



## LAW ENFORCEMENT AND LIABILITY OF GOVERNMENT OFFICIALS FOR SPATIAL PLANNING VIOLATIONS AT PIK-2 AREA TANGERANG REGENCY

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### ARTICLE INFO

#### **Keywords:**

Law Enforcement; National Strategic Projects; Spatial Planning Violations.

### ABSTRACT

Determination Project National Strategic Area in the Pantai Indah Kapuk-2 (PIK-2) area, Tangerang Regency, has caused polemic Because suspicion spatial planning violations and lack of analysis impact environment as well as social for public around. Research This aim analyze policy determination of PIK-2 as Project National Strategic and enforcement justice in implementation regulations the method law normative used with reviewing secondary data in the form of regulation legislation and documents related. Findings main show that determination of PIK-2 not in accordance with Constitution Number 26 of 2007 concerning Spatial Planning and Banten Regional Regulation Number 1 of 2023. Regulatory process done without notice spatial planning regulations and impacts environment in a way comprehensive and minimal involvement community. Impact identified concrete covering damage environment coast and loss access public to land productive. Research propose giving sanctions in the form of enforcement law strict to the issuing official regulations No in accordance rules to avoid violations in the future. The implication is that enforcement more laws strong and evaluation repeat PIK-2 Project National Strategic policy is important done with involving community and stakeholders interests so that development walk sustainable, fair, and maintain sustainability environment as well as social.

## A. INTRODUCTION

The Regional Spatial Plan plays a crucial role in ensuring the smooth and sustainable implementation of national strategic projects by providing a clear legal framework and spatial planning framework, as well as ensuring environmental sustainability. Spatial planning optimizes spatial utilization, enabling National Strategic Projects to be implemented efficiently and effectively.<sup>1</sup> Spatial planning is crucial for meeting the land requirements of various national strategic projects, and therefore, the issuance of spatial planning compliance permits is essential.<sup>2</sup> Regulations concerning National Strategic Projects are stipulated in Presidential Regulation Number 3 of 2016 on the Acceleration of National Strategic Project Implementation, which has been amended multiple times, most recently by Presidential Regulation Number 109 of 2020. This regulation covers aspects such as licensing and non-licensing procedures, spatial planning, project execution, delegation of authority, monitoring and evaluation, as well as the use of domestic components.<sup>3</sup>

In this regard, Article 33 of the 1945 Constitution serves as the constitutional foundation, stipulating that land, water, and natural resources are under state control and should be utilized for the greatest benefit of the people. This principle underscores that resource management and spatial planning must balance economic, social, and environmental considerations, ensuring that development not only serves investors but also addresses the needs and interests of the wider community.<sup>4</sup>

Right country for control in the context of development, it must be driven by the interests of the people, although legalizing the exploitation of natural resources is not solely for investment purposes. In national strategic projects, development directions that meet all interests must be considered in planning to avoid harming local communities. Land acquisition for National Strategic Projects must be conducted through transparent and fair procedures, avoiding forced evictions or the conversion of protected areas, which risk damaging ecosystem structures.

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<sup>1</sup> Zakie Mukmin, "Tarik Ulur Kewenangan Pusat dan Daerah dalam Penataan Ruang Proyek Strategis Nasional," In *Prosiding Seminar Hukum Aktual Fakultas Hukum Universitas Islam Indonesia* 1, no. 3 (2023): 45.

<sup>2</sup> Sutaryono Sutaryono, Rakhmat Riyadi, and Susilo Widiyantoro, *Tata ruang dan perencanaan wilayah: Implementasi dalam kebijakan pertanahan*, (Sleman: STPN Press, 2020), 34.

<sup>3</sup> Rooza Meilia Anggraini, "Agrarian Conflict over the Construction of the Bener Purworejo Dam: A Normative Juridical Perspective," *El-Dusturie* 1, no. 1 (2022): 56. See too, Marzuki, Peter Mahmud, and MS Sh, *Introduction to legal science*, (Jakarta: Prenada Media, 2021), 67.

<sup>4</sup> T. Rachman, "Environmental Impact of Spatial Planning Violations," *Environmental Science & Policy* 8, no. 9 (2018): 38. See too, A. A.Khusnawati, & Hardjomuljadi, S., "Kompleksitas Aspek Hukum pada Proyek Strategis Nasional: Studi Kasus LRT Jabodebek," *Jurnal Ilmu Hukum, Humaniora dan Politik* 5, no. 3 (2025): 109.

However, in practice, spatial planning violations often occur in the implementation of National Strategic Projects, which have the potential to cause serious social and ecological impacts, such as environmental damage, loss of community access to productive land, and increased disaster risks. The case of the determination of the Pantai Indah Kapuk-2 (PIK-2) area in Tangerang Regency, Banten, is a clear example of a spatial planning violation carried out without adequate environmental impact studies and minimal community involvement, resulting in coastal damage and social conflict.<sup>5</sup>

The PIK-2 project is considered legally problematic because it does not comply with the Regional Spatial Plan and does not have a Detailed Spatial Planning. covers an area of 1,705 hectares, with 1,500 hectares of it is area forest protected. When this, not yet There is downgrade from Forest Protect become forest over function, from forest over function become Other Designated Areas. In the context of spatial planning, various policies have been created with the aim of creating orderly spatial use and controlling development in Indonesia. However, in practice, the implementation of spatial planning policies still faces two crucial problems: (1) the rampant violation of spatial planning regulations, and (2) inconsistent law enforcement particularly in the application of legal sanctions (law enforcement).

The designation of Pantai Indah Kapuk-2 (PIK-2) as a National Strategic Project has had a significant impact on the community, particularly in social, economic, and environmental aspects. Socially, the project has resulted in agrarian conflicts and evictions, with many residents losing their land without adequate compensation.<sup>6</sup> Unequal land acquisition has resulted in injustice for local residents who previously depended on the area for their daily livelihoods. Economically, the project is considered more profitable for developers than for the surrounding community, who have even struggled to access land and jobs due to land conversion. Environmentally, reclamation and development in protected forest areas have damaged the environment, threatened the sustainability of mangrove forests, and increased the risk of ecological disasters such as flooding and erosion.

In addition, the social impacts that arise include the loss of access for local communities to productive land which is their source of livelihood, and unfair distribution. development benefits, and the potential for social conflict

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<sup>5</sup> Muhammad Hilmi Abdurrahman and Ike Wanusmawatie, "Development of Pantai Indah Kapuk 2 as a National Strategic Project (Study of the Application of the Society Centered Approach in the Criticism of the Development of PIK 2)," *Tambusai Education Journal* 9, no. 2 (2025): 22448. See too, Palenewen. *Rights to Land and Natural Resources*, (Bandung: Widina Publisher, 2024), 90.

<sup>6</sup> CA. Waruwu, "Indah Kapuk Beach Reclamation Policy 2: Impact on the Social and Economic Community of Teluknaga District," *Journal of Politics and Government studies* 14, no. 2 (2025): 1167. See too, Rooza Meilia Anggraeni, "Conflict Agrarian Dam Construction Right Purworejo: Perspective Juridical Normative." *El- Dusturie* 1, no. 1 (2022): 249.

due to minimal public consultation and participation. The case of the designation of the Pantai Indah Kapuk-2 (PIK-2) area in Tangerang Regency, Banten, is a concrete example of a spatial planning violation that ignores the principles of sustainable and participatory planning, resulting in coastal damage and social problems.<sup>7</sup>

Togar and Martin<sup>8</sup> "Critical Review of the PIK 2 Development Project "Tropical Concept" as a National Strategic Project of the National Strategic Project and its Correlation with State Control Rights over Land. Discusses the application of land acquisition regulations for National Strategic Project, housing development, and disputes that began since the project preparation stage was designed. The main focus of this study is the concept of state control rights over land in the economic sector based on Article 2 paragraph 2 of the Basic Agrarian Law and the impact of the PIK 2 project development. This study emphasizes the discussion of state control over land. The next study is entitled "The Impact of PIK 2 Development on Violations of the Economic, Social, and Cultural Rights of Local Communities".<sup>9</sup>

This study discusses the impacts arising from the development of the PIK 2 National Strategic Project. This study only focuses on impacts related to the surrounding community and focuses on the impact on the community's economy, so this study is not complete enough to discuss the various impacts caused. The impact caused by the development of the Coasland PIK 2 tropical project. The third study from Rooza Meilia Agraini<sup>10</sup> discusses "agrarian conflict over the construction of the Bener Dam in Purworejo from a normative legal perspective." The Bener Dam, which is a national strategic project, is a government program during the Jokowi era where problems arose because the local community considered the damage caused by the construction of this project to have a significant impact on the environment and this development was not in accordance with Law Number 2 of 2012 concerning land acquisition.

This study focuses on the legality of the construction of the Bener Dam as a National Strategic Project using critical and progressive legal theory. So,

<sup>7</sup> Agnova Senida Sinaga, Anggiat Sinurat, and Hisarma Saragih, "Zonasi Ruang Terbuka Hijau dalam Mendukung Pengelolaan Lingkungan Perkotaan yang Berkelanjutan," *PESHUM: Jurnal Pendidikan, Sosial dan Humaniora* 4, no. 2 (2025): 2260.

<sup>8</sup> Togar Siregar, and Martin Roestamy, "Critical review of the pik-2" tropical concept" development project as a national strategy (psn) project and its correlation with the state's land control rights," *jurnal hukum de'rechtsstaat* 3, no. 1 (2024): 42. See too, Ikhsan Prabadianto, and Subagio Effendi, "Evaluasi Manajemen Pajak atas Skema Kontrak Engineering Procurement and Construction (EPC) pada Proyek Pembangkit Listrik Tenaga Uap: Studi Kasus PT ABC," *Jurnal Locus Penelitian dan Pengabdian* 4, no. 6 (2025): 56.

<sup>9</sup> Saifun Nufus, "The Impact of PIK 2 Development on the Economic, Social, and Cultural Violations of Local Communities," *Journal of Multidisciplinary Inquiry in Science, Technology, and Educational Research* 2, no. 2 (2025): 3186.

<sup>10</sup> Rooza Meilia Anggraini, "Agrarian Conflict over the Construction of the Bener Purworejo Dam: A Normative Juridical Perspective," *El-Dusturie* 1, no. 1 (2022): 57.

what distinguishes the three studies above from the research examined by the author, this study focuses on law enforcement and liability of Government Officials for violations of spatial planning. Government Officials who issued regulations on tropical development projects in Coasland PIK 2 are considered to be in conflict with spatial planning regulations in Banten Provincial Regulation Number 1 of 2023 concerning Banten Province Spatial Planning Plan 2023 – 2043.

This research examines how the policy of designating PIK-2 as a National Strategic Project disregards spatial planning principles, resulting in socio-ecological conflict in the surrounding community. The main problems lie in weak environmental impact analysis and minimal public participation in the project's planning.<sup>11</sup>

The study aims to analyze the policy of designating PIK-2 as a National Strategic Area, identify spatial planning violations that have occurred, and evaluate the resulting social and ecological impacts. The results are expected to provide a basis for policymakers to improve spatial planning with an environmentally sound and socially just approach and encourage more effective law enforcement against future spatial planning violations.

## **B. RESEARCH METHODS**

This research uses a normative legal method with a qualitative approach, which is based on document review and analysis as a secondary data source. The secondary data for this study consist of various regulations and official documents related to the Pantai Indah Kapuk-2 (PIK-2) National Strategic Project. These include Law Number 26 of 2007 on Spatial Planning, Banten Regional Regulation Number 1 of 2023 on Spatial and Regional Planning, Presidential Regulation Number 3 of 2016 on the Acceleration of National Strategic Project Implementation, and its latest amendment, Presidential Regulation Number 109 of 2020. In addition, the study also draws on supporting academic sources, such as scientific journals, books, and articles addressing the legal frameworks of spatial planning and the socio-ecological impacts of development.

The data analysis technique used is qualitative analysis by comparing the legal norms stipulated in Law Number 26 of 2007 and Banten Regional Regulation Number 1 of 2023 with the implementation and determination of the Pantai Indah Kapuk-2 National Strategic Plan in official documents. In this way, the research seeks to identify inconsistencies and potential violations of spatial planning, as well as analyze the associated social and ecological impacts. The analysis also includes a critical review of the oversight and law

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<sup>11</sup> Ahmad Jazuli, "Penegakan hukum penataan ruang dalam rangka mewujudkan pembangunan berkelanjutan," *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 6, no. 2 (2017): 276.

enforcement mechanisms in the context of spatial planning regulated by applicable regulations, with the aim of providing recommendations for strengthening the liability of Government Officials involved.

## C. DISCUSSION

### 1. Spatial Planning Regulations Related to National Strategic Projects in the PIK-2 Area Tangerang

The secondary data for this study consist of various regulations and official documents related to the Pantai Indah Kapuk-2 (PIK-2) National Strategic Project. These include Law Number 26 of 2007 on Spatial Planning, Banten Regional Regulation Number 1 of 2023 on Spatial and Regional Planning, Presidential Regulation Number 3 of 2016 on the Acceleration of National Strategic Project Implementation, and its latest amendment, Presidential Regulation Number 109 of 2020. In addition, the study also draws on supporting academic sources, such as scientific journals, books, and articles addressing the legal frameworks of spatial planning and the socio-ecological impacts of development.<sup>12</sup>

The classification of the Pantai Indah Kapuk-2 (PIK-2) area as a National Strategic Project contravenes existing laws concerning spatial planning and the safeguarding of protected forest zones.<sup>13</sup> In particular, Law Number 26 of 2007 on Spatial Planning clearly mandates adherence to the regional spatial plan, which serves as the foundation for regional development, as outlined in Article 18, paragraph (2) of Law Number 26/2007.<sup>14</sup> Likewise, Banten Regional Regulation Number 1 of 2023 on Spatial and Regional Planning affirms that protected forest areas must be preserved to sustain ecological functions and environmental stability (Articles 10 and 23). Within this framework, 1,500 hectares of the total 1,705 hectares designated for the PIK-2 project remain classified as protected forest, with no official change in their legal status.<sup>15</sup>

<sup>12</sup> Tedy Fizal, Soesi Idayanti dan Tyas vika Widyawanti, *Hukum Pembukaan Lahan Perumahan di Kawasan Zona Hijau*, (Pekalongan: NEM, 2024), 34. See too, Sihombing, Ir D. Romi, and M. SH., "Kajian Pagar Laut dalam," *Kajian Pagar Laut dalam Perspektif Hukum Agraria* 15, (Padang: Penerbit Gita Lentera, 2025), 56.

<sup>13</sup> Ady Setiawan, and Maritha Nilam Kusuma, "Fungsi Tata Ruang Dalam Menjaga Kelestarian Lingkungan Hidup," In *Prosiding Forum Ilmiah Nasional Teknik* 1, no. 1 (2022): 69.

<sup>14</sup> Aris Prihandono, "Penyediaan Ruang Terbuka Hijau (RTH) menurut UU No. 26/2007 tentang penataan ruang dan fenomena kebijakan penyediaan RTH di daerah," *Jurnal Permukiman* 5, no. 1 (2010): 13. See too, Rini Afridayanti, Agus Dwi Wijaksono, and Turniningtyas Ayu Rachmawati, "Faktor Penghambat Penyusunan RTRW Kabupaten Pasca Ditetapkannya UU 26/2007 Tentang Penataan Ruang," *The Indonesian Green Technology Journal* 4, no. 3 (2015): 74.

<sup>15</sup> Agnova Senida Sinaga, Anggiat Sinurat, and Hisarma Saragih, "Zonasi Ruang Terbuka Hijau dalam Mendukung Pengelolaan Lingkungan Perkotaan yang Berkelanjutan," *PESHUM: Jurnal Pendidikan, Sosial dan Humaniora* 4, no. 2 (2025): 2261.

Furthermore, changes in the function of protected forest areas must follow strict mechanisms. regulated by Law Number 41 of 1999 concerning Forestry (Article 49 paragraph (1)) and its derivative regulations, which require an official application, technical study, strategic environmental study, and approval from the Minister of Forestry (Law Number 41/1999). In the case of PIK-2, there is no evidence of the implementation of this process legally and transparently, so that the change in function of protected forest to project area ignores the applicable legal procedures.

The designation of Pantai Indah Kapuk-2 (PIK-2) as a National Strategic Project is clearly inconsistent with the prevailing spatial planning laws. Law Number 26 of 2007 on Spatial Planning explicitly requires that all development activities must comply with the Regional Spatial Plan.<sup>16</sup> However, the PIK-2 project was established within a protected forest area without any lawful change of status. This violation is further reinforced by Banten Provincial Regulation Number 1 of 2023, which explicitly designates the area as a protected zone. Accordingly, the designation of PIK-2 demonstrates a disregard for the binding legal norms of spatial planning that should serve as the foundation for development legitimacy.<sup>17</sup>

National Strategic Projects that enter protected forest areas violate regulations related to protected area spatial pattern development strategy policies and have legal impacts because they violate the rules of the Regional Spatial Plan, while sanctions for violations of National Strategic Projects established above protected forest areas can vary, namely administrative sanctions in the form of permit revocation, then civil sanctions and even criminal sanctions, the legal impact of the determination of National Strategic Projects that enters protected forest areas because it violates the rules of the Regional Spatial Plan.<sup>18</sup> The legal impact of the determination of National Strategic Projects in protected forest areas is a concern. It can enter into various legal issues of human rights violations because it violates the rights of civil society, especially in the PIK-2 Development Project issue which causes disparities in society, then the impact of forest degradation which gradually reduces the quality of forests, mangrove forests, and protected forests and

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<sup>16</sup> Yunita Sri Rahayu, Sri Ningsih Hasimi, and Iskandar Zulkarnain, "Penegakan Sanksi Dalam Penataan Ruang Guna Mewujudkan Pembangunan Yang Berkelanjutan Di Indonesia," *Mendapo: Journal of Administrative Law* 3, no. 1 (2022): 48.

<sup>17</sup> Stevanus Eko Pramuji, and Viorizza Suciani Putri, "Meninjau efektivitas penegakan hukum penataan ruang dalam rangka mewujudkan tertib tata ruang," *Jurnal Pertanahan* 10, no. 1 (2020): 34. See too, Krismiarsi Krismiarsi, "The Paradox of Positivistic View and Progressive Law of Criminal Law Enforcement in Indonesia," *Jurnal Media Hukum* 20, no. 2 (2013): 362.

<sup>18</sup> A. Wardana, "Legal Geography of Projects National Strategy: Study Case Dam Right in Purworejo," Central Java, *Law: Journal of Law* 5, no. 1 (2022) 34. See too, W. Sarosa, Simanjuntak, H., & Hamdri, L., "Pengembangan kesadaran dan tanggung jawab masyarakat dalam penataan ruang," (Jakarta: Direktorat Jenderal Pengendalian dan Penertiban Tanah dan Ruang Kementerian Agraria dan Tata Ruang/Badan Pertanahan Nasional, 2021), 281.

the biodiversity contained therein is threatened with extinction. Meanwhile, the development of National Strategic Projects in the PIK-2 Tropical Coastal area is not listed in the Banten Province the Regional Spatial Plan local regulation. This is something that needs to be considered, how its status can become a National Strategic Project which has been licensed since 2024. Therefore, the determination of the Tropical Coastal Area with the status of a National Strategic Project is a major concern, especially from the perspective of the Regional Spatial Plan and has crucial legal implications.<sup>19</sup>

The core legal issues arising from the development of the PIK project are related to law enforcement and accountability of state administrators over the nature reserve area included in the PIK 2 development area. It should be noted that Project National Strategic cannot be used for housing, so the land included in the Project National Strategic is dead land and abandoned land, and is not included in the protected forest area. PIK-2 owned by Sugianto Kusuma alias Aguan is known to have been designated as a Project National Strategic during the Jokowi Dodo era. The government stated that PIK 2 has had a complete development permit. The National Project Strategy aims to improve the quality and facilities of Indonesia's infrastructure quickly in order to increase the efficiency and productivity of the national economy.<sup>20</sup>

The mechanism for changing the status of protected forest areas is very strict in accordance with the Forestry Law and Government Regulation Number 106 of 2015, as well as the Minister of Forestry Regulation Number P.50/MENLHK/SETJEN/KUM.1/10/2017. This procedure includes an AMDAL study, cross-sectoral permits, and central government approval that must be implemented transparently and involve the community (Law Number 41/1999; Minister of Forestry Regulation Number P.50/2017).<sup>21</sup> The lack of openness and public participation in the PIK-2 determination process has the potential to violate the principles of participation and openness mandated in Law

<sup>19</sup> Idham, *Kontruksi pengaturan hukum pelaksanaan landreform dan penataan ruang dalam konteks pelaksanaan Free Trade Zone (FTZ) di Kabupaten Bintan*, (Bandung: Penerbit Alumni, 2022), 47. See too, Martin Roestamy, "Analisis Kritis Pengembangan Kawasan Terpadu Di Bumi Serpong Damai (Bsd) Dalam Perspektif Proyek Strategis Nasional," *Jurnal Ilmiah Living Law* 16, no. 2 (2024): 154.

<sup>20</sup> Diva Pitaloka, S. H. Satria Prayoga, and S. H. Ninin Ernawati, *Pengantar Hukum Tata Ruang*, (Bandung: Mega Press Nusantara, 2024), 23. See too, Dina Susiani, *Hukum Tata Ruang*, (Jakarta: Pustaka Abadi, 2020), 14.

<sup>21</sup> Ramsi Meifati Barus, Alvi Syahrin, Syamsul Arifin, and Muhammad Hamdan, "Pertanggungjawaban Pidana Illegal Logging (Pembalakan Liar) sebagai Kejahatan Kehutanan Berdasarkan Undang-undang No. 41 Tahun 1999 Tentang Kehutanan dan Undang-undang No. 18 Tahun 2013 Tentang Pencegahan dan Pemberantasan Perusakan Hutan," *USU Law Journal* 3, no. 2 (2015): 109. See too, Markus Suryoutomo, Siti Mariyam, and Adhi Putra Satria. "Koherensi Putusan Hakim Dalam Pembuktian Ganti Rugi Imateriel Perbuatan Melawan Hukum," *Jurnal Pembangunan Hukum Indonesia* 4, no. 1 (2022): 138.



Number 32 of 2009 concerning Environmental Protection and Management (Law Number 32/2009).

In the case of PIK-2, there is no public information indicating that all these stages have been properly completed. The lack of transparency and public involvement in the evaluation process even potentially undermines the principle of participation mandated by Law Number 32 of 2009 concerning Environmental Protection and Management. Consequently, the use of protected forest areas without complete legal procedures creates legal vulnerabilities and contributes to environmental degradation.<sup>22</sup>

The PIK-2 case aligns with legal precedents related to spatial planning violations in other national strategic projects. For example, the Jakarta Bay reclamation project, which had its permit partially revoked by the State Administrative Court in 2018. In 2018, Jakarta Governor Anies Baswedan revoked the reclamation permits for 13 islands in Jakarta Bay, but several developers filed a lawsuit with the State Administrative Court. The lawsuit was partially granted by the State Administrative Court, which overturned the revocation of the reclamation permits for several islands, including Islands F, H, and I.<sup>23</sup>

The designation of PIK-2 as a National Strategic Area violates Law Number 26 of 2007 and Banten Regional Regulation Number 1 of 2023, specifically regarding the protection of protected forest areas. This violation is characterized by the failure to comply with the mechanism for changing forest status under Law Number 41 of 1999, resulting in significant ecological damage and significant social impacts. This situation demonstrates the need for stricter law enforcement and a re-evaluation of the PIK-2 area development policy to align with the principles of sustainability and social justice.

## **2. Law Enforcement and Liability of Government Officials for Spatial Planning Violations in the PIK-2**

The designation of PIK 2 as a National Strategic Project began during the administration of President Joko Widodo in 2014. Initially, the ministers in charge at that time recommended that PIK 2 become a National Strategic Project.<sup>24</sup> The two officials, the Minister of Tourism and Creative Economy and

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<sup>22</sup> Sodikin Sodikin, "Eksistensi Penyidik Pegawai Negeri Sipil (PPNS) Dalam Penegakan Hukum Terhadap Pelanggaran Tata Ruang," *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 6, no. 2 (2017): 289.

<sup>23</sup> BBC. "Reclamation of 13 islands in Jakarta Bay canceled Governor Anies Baswedan: What you should know." *BBC*, 13 march 2018. Retrieved in July 25, 2025 from <https://www.bbc.com/indonesia/indonesia-45662194>.

<sup>24</sup> Wulfram I. Ervianto, "Challenges development infrastructure in project strategic national Indonesia," *Uniid II Symposium 2017* 2, no. 1 (2017): 101. See too, Fransiska, Ester, "Analisis Kesesuaian Penggunaan Lahan terhadap Rencana Detail Tata Ruang (RDTR) DKI Jakarta Kelurahan Pulo Gebang, Kecamatan Cakung Kota Jakarta Timur," *Jurnal Ilmiah Plano Krisna* 18, no. 1 (2022): 35.

Minister Gunadi Sadikin, who served as Minister of Health from 2020 to 2024, both expressed optimism that the PIK 2 development would significantly stimulate the growth of new regions and employment zones along Kosambi's North Coast. They also highlighted that Jakarta, being nearby, would continue to thrive and develop rapidly despite no longer being designated as the Capital City area. The legal basis for designating National Strategic Projects includes Presidential Regulation Number 109 of 2020, which amends Presidential Regulation Number 3 of 2016, and Government Regulation Number 44 of 2021 concerning the facilitation of National Strategic Projects under the Job Creation Law Number 11 of 2020. These initiatives are guided by the Committee for the Acceleration of Priority Infrastructure Provision to ensure that project implementation is timely and meets established targets.

The procedure for designating National Strategic Projects is outlined in Presidential Regulation Number 3 of 2016, which has been amended multiple times, including by Presidential Regulation Number 56 of 2018 and Presidential Regulation Number 109 of 2020, the latter being the third amendment. The implementation of National Strategic Projects is further governed by Government Regulation Number 42 of 2021, which provides guidelines for facilitating National Strategic Projects by the Central Government, Regional Governments, and/or private entities, including provisions concerning land acquisition for National Strategic Projects. Given that these regulations involve government and state authorities, Project National Strategic development must be managed carefully and inclusively, rather than serving only specific interests, such as private entrepreneurs. This is because National Strategic Projects affect all elements of the surrounding community and require careful consideration of their significant environmental impacts. Looking at several cases in the PIK 2 area related to environmental damage that occurred in 2002, namely the flood disaster, which was one of the worst floods known to have occurred in many areas, several areas including the North Jakarta area around the Pantai Indah Kapuk area, not only the surrounding areas were affected by the flood, the flood also spread to the toll road which was the traffic access in the Angke area.<sup>25</sup>

The PIK development contract was signed during the term of DKI Jakarta governor Tjokropranolo, this is known from the confession of the previous governor Ali Sadikin who revealed that the project contract was signed two weeks after Ali Sadikin was no longer serving as governor of DKI Jakarta. If we look at the history, it started from the Minister of Forestry appointed by President Soeharto at that time making a land agreement for the forest area

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<sup>25</sup> Saifun Nufus, "The Impact of PIK 2 Development on the Economic, Social, and Cultural Violations of Local Communities," *Journal of Multidisciplinary Inquiry in Science, Technology, and Educational Research* 2, no. 2 (2025): 3185.

in Angke, North Jakarta which became the location of the Pantai Indah Kapuk project, exchanged for several replacement plots of land owned by PT Mandara, amounting to 2.4% of the shares controlled by PT Mandara, then the Minister of Forestry strongly supported the PIK project, according to him Pantai Indah Kapuk was a production forest area, not a protected forest area, this area was considered only a swamp with pond areas and mangrove forests, the Ministry of Forestry at that time gave a statement that the area had obtained permission.<sup>26</sup>

The designation of PIK 2 Tropical Coastland Area as a National Strategic Project through Presidential Regulation Number 109 of 2020 has raised numerous legal and environmental issues. First, the project is considered to violate the principles of spatial planning and Strategic Environmental Assessment as stated by the Minister of Agrarian and Spatial Planning/National Land Agency. Development that is not in accordance with spatial planning undermines community interests, damages ecosystems, and threatens environmental sustainability. Second, although PIK 2 was included as a Project National Strategic under the presidential regulation, it is not listed in the provincial or district/city spatial planning as a strategic tourism project. This creates a regulatory conflict as it contradicts the principle of synchronization between national and regional development planning.<sup>27</sup>

Third, the project also faces problems related to forestry regulations, as it is located within a protected forest area. The status of this area was downgraded to a conversion forest and later changed into an Area for Other Use. Such a status change has sparked debates, since some argue that the Ministry of Forestry lacks the authority to alter the status that provides legal grounds for the project. Furthermore, the company was required to provide substitute land, but the implementation of this obligation remains contested. Fourth, the project has caused significant social and environmental impacts, including flooding, marine ecosystem degradation, environmental pollution, and threats to biodiversity. These conditions demonstrate violations of the principles of sustainable development and have triggered public resistance.

The development of the National Strategic Project PIK 2 concept has caused many losses and minimal law enforcement related to problems arising from the development of tropical National Strategic Projects projects. The PIK 2 concept and the attitude of Government Officials who ignore the

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<sup>26</sup> Ester Stevany Putri Sinlae, Illa Fatika Syahda, and Tazkia Suhaila Syafa, "Analisis Tata Ruang Terhadap Reklamasi Teluk Jakarta; Pelanggaran Undang-Undang Nomor 1 Tahun 2014 Serta Implikasinya Terhadap Kebijakan Lingkungan," *Al-Zayn: Jurnal Ilmu Sosial & Hukum* 2, no. 2 (2024): 123.

<sup>27</sup> Ananda Putri Rohima, "Faktor Penghambat Pengelolaan Ruang Terbuka Hijau (RTH) di Kota Jambi," *Bureaucracy Journal: Indonesia Journal of Law and Social-Political Governance* 2, no. 1 (2022): 214.

responsibility of issuing the determination of PIK 2 as a National Strategic Projects are very concerning, various damages caused by the policy of determining the National Strategic Project have caused many losses to the community and the environment as well as protected forest ecosystems. Development in granting permits related to the determination of PIK-2 as a National Strategic Projects, viewed from a legal perspective, clearly violates Spatial and Regional Planning as explained above. Violation of Spatial and Regional Planning against the development of PIK-2 has trigger significant social conflict t to the environment. PIK-2 development projects that violate spatial planning may be subject to criminal sanctions, fines, and administrative sanctions.<sup>28</sup>

Legal sanctions for violations of spatial and regional planning are regulated in Law Number 26 of 2007 concerning spatial planning if proven to violate the provisions of Article 73 paragraph (1) which states "any authorized government official who issues a permit that is not in accordance with the spatial planning as referred to in Article 37 paragraph (7) shall be punished with imprisonment of up to five years and a fine of up to five hundred million rupiah."<sup>29</sup> Thus, the authorized state official at the time of the determination of the PIK 2 Tropical Coastal National Strategic Projects has been proven to have violated spatial planning and historical areas. It is clear that the Government Officials involved must be responsible for the policies they have made. The PIK 2 Tropical Coastal Project which was determined as a National Strategic Projects National Strategic Projects, in reality caused many losses and was considered controversial. Therefore, the construction of the PIK 2 Tropical Coastal National Strategic Projects project, even though it had a permit from the government, in fact violated spatial and regional planning regulations. This violation must still be subject to sanctions, especially for Government Officials who were negligent and did not further analyze the spatial and regional planning regulations and the social impacts caused by this development project. This problem has given rise to legal interpretations among local communities who have been harmed by the National Strategic Projects development project.<sup>30</sup>

Law enforcement and liability of Government Officials in this case are

<sup>28</sup> Zam Zam Mutiara Aulia, Moh Bagus, and Arief Firmansyah, "Sanksi Pidana dalam Pengalihan Fungsi Ruang Terbuka Hijau," *Ma'mal: Jurnal Laboratorium Syariah dan Hukum* 4, no. 1 (2023): 45. See too, Andi Deni Herwin, and Henry D. Hutagaol, "Intervensi Pemerintah terhadap Pajak dan Retribusi Daerah dalam Rangka Proyek Strategis Nasional," *Amsir Law Journal* 4, no. 2 (2023): 134.

<sup>29</sup> Esra Fitrah Alotia, "Kajian Yuridis Mengenai Peran Pemerintah Daerah Dalam Penataan Ruang Menurut Undang-Undang Nomor 26 Tahun 2007," *Lex Administratum* 8, no. 3 (2020): 34.

<sup>30</sup> Vernanda Yuniar Ulenaung, "Implementasi penataan ruang dalam peraturan daerah rencana tata ruang wilayah (RTRW) menurut undang-undang nomor 26 tahun 2007," *Lex Administratum* 7, no. 2 (2019): 241.

very necessary because Government Officials should be responsible for the regulations they make through the government must first ensure that the regulations they make do not conflict with the laws and principles adopted by the state. Government Officials are also responsible for the implementation and enforcement of these regulations, including ensuring that the regulations are effective and do not harm the community. In reality, in the development of the PIK 2 Tropical Coastland National Strategic Projects project, officials country t seems rush in the process of taking decision so that a re-evaluation is necessary to ensure that the resulting impact is not detrimental. The author is of the view that state administrators who issue approvals for the suitability of spatial use activities that are not in accordance with the spatial plan can be prosecuted or receive sanctions should be for the determination that is deemed not to have first reviewed the actions that cause problems that threaten the welfare of the wider community. Therefore, the government must take a firm stance against the problems caused by this development. The National Strategic Project built in most of the protected forest area is something that must be considered because apart from being seen from the perspective of the actual National Strategic Projects development objectives, the PIK 2 project proposed to become a National Strategic Projects is considered to only provide benefits to the private sector (Aguan) while the interests of the surrounding community are at stake.

#### **D. CONCLUSION**

From the impacts caused by the determination of Pantai Indah Kapuk as a National Strategic Project starting from Government Officials who are responsible for managing the social impacts arising from the construction of PIK 2 by ensuring that development does not disrupt local community activities, especially in terms of the economy and overcoming environmental pollution that causes flooding in the surrounding environment, liability can be carried out in various instruments such as legislation, using development policies and strategies, monitoring and evaluation and developing supporting infrastructure and facilities. The determination of PIK 2 as a National Strategic Project by Government Officials has caused damage to coastal ecosystems including mangrove and coral reefs which have an impact on biodiversity. The determination of the National Strategic Project in addition to threatening the economy of the surrounding community will also cause social inequality. Therefore, the government must take decisive steps to review policies that harm local communities, strengthen oversight of regulatory implementation, and create mechanisms that ensure community involvement in decision-making.

In the development of national strategic projects, it is not proportional and does not prioritize the social aspects of the rights intended to realize the welfare of the entire community. Land acquisition for the National Strategic Development Project Tropical Concept PIK-2, on the one hand brings benefits and happiness to certain community groups, on the other hand causes harm to local residents. The actions of Government Officials in granting construction permits for the tropical development project concept PIK 2 as a National Strategic Projects that violates spatial planning so that the resulting legal impact is very crucial, Government Officials must be responsible for the rules they make in accordance with applicable laws and regulations. Then the land acquisition procedure for the Tropical Concept Development Project PIK-2 is built on Most of its area is covered by protected forests where there are mangrove forests and flora and fauna, coral reefs and their habitats that are threatened with extinction for the sake of development. The designation of PIK-2 National Strategic Projects is contrary with principles Spatial and regional planning prioritizes several aspects, including environmental impact, spatial planning, land availability, and community involvement. However, Government Officials are not responsible for losses arising from the regulations they create, so this requires attention because it is inconsistent with the law.

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