



Legal Study For Land Conversion in the Green Open Space Policy (Cirebon Regency Case Study)

Nurlaelah^{1*}, Iis Kurniawati², Raden Sudani Ramadhani³, Endang Sutrisno⁴,
Harmono⁵

Universitas Swadaya Gunung Jati

Corresponding Author: Nurlaelah laelah131@gmail.com

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ABSTRACT

Land conversion is a crucial issue in spatial planning and environmental protection policies in Indonesia, especially in the context of providing Green Open Space. The Minister of ATR/BPN Number 14 of 2022 affirms the obligation of a minimum of 30% Green Open Space from the city area, which consists of 20% Public Green Open Space and 10% Private Green Open Space. Using normative and empirical juridical approach methods to examine the problem of land conversion and the effectiveness of spatial planning laws and state administration in controlling these phenomena. The analysis results show that despite the regulatory regulations, there are still weaknesses in supervision and law enforcement that cause the rampant illegal and unsustainable land conversion. For this reason, it is necessary to increase supervision, enforce strict laws, and strengthen policies and regulations related to green open spaces to ensure the sustainability of ecosystem functions and support sustainable development. This study provides strategic recommendations for policymakers, law enforcement, and the community regarding the enforcement of land conversion laws according to the principles of open space conservation. This article recommends strengthening the spatial-based surveillance system, consistently applying administrative sanctions, and involving the public in the spatial planning process.

INTRODUCTION

Land conversion is a problem that continues to grow in the dynamics of spatial planning in Indonesia. This phenomenon highlights the tension between the interests of economic development and environmental protection, particularly in maintaining the existence of Green Open Spaces. Law Number 26 of 2007 concerning Spatial Planning and the Minister of ATR/BPN No. 14 of 2022 have mandated a minimum of 30% Green Open Space in urban areas. Still, in reality, most regions have not met these provisions. Land conversion in urban areas exhibits an uncontrolled tendency towards residential and industrial expansion, resulting in the narrowing of protected areas and degradation of environmental quality. In the context of spatial planning, conflicts between national policies and local interests often create a gray area that certain actors exploit to disregard the principle of spatial appropriateness (Hudalah and the World, 2016).

Research by Winarso and Febrianti (2022) indicates that the lack of accurate spatial data and inadequate supervision from spatial regulatory agencies contribute to the weakness of RTRW implementation in the regions. This is exacerbated by bureaucratic approaches that are not sufficiently responsive to the dynamics of social and ecological change. Several studies have stated that Green Open Space has important environmental functions such as absorbing rainwater, lowering air temperature, storing carbon, and supporting disaster-prone areas (Aji Setyawan, 2023). The rapid loss of Green Open Space will reduce the environment's carrying capacity and increase the risk of climate disasters, as has happened in metropolitan areas such as Jakarta and Bandung, and is now starting to be seen in satellite areas such as Cirebon.

Cirebon Regency is an example of an area that experienced urbanization pressure and industrial area expansion, causing massive land conversion, including agricultural land and protected areas. The conversion process is often not accompanied by adequate spatial planning mechanisms, low community participation, and weak administrative oversight. The availability of natural resources in terms of quantity or quality is uneven, while development activities require increasing natural resources. Development activities also contain the risk of pollution and environmental damage. This condition can decrease carrying capacity and environmental productivity, ultimately becoming a national burden. Therefore, Indonesia's environment must be protected and properly managed in accordance with state responsibility, sustainability, and justice principles. In addition, environmental management must be able to provide economic, social, and aquaculture benefits based on the principles of prudence, environmental democracy, decentralization, as well as recognition and appreciation of local wisdom and environmental wisdom (Sutrisno, E., Sutarih, A., & Artadi, I., 2020).

An ideal spatial law not only regulates licensing but also becomes an instrument for protecting the right to a healthy environment. However, practice on the ground shows that the existence of RTRW is often overlooked due to political and economic pressures, as well as the weak institutional capacity of local governments. Villages are the core structure of the formation of political

and governmental society in the Unitary State of the Republic of Indonesia. The existence of village development is also in line with the Nawacita program, one of which is to build Indonesia from the periphery by strengthening regions and villages within the framework of the Unitary State (Harmono, 2023). Based on this background, it is essential to study the implementation of development policies for Green Open Space, which is carried out by stakeholders, in this case, the Regional Government of Cirebon City, as per Regional Regulation Number 6 of 2024.

LITRATURE REVIEW

Land

The availability of green open space was influenced by several factors that can be known from the literature and previous research. The area of green open space is affected by population density and population growth. The growing population also affects the availability of green open space. This is because housing needs will also increase as the population grows. Due to the increasing population and demand for land, the area of green open space was reduced, and its availability decreased. The limitation of the land factor is that the increasing demand for private areas will drive land prices higher, and that the development of commercial areas reduces the availability of green space. The most influential aspect of green open space is the economic aspect. The economic aspect is characterized by limited funds and the high cost of land, which impacts the provision of green open spaces. Policy is a crucial factor in determining the availability of green space, as land use is regulated by government policy. The policy from the public authority on green open space is one of the factors influencing the availability of green open space. The factor that surveillance, treatment, and provision, which have not been optimal, are influencing the availability of green open space, is a key consideration for green open space implementers. It is also noted that institutional aspects also influence the availability of green open space. (Rini, 2020).

Green Open Space Policy

Over the past three decades, research on parks and other types of green space has flourished. There is now a considerable body of scholarly work on urban greenspace, covering topics such as design, use of greenspace, greenspace values, environmental equity, and the like. In this review, we limit our discussion to topics directly relevant to urban consolidation, specifically density and greenspace interactions, with a focus on equity and social justice, and we examine the reasons for providing greenspace. We consider, among other things, why people use greenspace, how they utilize it, the various factors that shape its use, how the characteristics of greenspace in turn influence its use, and the numerous benefits of greenspace for its users (Byrne & Sipe, 2010).

Social aspects, such as community participation, independent community efforts, the role of community leaders, and public awareness of the importance of green space, also affect the availability of green space (Rini et al., 2020).

Indonesia, in terms of green open space for local climate, is still identified as one of the three countries in Southeast Asia with the lowest number of green

open space areas. We found that the regulatory process for development rights and property rights in Indonesian law still requires numerous alternative efforts to this day in providing urban green open spaces. The delivery of desired outcomes depends on the alternative policy as a form of legal politics in compensating for planning and community interests through the development of green open spaces in an ecoregion approach. (Priyanto & Zulkarnain, 2024)

Green open spaces play a vital role in protecting and enhancing the natural environment, and they also offer long-term benefits. The advantages of Green open space in cities, from an economic perspective, significantly decrease the costs associated with energy and water use. Vegetation can control lamination, shade, wind and glare. Green buildings in the summer prevent heat loss in the winter. By arranging vegetation in correlation with the buildings located within its vicinity, we can save up to an average of 20–25% in energy costs. From an ecological perspective, green open spaces provide a natural habitat for animals such as birds, fish, insects, and many other species. Green open space also functions as a green belt and as corridors linking the habitats stated above. Prevents soil erosion and absorbs rainwater, which in turn improves the drainage system. Trees can collect pollution particles; 20 small trees can reduce pollution produced by a train going at a speed of 60 miles per hour. Urban heat islands often occur in city areas, where buildings and hard surfaces absorb solar radiation and reflect it back into outer space, causing the temperature to rise. Plants can mitigate this effect, both directly through the plant itself and indirectly through the process of evapotranspiration (ET). Observations show that vegetation can decrease soil surface temperature by 17°C, also reducing the average air temperature by 50%. Green open spaces also reduce noise pollution by utilizing a combination of trees, shrubs, and bushes. Moreover, last but not least, green open spaces serve as an indicator of the city's entire ecosystem. In this respect, its value is significant in our continuous efforts to protect the environment. Regarding its social benefits, the most obvious is its use as a recreational area, where people can play, meditate, gather together, or rest (Roseland, 1998) in a discussion on the psychological effects of green open space, the advantages related to activities carried out in these areas are discussed. For example, it serves as a place to socialize, enhance the feeling of compassion towards one another, and nurture family ties, a place to understand each other, to learn about ourselves, and offers the opportunity to express one's values and social values as well, promoting spiritual development and freedom. Green open spaces introduce a natural environment into a city's surroundings, resulting in a shape contrast, roughness, colors, and building textures that promote healthy thoughts through eye-catching colors, sounds, smells, and movements. The regional province administration Jakarta 1985, stated the policy of the need to provide parks specifically green open spaces to create a clean, beautiful, healthy, orderly, shaded city environment in its General Plan of Jakarta Spatial Planning 2005 – 2010, as its consequence Jakarta's regional province administration assign a institution to manage green open space called Parks Services of Jakarta, whose function is to arrange, build, maintain and protect parks, green belts and educate the society in the field of parks and the city's esthetics to attain a thriving plan

city. According to the Directorate General of Spatial Planning of the Department of Public Works (2002), implementing the policy requires good governance in the maintenance of Jakarta's green open spaces. Even though good governance had been developed since the early years of the 1990s, the implementation of sound urban governance principles in general and its consistency in managing the city's area have not reached the level of expectancy of the community (Manan, 2016)

METHODOLOGY

This study employs a normative juridical approach, complemented by empirical data. The normative juridical approach analyzes laws and regulations, legal principles, and doctrines relevant to spatial planning and environmental protection. Meanwhile, the empirical approach examines the gap between legal norms and the reality of spatial policy implementation at the regional level, especially in Cirebon Regency (Laila N. Sari and Siti Haryati, 2023). The primary data in this study includes laws and regulations such as Law Number 26 of 2007 concerning Spatial Planning, Law Number 11 of 2020 concerning Job Creation, Government Regulation Number 21 of 2021 concerning the Implementation of Spatial Planning, as well as the Minister of ATR/BPN Number 14 of 2022 and Cirebon Regency Regional Regulation Number 6 of 2024. Secondary data was obtained from the Cirebon Regency RTH evaluation document, the latest academic studies, official government news, and green open space policy reports (Bappeda Cirebon Regency, 2023). The analysis method is qualitative descriptive with a normative and evaluative interpretation approach. It aims to understand the role of law in regulating, directing, and supervising changes in the use of space that impact the environment (A. F. Muchtar, 2022). Spatial planning law research requires an interdisciplinary approach that is not only based on normative analysis but also considers the sociological and ecological dimensions of public policy (D. A. Lestari and Y. Pranata, 2023). This combinatorial approach is important to build legal recommendations that are responsive to actual problems, including synchronization between central and regional policies, as well as the role of the community in spatial planning supervision (Fitriani & Nugraha, 2022).

RESEARCH RESULTS AND DISCUSSION

Based on evaluative data from the Cirebon Regency Bappeda in 2023, the area of public Green Open Space only reaches 12.5% of the total area, far below the minimum threshold of 30% as stipulated in the Minister of ATR/BPN Regulation No. 14 of 2022 (Bappeda Cirebon Regency, 2023). This condition is not only due to limited land, but rather the ineffectiveness of the spatial planning and control system that the local government should run. Non-compliance with the Regional Spatial Plan (RSP) exacerbates this condition, as well as the massive conversion of land for industrial and residential purposes. Green Open spaces are spread unevenly, and most are not under the direct management of the Regional Government. One of the root problems that emerged was the weak enforcement of administrative sanctions against violations of space utilization. Although normatively, a sanction mechanism has been regulated in spatial planning, its implementation in the field remains symbolic and lacks significant

coercion. This condition is further exacerbated by the absence of a transparent and independent spatial verification system, as well as inadequate public accountability mechanisms, in the spatial law enforcement process.

Table 1. Green Open Space Data Table in Cirebon Regency

No	RTH Name	Types of RTH	Management Status	Broad (m2)
1	Batu Baok Forest	Urban Forest	Perhutani Local Government Development	105.000
2	Sumber City Forest	Urban Forest	Government	33.670
3	Cirebon Losari City Boundary Section	Road Island and Road Median	Ministry of Public Works	28.200
4	Krangwareng Square	Regency/City Garden	Village	22.600
5	Segment Jl Palimanan Batas Cirebon City	Road Island and Road Median	Unrecorded	16.600

The development of areas such as the Cirebon Power Industrial Estate and land conversion along urban border areas indicates large-scale land conversion not accompanied by adequate public consultation and environmental audits (Sari & Haryati, 2023). This phenomenon shows the weak integration between spatial planning and environmental governance. The legal culture surrounding urban society is changing rapidly due to the development process. This has implications for the environment's carrying capacity. This impacts society with all ideas, views, perceptions, and behaviors in understanding legal norms. These conditions will affect legal attitudes (Sutrisno, E, 2017). As stated by Lestari and Pranata (2023), national policies following the Job Creation Law that utilize the PKKPR system are often not aligned with regional RTRWs, thereby creating a loophole in the legalization of development projects that substantially violate the principle of ecological prudence. In the decentralization framework, this disharmony poses a serious challenge to maintaining spatial norm consistency. The rapid urbanization process causes massive changes in land use, often ignoring the principles of sustainable spatial planning, thereby contributing to spatial irregularities in urban areas (Firman, T. 2019).

The ineffectiveness of Administrative Sanctions in the field shows that implementing these sanctions is more symbolic than substantive (Maulana, R., 2022). Supervision institutions at the regional level, such as the spatial planning office and the inspectorate, are still limited in terms of technology and human resources. According to Muchtar, one of the causes of weak administrative sanctions is the absence of a transparent and independent spatial verification mechanism. Without a publicly accessible geospatial data-based system, potential space violations are difficult to detect and act on (Muchtar, 2022). Weak enforcement of administrative laws is directly proportional to low accountability in land allocation changes. In fact, from the perspective of spatial planning law,

every form of conversion must be subject to a normative and binding plan. Enforcement of spatial planning laws requires an effective supervision system and sanctions mechanism that is not only administrative, but also has strong coercion in order to create absolute compliance (Handoko, W. 2020).

Meaningful public participation is an important principle in democratic spatial planning. However, in a case study of Mundu Coastal Village, the conversion of coastal boundary land for tourism projects was carried out without consulting the local community through a formal forum (Bappeda Cirebon Regency, 2023). This not only contradicts the fundamental principles of environmental protection and management but also disregards the principles of justice, such as the right to participate in space management. Research by Fitriani and Nugraha (2022), emphasizes that neglect of citizens' aspirations in spatial planning leads to unequal access to public space and can create prolonged social conflicts. In the context of *Green Governance*, spatial planning must be administratively legal, socially, and ecologically.

To overcome the problem of land conversion and the low availability of green open space (RTH) in Cirebon Regency, the local government needs to build an integrated geospatial data-based space utilization monitoring system immediately. The system must be interactive, transparent, and accessible to the public to encourage shared oversight. Digital platforms such as the Green Open Space dashboard and GPS-based reporting by citizens can be the first step. The applicable legal provisions have regulated administrative sanctions for violations in spatial planning. However, the effectiveness of enforcing these provisions still requires oversight through independent and evidence-based verification mechanisms. Local governments are obligated to demonstrate a commitment to law enforcement without discrimination. National policies related to the PKKPR, following the implementation of the Job Creation Law, need to be synchronized with regional RTRWs. The central and regional governments must collaborate to harmonize policies, ensuring that there is no overlap of regulations that hinder the implementation of sustainable spatial planning. Disharmony between national and regional policies is often the main obstacle to implementing effective and sustainable spatial planning (Santosa, M. 2017). The community must be actively involved in preparing and supervising the RTRW, not just a formality. Citizens' forums, open public consultations, and participatory digital channels must be thoughtfully facilitated to ensure that spatial planning is more democratic and responsive to local needs. Green open spaces play a vital role as the lungs of the city and in environmental disaster mitigation, so their provision must meet the minimum standards stipulated in laws and regulations (Pranoto, B., 2021).

Private sectors undertaking land conversions should be required to provide Green Open Space compensation as part of their ecological responsibility. This scheme can be formalized through clear and measurable local regulations. Space policy must be based on the principles of ecological justice, not just economic efficiency. This means that spatial planning must consider environmental sustainability and people's right to a healthy and safe living space that is protected from disaster risks. By implementing this recommendation, it is

hoped that Cirebon Regency's spatial governance will be more legally orderly, more just, adaptive, and in line with the principles of sustainable development. Ultimately, spatial planning cannot be understood only as a purely technocratic and bureaucratic process, but rather as a reflection of the values of social justice, ecological sustainability, and intergenerational responsibility. Failure to protect green open spaces today will not only threaten the environment's carrying capacity but also leave a legacy of ecological crisis for generations to come. Therefore, the renewal of the spatial planning paradigm based on integrity, transparency, and sustainability is inevitable for a more equitable and resilient future of cities and regions.

CONCLUSION AND RECOMMENDATIONS

This study revealed that the condition of Green Open Space in Cirebon Regency is still far from ideal standards, which reflects the failure of the regional spatial planning and control system. The primary factors that undermine the effectiveness of spatial planning policies are the enforcement of symbolic administrative sanctions and the absence of independent, data-driven spatial verification mechanisms. In addition, the disharmony between national and regional policies, as well as the lack of meaningful public participation in the spatial management process, further exacerbates the dynamics of uncontrolled land conversion, potentially leading to social conflicts and environmental degradation. Therefore, transforming an interactive, transparent, participatory surveillance system based on geospatial technology is a strategic urgency.

ADVANCED RESEARCH

Future research should focus on synchronization of policies across levels of government and the enforcement of ecological justice principles, which are prerequisites for creating spatial planning that is not only formally legal but also fair, inclusive, and sustainable. With this approach, spatial planning can play a key role in realizing resilient and environmentally sound regional development and answering the demands of social justice and intergenerational responsibility

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