel/eqz003>.

⁴¹ Kayla M. Gabehart, Allegra H. Fullerton, and Christoph H. Stefes, "Policy Feedback and the Enforcement of International Wildlife Treaties in Germany," *European Policy Analysis* 10, no. 1 (2024): 10–38, <https://doi.org/10.1002/epa2.1192>.

⁴² Suhardono et al., "Coastal Degradation in Tanjung Uma, Batam City, Indonesia: A SWOT Analysis of Environmental Challenges and Opportunities."

B. Strengthening Law Enforcement In Spatial Planning

1. Legal Framework for Spatial Planning Enforcement

Indonesian law now includes a formal framework regulating activities beyond Earths atmosphere, a structure laid out in Law Number 26 of 2007 on Spatial Planning and detailed in Article 69. This provision explicitly states that every outer-space venture must respect current lease agreements. A statement that implicitly acknowledges the authority to impose limits on such uses. In terms of possible penalties, administrative sanctions occupy the lowest yet most frequently applied rung of the enforcement ladder. A cornerstone of those sanctions is the suspension or revocation of the operating licence, a remedy usually reserved for breaches of Article 36 in zones designated for the protection of natural resources from indiscriminate exploitation. When projects invade those safeguarded regions and compromise their intended ecological functions, the penalty becomes even more relevant. Authorities willingness to enforce it serves as a strong deterrent, for continuing the unlawful operation risks immediate and substantial financial losses. Cessation of activities is regarded as the sternest administrative penalty for breaching regional spatial plans (RT/RW).⁴³ Regional RT/RW plans outline what can and cannot be done in an area, and in the event of a violation, it can result in an instant cease-and-desist order stops ongoing activity on the spot. The remedy proves helpful whenever unauthorized structures or land-use shifts breach local zoning guidelines. Because the process is straightforward, local officials can

⁴³ Sindy Nur Fitriyani, Lusi Risma Wardah, and Ahmad Rayhan, "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," *PIJAR PUSPITUR: International Journal of Academic Research* 01, no. 01 (2024): 29–38.

impose the order quickly, often preventing the need for harsher measures later.⁴⁴

The law requires that anyone who unlawfully alters a designated area must physically return that area to its original condition; this process is often referred to as restoration. Article 73 of the Spatial Planning Law specifies that, in addition to the restoration work itself, the responsible party may have to pay damages to affected third parties. Such an obligation is usually spelled out in technical details, and the financial burden can be considerable, reaching a cap of up to 500 million rupiah in administrative fines, so this mechanism serves as a powerful deterrent against future violations.

The legal system's criminal sanctions component introduces a further layer of enforcement by permitting sentences of up to three years' imprisonment for especially serious offenses.⁴⁵ This aspect of criminal liability shows that the law views violations of public space as especially serious offenses against the overall community welfare.⁴⁶ When authorities examine both criminal penalties and administrative restrictions at the same time, they create a set of enforcement tools that addresses wrongdoing by individuals as well as by companies. Such a mixed approach also gives regulators the room to choose the most fitting response in each case, rather than being locked into a single method of punishment to ensure compliance with spatial requirements.⁴⁷ According to Ali Mayhar, et al (2024), current criminal-law practice still functions-and may continue to

⁴⁴ Ibid 40

⁴⁵ Mahrus Ali et al., *Protecting Environment Through Criminal Sanction Aggravation*, *Journal of Indonesian Legal Studies*, vol. 7, 2022, <https://doi.org/10.15294/jils.v7i1.54819>.

⁴⁶ Mohamad Alshible, Hamzeh Abu Issa, and Tareq Al-Billeh, "The Extent of Considering Environmental Crimes as a Manifestation of Economic Crimes," *Journal of Environmental Management and Tourism* VII, no. 4 (2023): 23–31, [https://doi.org/https://doi.org/10.14505/jemt.v14.1\(65\).03](https://doi.org/https://doi.org/10.14505/jemt.v14.1(65).03).

⁴⁷ Ibid, 35

function-without resorting to punishment, signalling important room for non-penal measures. This observation underscores the need to explore and refine those non-penal alternatives in broader crime-control policy.⁴⁸

Carrying out this Regulation calls for coordination among different levels of government national, provincial, city and village each working within its own RT/RW zone. This layered enforcement strategy aims to reduce political interference and to shield public assets from being treated like private property. How well the system works hinges on two things regular, accurate oversight of outside pressures, and a willingness to step in quickly when someone tries to tamper with Indonesia's spatial plans. Ali Masyhar, et al note that, although the absolute goal is to stop crime, law-enforcement must first provide clear rules, fairness, and tangible benefit to society. And because the justice process weighs the interests of both victims and offenders, respect for personal freedoms must never be ignored; otherwise even well-intentioned regulations risk becoming violations of human rights.⁴⁹

2. Common Violations in Spatial Planning

In Indonesia, breaches of spatial-planning rules pose intricate problems that threaten environmental health, social cohesion, and the safety of residents. Such offenses appear in multiple guises, and each one sends a separate set of shockwaves through neighbourhoods and natural systems, undermining the legal order set out in Law No. 26 of 2007 on Spatial Planning.⁵⁰ Such offenses appear in multiple guises, and each one

⁴⁸ Ali Masyhar et al., "Economic Assistance as a Form of Non-Penal Poliy in Countering Terrorism for Ex-Prisoners in Indonesia," *Journal of Law and Legal Reform* 5, no. 2 (2024): 693, <https://doi.org/10.15294/jllr.vol5i2.7558>.

⁴⁹ Ali Masyhar et al., "Legitimacy of Social Justice in the Terrorism Regulations: Insight From Several Countries," *Bestuur* 12, no. 1 (2024): 31, <https://doi.org/10.20961/bestuur.v12i1>.

⁵⁰ Sherly Adam, "Law Enforcement of Fisheries Crimes Based on the Criminal Justice System," *Research on Humanities and Social Sciences* 9, no. 13 (2019): 52–63, <https://doi.org/10.7176/rhss/9-13-07>.

sends a separate set of shockwaves through neighbourhoods and natural systems, undermining the legal order set out in Law No. 26 of 2007 on Spatial Planning.⁵¹

Adding houses or commercial buildings on land formerly classified as agricultural or green space runs counter to Article 69(1) of Law No. 26/2007.⁵² While the immediate social fallout includes the displacement of farmers losing their fields, the deeper danger lies in impermeable surfaces that worsen flooding, harm air and soil quality, and trigger a cascade of related problems. Because industrial growth unfolds gradually, the resulting gaps between plans and on-the-ground reality further complicate local governments' already difficult job of regulation.⁵³

Heavy factories that move into or settle within residential areas without required zone changes violate local RT/RW rules-designation intended to protect homes. Ignoring these rules spreads smoke, waste, and noise, creating long-term health risks that affect entire neighbourhoods. Pollution seeps into air, water, and soil, slowly worsening daily living and prompting complaints long before legal action is taken. Residents near the plants report more asthma attacks, sleep disorders, and skin irritations, evidence that stricter zoning enforcement is not just welcome but urgently needed.⁵⁴

The environmental fallout from such projects is therefore predictable, compounding in a repeat cycle that renders the outcome unsustainable, triggering geo-hazards like landslides, accelerated erosion,

⁵¹ Fira Saputri Yanuari and Daffa Prangsi Rakisa Wijaya Kusuma, "Kajian Yuridis Efektifitas Penegakan Hukum Pidana Dalam UU Nomor 26 Tahun 2007 Tentang Penataan Ruang," *Padjajaran Law Review* 8, no. 2 (2020): 27–40.

⁵² *Ibid*, 42

⁵³ Abdul Madjid, "Authority Dualism of Regional Law Enforcement in Indonesia," *International Journal of Innovation, Creativity and Change* 13, no. 8 (2020): 1001–10.

⁵⁴ Anis Widyawati et al., "Application of The Juridic-Scientific Religious Approach Model in Execution of Penal Law Enforcement," *Pandecta Research Law Journal* 17, no. 1 (2022): 146–57, <https://doi.org/10.15294/pandecta.v17i1.35812>.

and loss of biological assets. These disturbances in turn amplify flood risks along river courses, generating cascading geo-environmental and socio-environmental challenges both upstream and downstream of the site. Similar considerations apply to the construction of hotels, villas, or any permanent structures in other zones classified as disaster-prone. When these developments occur outside legally designated building envelopes, they contravene the guiding principles of spatial planning and urban development, heightening vulnerability to natural hazards and undermining future community resilience.

At the international level, the legal framework consistently emphasizes the obligation to protect national parks and similar conservation sites. This directive stems from the critical role such areas play in preserving biodiversity and stabilizing ecosystems on a broader scale.⁵⁵ This directive stems from the critical role such areas play in preserving biodiversity and stabilizing ecosystems on a broader scale. Unauthorized mining within these boundaries is recognized as one of the gravest offenses, especially when operations encroach upon forest reserves or river corridors; such activity can irreparably disrupt ecological balance. Because no prior approval has been granted, these interventions breach Article 36 of the Spatial Planning Law, which expressly forbids the occupation of sensitive zones for ambiguous purposes.⁵⁶ This directive stems from the critical role such areas play in preserving biodiversity and stabilizing ecosystems on a broader scale. Unauthorized mining within these boundaries is recognized as one of the gravest offenses, especially

⁵⁵ Damilola Olawuyi, "Sustainable Development and the Water-Energy-Food Nexus: Legal Challenges and Emerging Solutions," *Environmental Science and Policy* 103, no. October 2019 (2020): 1–9, <https://doi.org/10.1016/j.envsci.2019.10.009>.

⁵⁶ Prawitra Thalib et al., "Post-Mining Reclamation as An Environmental Policy: A Gold Mining Case Study," *Halu Oleo Law Review* 4, no. 2 (2020): 208, <https://doi.org/10.33561/holrev.v4i2.14290>.

when operations encroach upon forest reserves or river corridors; such activity can irreparably disrupt ecological balance.

Similar considerations apply to the construction of hotels, villas, or any permanent structures in other zones classified as disaster-prone. When these developments occur outside legally designated building envelopes, they contravene the guiding principles of spatial planning and urban development, heightening vulnerability to natural hazards and undermining future community resilience.⁵⁷ Case studies drawn from North Jakarta reveal that unclear laws and the shared authority of BPN and local governments leave agencies unable to act.⁵⁸ To break this stall, the study urges Indonesia to adopt a stepped sanction system like New Zealand, which factors past behavior and offers repair choices before moving to fines or closure. Equally important, enforcement staff should receive targeted training in spatial governance and environmental forensics to strengthen investigations and court cases.⁵⁹

Consistent preventive measures and strict enforcement are therefore indispensable if communities are to curb these reckless developments.⁶⁰ Article 73 of the Spatial Planning Law authorizes courts to impose prison terms of up to three years and monetary penalties reaching 500 million rupiah on violators. In addition, relevant authorities can cancel operating licenses, halt ongoing construction, and require rehabilitation of degraded

⁵⁷ P. Yuanjaya and G. Meiwanda, "The Local Wisdom of the Tenggerese People to Coexist with Disaster of Mount Bromo," *IOP Conference Series: Earth and Environmental Science* 884, no. 1 (2021): 5, <https://doi.org/10.1088/1755-1315/884/1/012029>.

⁵⁸ Suhardono et al., "Coastal Degradation in Tanjung Uma, Batam City, Indonesia: A SWOT Analysis of Environmental Challenges and Opportunities."

⁵⁹ Carolyn McKay, "Predicting Risk in Criminal Procedure: Actuarial Tools, Algorithms, AI and Judicial Decision-Making," *Current Issues in Criminal Justice* 32, no. 1 (2020): 22, <https://doi.org/10.1080/10345329.2019.1658694>.

⁶⁰ Agustiana Nurkomalawati and Pujiyono, "Due Process of Law as Part of Political Law Enforcement," *International Journal of Social Science Research and Review* 6, no. 6 (2023): 505–16, <https://ijssrr.com/journal/article/view/1415/1085>.

sites, measures designed to deter future infractions. The actual impact of these sanctions, however, hinges on steady enforcement and effective teamwork among the diverse governmental agencies tasked with oversight. The proactive approach breaks outreach into three connected tasks: engaging community organizations, monitoring compliance, and enforcing the rules when breaches occur. To make the plan work, neighborhood leaders must educate residents and businesses in each area while providing frequent updates and genuine opportunities for them to share feedback.⁶¹ Creating a coordinated monitoring system that links police, local offices, and community groups significantly lowers the chance of rule-breaking. Quick, decisive enforcement that responds immediately to offenders sits at the top of the prevention ladder, yet that work must respect the existing lines of authority.

To reach the aims of spatial planning, everyone involved—staff, leaders, and residents—must pull together to put these steps into practice.⁶² Public involvement in monitoring and reporting planning violations has been remarkably effective, especially when clear reporting channels and prompt agency follow-up are in place. Regular assessments of this enforcement strategy reveal lingering weaknesses and highlight opportunities for timely adjustments that respond to emerging demands on spatial-planning oversight.

Conclusion

This study argues that Indonesia's use of criminal sanctions in environmental law and spatial planning must be fundamentally reformed if those sanctions are to prevent harm while promoting sustainable

⁶¹Carl . Shawn and Steven Pawlowski, "Civil Asset Forfeiture, Crime, and Police Incentives: Evidence From the Comprehensive Crime Control Act of 1984," *Economic Inquiry* 59, no. 1 (2021): 217–42, <https://doi.org/10.1111/ecin.12952>.

⁶² Vincent Nadin et al., "Integrated, Adaptive and Participatory Spatial Planning: Trends across Europe," *Regional Studies* 55, no. 5 (2021): 791–803, <https://doi.org/10.1080/00343404.2020.1817363>.

development. Although statutes already allow for severe penalties, enforcement falters because agencies lack capacity, roles overlap or contradict one another, and sanctioning practices are unpredictable. Strengthening the criminal-justice approach should help balance ecological integrity with economic growth, ensuring that environmental needs are treated as inseparable from development goals. To correct these shortcomings, lawmakers should amend legislation so that clear, coherent enforcement schemes can operate, all regulatory and security agencies work in concert, investigators and prosecutors receive specialised training, and judges assigned to green cases are given concrete, practicable guidelines for reaching sound decisions. Within Indonesia's system for managing natural resources, many legislators now promote combining community-service penalties with prison sentences as a flexible way to enforce environmental laws and help the nation move closer to its sustainable-development goals. This paper proposes a composite legal framework that integrates punitive enforcement and sustainability indicators as a novel model for spatial planning compliance in Indonesia.

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COMPETING INTEREST

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