

**IMPLEMENTATION OF BANYUWANGI DISTRICT REGULATION  
NUMBER 2 OF 2024 IN THE PERSPECTIVE OF *SUSTAINABLE  
DEVELOPMENT GOALS* AND *MASLAHAH MURSALAH***

**THESIS**

By:

ARDHI GEO ALDAMA

210203110053



CONSTITUTIONAL LAW (*SIYASAH*) STUDY PROGRAM

SHARIA FACULTY

STATE ISLAMIC UNIVERSITY MAULANA MALIK IBRAHIM MALANG

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2025

## **STATEMENT OF THE AUTHENTICITY**

In the name of Allah,

With consciousness and responsibility toward the development of science,  
the writer declares that thesis entitled:

**Implementation Of Banyuwangi Regency Regional Regulation  
Number 2 Of 2024 In The Perspective Of Sustainable Development  
Goals And Masalah Mursalah**

It is truly a self-composed thesis based on the rules of Scientific Writing that can be accounted for. If later on this thesis research report is the result of plagiarism of other people's work either in part or in full, then the thesis as a prerequisite for obtaining a bachelor's degree is declared null and void by law.

Malang, June 2, 2025



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**Implementation Of Banyuwangi Regency Regional Regulation  
Number 2 Of 2024 In The Perspective Of Sustainable Development  
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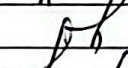

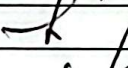



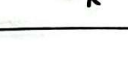


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## MOTTO

إِنَّ اللَّهَ لَا يُغَيِّرُ مَا بِقَوْمٍ حَتَّى يُغَيِّرُوا مَا بِأَنْفُسِهِمْ وَإِذَا أَرَادَ اللَّهُ بِقَوْمٍ سُوءًا فَلَا مَرَدَّ لَهُ وَمَا لَهُمْ مِنْ دُونِهِ مِنْ وَالٍ ﴿١١﴾

*Indeed, Allah will not change the condition of a people until they change what is in themselves. If Allah wills evil for a people, there is no repelling it, and they have no protector besides Him. (Q.S. Al-Ra'du, 13:11).*



## ACKNOWLEDGMENT

*Bismillahirrahmanirrahim,*

All praise to Allah SWT, the Lord of the Worlds, for all His favors, mercy and grace so that the author can complete the thesis entitled Acceleration of Sustainable Development Goals in Banyuwangi Perspective Maslahah Mursalah. The preparation of this thesis is intended to fulfill one of the requirements to obtain a Bachelor of Law degree in the Constitutional Law Study Program (Siyasah), Faculty of Sharia, Maulana Malik Ibrahim State Islamic University Malang.

In completing this thesis, it is not easy without His guidance and assistance from various parties in the form of prayers, support, and guidance both directly and indirectly. For that, the author presents his deepest gratitude to:

1. Prof. Dr. M. Zainuddin, M.A., as the Rector of Maulana Malik Ibrahim State Islamic University Malang.
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3. Dr. Musleh Harry, S.H., M.Hum. as the head of the Constitutional Law (Siyasah) Study Program at Maulana Malik Ibrahim State Islamic University Malang.
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mentioned one by one, thank you for your knowledge and guidance during the lecture process.

7. The entire panel of examiners, who have provided criticism and suggestions as well as direction in order to perfect the shortcomings in this thesis.

8. The Banyuwangi Regency Government and all levels of Regency Government and the community who have given the author the opportunity to conduct research so that this thesis can be completed properly.

9. Dear parents, Mr. Fauzi Gufron and Mrs. Siti Hamidah, thank you for your endless prayers, support, and sacrifices. Thank you for teaching me to always try hard, be patient, and for always believing in me.

10. All parties who have contributed to the writer's process from the beginning until now. Hopefully the kindness given will get a good reply from Allah SWT.

The author realizes that this thesis is far from perfect, both in terms of material, writing, and presentation due to the limited ability of the author. It is the author's hope that with the learning process during Students make the knowledge gained into knowledge that is blessed and useful for others. Finally, as a human being who is not free from mistakes, the author apologizes and does not close the door to criticism and suggestions for the improvement of this thesis writing.

Malang, June 1, 2025

Ardhi Geo Aldama

NIM 210203110053

## TRANSLITERATION GUIDELINES

### A. General

Transliter is transferor Arabic script translation to in Indonesian or Latin script, not translation Arabic to Indonesian. Including in category This is the Arabic name for Arab nation, while the Arabic name of nation other than Arabic written as spelling Language national, or as written in book become References. Writing title book in footnotes and bibliographies, remain use transliter this.

Many options and conditions transliteration that can used in writing work write scientific , both standardized international , national , and special provisions used publisher certain . Transliteration used The Faculty of Sharia of the State Islamic University (UIN) Maulana Malik Ibrahim Malang uses EYD plus, namely transliteration based on based on the Joint Decree (SKB) of the Minister of Religion and the Minister of Education and Culture of the Republic of Indonesia, dated 22 January 1987 No. 158/1987 and 0543.b/U/1987, as stated in book Guidelines Arabic Transliteration *A Guide Arabic Transliteration* .

### B. Consonants

Letter list Arabic and its transliteration to deep Latin letters can seen on the page following :

Letters	Name	Letters Latin	Name

Arabic			
ا	Alif	No symbolized	No symbolized
ب	Ba	B	Be
ت	Ta	T	Te
ث	Sa	S	Es (with point on)
ج	Jim	J	Je
ح	Ha	H{	Ha (with the dot above)
خ	Kha	Kh	Ka and Ha
د	Dal	D	De
ذ	Zal	Z	Zet (with dot above)
ر	Ra	R	Er
ز	Zai	Z	Zet
س	Sin	S	Es
ش	Syin	Sy	Ice and ye
ص	Sad	Ṣ {	Es  (with a dot in Below)
ض	Dad	D{	De  (with a dot in Below)

ط	Ta	T{	Te (with a dot in Below)
ظ	Za	Z{	Zet (with a period in Below)
ع	"Ain	"	inverted apostrophe
غ	Gain	G	Ge
ف	Fa	F	Ef
ق	Qof	Q	Qi
ك	Kaf	K	Ka
ل	Lam	L	El
م	Mim	M	Em

Hamzah (أ) at the beginning of a word follows its vowel without any sign. If it comes in the middle or at the end, it is written with a sign (").

### C. Vowels, Length and Diphthongs

Each Arabic writing in the form of fathah vowels is written with "a", kasrah with "i", dlommah with "u", while each long reading is written in the following way:

Long vowel (a) = â e.g. قالا becomes qâla

Long vowel (i) = î e.g. قيل becomes qîla

Long vowel (û) = û e.g. دون becomes dûna

Especially for the reading of ya" nisbat, it should not be replaced with "i", but still written with "iy" in order to illustrate the ya" nisbat at the end. Likewise for diphthong sounds, wawu and ya" after fafhah are written with "aw" and "ay". Consider the following example:

Diphthong (aw) = و e.g. قول becomes qawlun

Diphthong (ay) = ي e.g. خير becomes khayru

#### **D. Ta' marbûthah ( ة )**

Ta "marbûthah is transliterated with "t" in the middle of the sentence, but if the ta "marbuthah is at the end of the sentence, it is transliterated using "h" for example لارسله للمدرسة becomes al- risalat li al- mudarrisah, or if it is in the middle of a sentence consisting of mudlaf and mudlaf ilayh, it is transliterated using "t" which is connected to the next sentence, for example في رحمة هلا becomes fi rahmatillâh.

#### **E. Leading Words and Lafadz al-jalâlah**

Articles The article "al" () is written with a lowercase letter, unless it is located at the beginning of a sentence, while the "al" in lafadh jalalah which is in the middle of a sentence that is leaning (idhafah) is omitted. Consider the following example:

1. Imâm Bukhâriy said...
2. Al-Bukhâriy in the muqaddimah of his book explains...
3. Masyâ" Allâh kâna wâ lam yasya" lam yakun.
4. Billah, azza wa jalla.

## **F. Transliterated Arabic Names and Words**

In principle, every word derived from Arabic must be written using the transliteration system. If the word is an Arabic name of an Indonesian or Indonesianized Arabic, it does not need to be written using the transliteration system. Consider the following example:

"...Abdurahman Wahid, the former fourth president of Indonesia, and Amin Rais, the former chairman of the MPR at the same time, had

an agreement to eliminate nepotism, collusion and corruption from the face of the Indonesian earth, with one of the ways through intensifying prayers in various government offices, but..."

Note the writing of the names "Abdurahman Wahid", "Amin Rais" and the word "salat" are written using Indonesian writing procedures adapted to the writing of the name. The word even though it comes from Arabic, but it is the name of an Indonesian and has been Indonesianized, so it is written in the way "Abd al Rahman Wahid", "Amin Rais", and not written "shalât".



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## ABSTRAK

Ardhi Geo Aldama NIM 210203110053. **Implementasi Peraturan Daerah Kabupaten Banyuwangi Nomor 2 Tahun 2024 Dalam Perspektif *Sustainable Development Goals* Dan Masalah Mursalah**. Skripsi. Program Studi Hukum Tata Negara (Siyasah). Fakultas Syariah, Universitas Islam Negeri Maulana Malik Ibrahim Malang. Pembimbing : Dra. Jundiani, S.H., M.Hum.

---

**Kata Kunci:** Hukum Pembangunan, *Sustainable Development Goals (SDGs)*, Peraturan Daerah (Perda) Tata Ruang, *Maslahah Mursalah*

Pembangunan berkelanjutan menjadi landasan utama dalam perencanaan wilayah yang menekankan aksesibilitas, pemerataan layanan dasar, dan pemanfaatan ruang yang adil. Kabupaten Banyuwangi merespons hal ini melalui Peraturan Daerah Nomor 2 Tahun 2024 tentang Rencana Tata Ruang Wilayah 2024–2044. Penelitian ini dilatarbelakangi oleh kebutuhan untuk menilai bagaimana perda ini dirancang sebagai sarana pembangunan daerah yang berorientasi pada SDGs, khususnya tujuan ke-11, serta untuk mengkaji kesesuaiannya dengan nilai-nilai kemaslahatan dalam hukum Islam melalui pendekatan *maslahah mursalah*.

Penelitian ini merupakan penelitian hukum empiris dengan pendekatan yuridis sosiologis. Data dikumpulkan melalui observasi lapangan, dokumentasi kebijakan, dan wawancara dengan pejabat daerah. Analisis dilakukan menggunakan Teori Hukum Pembangunan Mochtar Kusumaatmadja untuk menilai tiga komponen utama norma, kelembagaan, dan proses legislasi, serta prinsip masalah mursalah dari Imam al-Ghazali untuk mengukur sejauh mana substansi perda membawa kemanfaatan sosial dan sejalan dengan *maqāṣid al-syarī'ah*.

Hasil penelitian menunjukkan bahwa perda mengandung norma yang adaptif terhadap isu pembangunan berkelanjutan, khususnya dalam Pasal 4 dan 5 yang mengatur struktur ruang dan strategi wilayah. Substansi perda mencerminkan kemaslahatan karena memberikan manfaat publik dan tidak bertentangan dengan prinsip-prinsip syariat. Namun, partisipasi masyarakat dalam proses legislasi dan kesiapan kelembagaan pelaksana masih perlu diperkuat. Perda ini sah secara hukum, relevan dengan agenda pembangunan daerah, dan berpotensi kuat menjadi kebijakan tata ruang yang bernilai maslahat dalam konteks sosial keislaman.

## ABSTRACT

Ardhi Geo Aldama NIM 210203110053. Implementation of Banyuwangi Regency Regional Regulation Number 2 of 2024 in the Perspective of Sustainable Development Goals and Maslahah Mursalah. Thesis. Constitutional Law (Siyasah) Study Program. Faculty of Sharia, Maulana Malik Ibrahim State Islamic University Malang. Supervisor: Dra. Jundiani, S.H., M.Hum.

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**Keywords:** Development Law, Sustainable Development Goals (SDGs), Regional Regulation (Perda) on Spatial Planning, Maslahah Mursalah

Sustainable development is the main foundation in regional planning that emphasizes accessibility, equitable distribution of basic services, and equitable use of space. Banyuwangi Regency has responded to this through Regional Regulation No. 2 of 2024 concerning the 2024-2044 Regional Spatial Plan. This research is motivated by the need to assess how this regional regulation is designed as a means of regional development oriented to the SDGs, especially the 11th goal, and to examine its suitability with the values of benefit in Islamic law through the *maslahah mursalah* approach.

This research is an empirical legal research with a sociological juridical approach. Data were collected through field observations, policy documentation, and interviews with local officials. The analysis was conducted using Mochtar Kusumaatmadja's Development Law Theory to assess the three main components of norms, institutions, and the legislative process, as well as Imam al-Ghazali's *maslahah mursalah* principle to measure the extent to which the substance of local regulations brings social benefits and is in line with *maqāṣid al-syar'ah*.

The results show that the local regulation contains norms that are adaptive to sustainable development issues, especially in Articles 4 and 5 which regulate spatial structure and regional strategy. The substance of the local regulation reflects the interests of the people because it provides public benefits and does not contradict the principles of Sharia. However, community participation in the legislative process and the readiness of implementing institutions still need to be strengthened. This local regulation is legally valid, relevant to the regional development agenda, and has strong potential to become a spatial policy with *maslahat* value in the Islamic social context.

## مستخلص البحث

أرضي جيو ألداما، الرقم الجامعي 210203110053. تنفيذ اللائحة الإقليمية لمحافظة بانيواغني رقم 2 لسنة 2024 من منظور أهداف التنمية المستدامة والمصلحة المرسلّة. بحث تخرج. برنامج دراسات القانون الدستوري (السياسة الشرعية)، كلية الشريعة، جامعة مولانا مالك إبراهيم الإسلامية الحكومية مالانج. المشرفة: د. جنديانة، س.ح.، م. هوم.

بشأن (Perda) اللائحة الإقليمية، (SDGs) الكلمات المفتاحية: قانون التنمية، أهداف التنمية المستدامة التخطيط المكاني، المصلحة المرسلّة

تهدف هذه الدراسة إلى تحليل تنفيذ اللائحة الإقليمية لمحافظة بانيواغني رقم 2 لسنة 2024 من خلال منظور نظرية تطوير القانون لمؤختار كوسوما تادجا ومفهوم المصلحة المرسلّة. تتناول الدراسة مشكلتين رئيسيتين: كيف تعمل اللائحة كأداة للتنمية، وهل تعكس محتوياتها قيم المصلحة في إطار الشريعة الإسلامية. وتهدف الدراسة إلى تقييم الجوانب التنظيمية والمؤسسية والإجرائية في اللائحة ومدى توافقها مع الهدف 11 من أهداف التنمية المستدامة، خاصة في مجال إمكانية الوصول والخدمات الأساسية.

تُصنّف هذه الدراسة ضمن البحوث القانونية الميدانية باستخدام المنهج السوسيولوجي-القانوني. أُجريت الدراسة في محافظة بانيواغني، وتم جمع البيانات من خلال الملاحظة، والوثائق، والمقابلات مع المسؤولين المحليين. تم تحليل البيانات باستخدام إطار نظرية تطوير القانون (بما في ذلك الجوانب المعيارية والمؤسسية والإجرائية) ومبدأ المصلحة المرسلّة كما ورد عند الإمام الغزالي كمقياس للمنفعة الاجتماعية في سياسات التخطيط المكاني.

وتُظهر نتائج البحث أن هذه اللائحة تتضمن قواعد مرنة تدعم التنمية المستدامة، إلا أن أداء المؤسسات وتفاعل المجتمع ما زال يحتاج إلى تعزيز. إن المادتين 4 و5 تتوافقان مع الهدف 11 من أهداف التنمية المستدامة وتعكسان قيم المصلحة لما تحتويانه من منفعة عامة دون تعارض مع مقاصد الشريعة. وعليه، فإن اللائحة تُعتبر صحيحة من الناحية القانونية، وملائمة للتنمية، وتحمل طابعاً نافعاً اجتماعياً وفقاً للتصورين القانوني والإسلامي.



# CHAPTER I

## INTRODUCTION

### A. Research Background

Indonesia has guaranteed according to the mandate of the Preamble of the 1945 Constitution of the Republic of Indonesia which states that to form a State Government, to advance the general welfare, to educate the nation's life, and to participate in implementing world order based on independence, lasting peace and social justice, with the implementation of sustainable development for their respective regions listed in Article 18 of the 1945 Constitution.<sup>1</sup>

*Sustainable Development Goals* (SDGs) aim to build a better and more sustainable life.<sup>2</sup> As a global action plan to be implemented until 2030, sustainable development has five basic principles, namely *People, Planet, Prosperity, Peace, and Partnership*, which are integrated in three dimensions: economic, social, and environmental that support each other.<sup>3</sup>

One of the goals in the SDGs that has strong relevance to local governance is Goal 11, which is to realize cities and settlements that are inclusive, safe, resilient and sustainable. The state manages the environment and natural resources not only for control and profit, but also for the

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<sup>1</sup> "UNDANG-UNDANGASAR NEGARA REPUBLIK INDONESIA 1945, State Gazette of the Republic of Indonesia, No. 75, 1959," accessed December 21, 2024,

<sup>2</sup> Anonym, "SDGs KNOWLEDGE HUB 2030 Agenda for Sustainable Development," SDGs Indonesia, accessed December 4, 2024, <https://sdgs.bappenas.go.id/>.

<sup>3</sup> Mirna Amirya and Gugus Irianto, "THE CHALLENGE OF IMPLEMENTING SUSTAINABLE DEVELOPMENT GOALS (SGDs) IN INDONESIA," *Scientific Journal of Civilization Accounting* 9, no. 1 (June 30, 2023): 187–98, <https://doi.org/10.24252/jiap.v9i1.38916>.

prosperity of the people (*Social Prosperity*).<sup>4</sup> The demand to *survive* in global economic conditions is the need for regions or cities to have *competitiveness*, which includes the availability of adequate infrastructure and the creation of a conducive investment climate.<sup>5</sup>

This goal mandates the importance of regional development planning that is not only technically based, but also considers the dimensions of social, economic and environmental sustainability in an integrated manner. Banyuwangi Regency, as one of the regions actively promoting sustainable development, responded to this global direction through the issuance of Regional Regulation Number 2 of 2024 concerning the 2024-2044 Regional Spatial Plan.

The Banyuwangi Regency area has very strategic geographical potential and should experience very rapid progress. According to the Central Statistics Agency (BPS), Banyuwangi itself has an area of 5,782.50km<sup>2</sup>,<sup>6</sup> which is the largest district in East Java. Banyuwangi nicknamed *The Sunrise Of Java* has an achievement award from the EPPD results in 2023, achieving the highest score beating 514 district governments throughout Indonesia.<sup>7</sup>

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<sup>4</sup> Moh Fadli, Mukhlis, and Mustafa Lutfi, *Environmental Law and Policy* (Universitas Brawijaya Press, 2016), 53.

<sup>5</sup> Jundiani, "GLOBALIZATION: CHALLENGES IN THE PROVISION OF GREEN SPACE AND WATER RESOURCE CONSERVATION," *Bina Hukum Lingkungan* 3, no. 1 (2018): 135.

<sup>6</sup> Badan Pusat Statistik Kabupaten Banyuwangi, "Kabupaten Banyuwangi Dalam Angka 2024," accessed August 30, 2024, <https://banyuwangikab.bps.go.id/id/publication/2024/02/28/cccdb3057963bcd88751a417/kabupaten-banyuwangi-dalam-angka-2024.html>.

<sup>7</sup> ANTARA News Agency, "Banyuwangi achieves Best Performing Regency in Indonesia," ANTARA News Bali, accessed August 30, 2024, <https://bali.antaranews.com/berita/343719/banyuwangi-cetak-prestasi-kabupaten-berkinerja-terbaik-se-indonesia>.

According to data from the Banyuwangi Central Statistics Agency (BPS), Banyuwangi Regency is astronomically located between 7°43' - 8°46' South latitude and 113°53' - 114°38' East longitude, Banyuwangi Regency has a coastline of around 175.8 km, and 10 islands.<sup>8</sup> Banyuwangi Regency is divided into 25 sub-districts and 217 villages/ kelurahan, some of which have a lack of access in accessibility and infrastructure. Unemployment in Banyuwangi according to BPS data reached 50,659 people from the age of 15 years and over, this figure is quite fantastic and large Where the poverty line from BPS data reached 448,928 in 2023 this figure increased from before in 2022 it reached 414,879.<sup>9</sup>

The need for improvement and progress for the welfare of the community in order to achieve prosperity in each region. The rights to develop their respective regions have been regulated in Article 1 paragraph (6) of Law No. 23 of 2014.<sup>10</sup> This has been regulated in the Banyuwangi Regency Regional Regulation No.2 of 2024 Article 4 Paragraph (1),<sup>11</sup> related to regional structure policies and regional spatial patterns must be the main foundation in overcoming issues to fulfill the needs of the

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<sup>8</sup> Banyuwangi, District Statistics Agency, "Banyuwangi Regency in Figures 2024," accessed December 21, 2024, <https://banyuwangikab.bps.go.id/id/publication/2024/02/28/cccd8b3057963bcd88751a417/kabupaten-banyuwangi-dalam-angka-2024.html>.

<sup>9</sup> Banyuwangi, Central Bureau of Statistics of Banyuwangi Regency, "Banyuwangi Regency in Figures 2024,".

<sup>10</sup> "Article 1 paragraph 6 of Law of the Republic of Indonesia Number 23 of 2014 Concerning Regional Government, PRESIDENT OF THE REPUBLIC OF INDONESIA DR. H. SUSILO BAMBANG YUDHOYONO , accessed December 21, 2024,

<sup>11</sup> "Article 4 Paragraph 1 of the Regional Regulation of Banyuwangi Regency Number 2 of 2024 concerning the Regional Spatial Plan of Banyuwangi Regency for 2024-2044, Established in Banyuwangi on March 21, 2024, BANYUWANGI REGIONAL LEMBARAN DAERAH DISTRICT OF BANYUWANGI YEAR 2024 NUMBER 2 REGISTER NUMBER 37-2/2024," t.t., 20.

Banyuwangi Community, besides that the community is currently still vulnerable to accommodation, the ability to manage resources that are still minimal is also a problem that still needs attention. The need for space utilization and strategic policies to be able to manage existing space to reach the potential for synergistic progress.

The government must make significant efforts to improve its strategy in regulating its territory, this is stated in the Banyuwangi Regency Regional Regulation No. 2 Article 5 Paragraph (1),<sup>12</sup> related to the strategies needed to manage the development of settlement centers that are integrated with regional service centers and regional infrastructure networks. For the realization of sustainable development between sectors, regions and communities, the formation of regional spatial planning is the basis for the direction of investment development carried out by the government. The government is responsible for formulating policies, allocating budgets, and evaluating programs or activities that support the achievement of SDGs targets.<sup>13</sup>

Local regulations are not solely assessed from the legal-formal aspect. The substance and process of its formation must be studied further to analyze the extent to which the Banyuwangi Regional Regulation is able to become a means of development, in this context the importance of using

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<sup>12</sup> "Article 5 Paragraph 1 of Banyuwangi Regency Regional Regulation Number 2 of 2024 concerning the Regional Spatial Plan of Banyuwangi Regency for 2024-2044, Established in Banyuwangi on March 21, 2024, BANYUWANGI REGIONAL BILL OF BANYUWANGI DISTRICT YEAR 2024 NUMBER 2 REGISTER NUMBER 37-2/2024," 21.

<sup>13</sup> Amirya and Irianto, "CHALLENGES OF SUSTAINABLE DEVELOPMENT GOALS (SGDs) IMPLEMENTATION IN INDONESIA." "CHALLENGES OF SUSTAINABLE DEVELOPMENT GOALS (SGDs) IMPLEMENTATION IN INDONESIA,"

a theoretical approach, namely, the theory of development law by Mochtar Kusumaatmadja.

Mochtar views law as a means of reforming society, not just *a tool of social engineering*. Law is not simply seen as a set of rules (norms), but as a whole system of various aspects that need to be studied from norms, institutions (*institutions*) and processes (*procces*) that function to encourage directed social change.<sup>14</sup> A good law is a living law, not only rules and norms but includes institutions to realize the enactment of the law, providing reciprocity that is not just a suggestion but an option of value in society and solutions as renewal.<sup>15</sup> This theory is very relevant to the realization of the Banyuwangi Regional Regulation along with the approach of the concept of *masalah mursalah* to analyze benefits or benefits.

The concept of the *masalah mursalah* approach, Banyuwangi Regency Regional Regulation No.2 of 2024 can be of benefit to the surrounding community not only the rules that apply but also the steps and community participation are very important for the implementation of this regional regulation. *Maslahah mursalah* in the terminology study of *usul fiqh* science, the concept of *maslahat* has been discussed and defined by various leading scholars. Some of the figures who contributed to the formulation of the definition of *maslahat* include al-Gazali, al-Tufi, al-Syatibi, al-Kawarizmi, al-'Izz al-Din bin 'Abd al-Salam, al-Taraki, and al-Rabi'ah. According to Imam al-Gazali in its basic sense, *maslahat* is

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<sup>14</sup> Saifullah, "'THE DYNAMICS OF LAW THEORY: A Critical-Paradigmatic Reading' Pustaka Pelajar, January 1, 2018," t.t., 106, <https://api.core.ac.uk/oai/oai:repository.uin-malang.ac.id:3848>.

<sup>15</sup> Saifullah, 191.

everything that brings or produces benefits and at the same time prevents or keeps away the fade (things that can cause harm or damage).<sup>16</sup> In the context of determining Islamic law, *maslahah mursalah* is a methodology that has proven to be very effective. This method has been practiced since the time of the Prophet Muhammad SAW and continued by the companions, tabi'in, to the mujtahid scholars in dealing with and providing answers to various legal issues.<sup>17</sup>

Based on the background description above, this research seeks to answer the main questions. First, how the implementation of Regional Regulation Number 2 of 2024 of Banyuwangi Regency is analyzed through the perspective of Mochtar Kusumaatmadja's theory of development law, especially in the aspects of norms, institutions, and legal processes, and the extent to which the policy is relevant to the Sustainable Development Goals (SDGs), especially Goal 11 on sustainable cities and settlements. Second, how the substance and implementation of the local regulation is viewed from the concept of *maslahah mursalah* according to Imam al-Ghazali's thought, in the context of efforts to bring public benefits and prevent harm to the people of Banyuwangi.

From the background description above, the author wants to conduct a research entitled "Implementation of Banyuwangi Regency Regional Regulation Number 2 of 2024 in the Perspective of *Sustainable*

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<sup>16</sup> "Asriaty, "Application of Maslahah Mursalah in Contemporary Issues", MADANIA Vol. 19, No. 1, June 2015," accessed December 23, 2024, <https://download.garuda.kemdikbud.go.id/article.php?article=952075&val=14679&title=PENERAPAN%20MASHLAHAH%20MURSALAH%20DALAM%20ISU-ISU%20KONTEMPORER>.

<sup>17</sup> "Asriaty, "Application of Maslahah Mursalah in Contemporary Issues", MADANIA Vol. 19, No. 1, June 2015."

*Development Goals and Maslahah Mursalah*" this research takes place in Banyuwangi Regency.

## **B. Limitations Research**

This research is limited to analyzing the implementation of the Banyuwangi Regency Regional Regulation No. 2 of 2024 concerning the 2024-2044 Spatial Plan using Mochtar Kusumaatmadja's Development Law Theory, which includes aspects of norms, institutions, and legal processes as a measure of the effectiveness of regional regulations as tools and social means of regional development.

The limitation of the analysis focused on the linkage of the implementation of Banyuwangi District Regulation No. 2 Year 2024 with SDGs Goal 11, particularly through Articles 4 and 5 which regulate the regional structure, spatial pattern, and regional development strategy. The research assesses the local regulation's contribution to SDGs 11 indicators, such as regional accessibility, basic services, and public participation. The three elements of legal theory (norms, institutions, processes) are used to assess the achievement of SDGs 11 indicators in the substance and application of local regulations, and reveal the interconnections between local legal policies and global development goals.

This research also uses the *maslahah mursalah* approach according to Imam al-Gazali, by assessing whether local regulations bring benefits and prevent harm, and support the principles of *maqāṣid al-syarī'ah*: protecting religion, soul, mind, offspring, and property. Thus, the scope of the research



focuses on legal aspects, development policies, and Islamic values of benefit.

### **C. Statement Of Problem**

1. How is the Implementation of Banyuwangi Regional Regulation No. 2 of 2024 in Supporting *Sustainable Development Goals*?
2. How is the *Maslahah Mursalah* review of the implementation of Banyuwangi Regional Regulation No. 2 of 2024?

### **D. Objective of Research**

1. To describe and analyze how the Implementation of Banyuwangi Regional Regulation No. 2 of 2024 in Supporting *Sustainable Development Goals*.
2. To describe and analyze *maslahah mursalah* towards the implementation of Banyuwangi Regional Regulation No. 2 of 2024.

### **E. Benefit of Research**

#### **a. Theoretically**

1. This research is expected to be able to become literacy for other researchers to carry out the same topic in order to increase knowledge and literacy, especially Constitutional Law.
2. This research is expected to be a contribution and participation of the quarto helix, especially with regard to Regional Spatial Planning and Development Sustainability.

#### **b. Practically**

1. Become a reference or reference in issues related to Regional Spatial Planning with the Implementation of Banyuwangi Regional

Regulation No. 2 of 2024 concerning Regional Spatial Planning 2024-2044.

2. Building examples is useful to serve as a reference for district development in the implementation of SDGs.
3. Add insight for readers to find out more literacy about Regional Spatial Planning.

## **F. Operational Definition**

According toutama (2016), operational definition is the determination of meaning for a variable with the specification of activities needed to measure, categorize or manipulate the variable. The purpose of explaining the operational definition is focused on understanding the researcher's interpretation so as not to cause ambiguity. Some terms are intended to explain the title "Implementation of Banyuwangi Regency Regional Regulation Number 2 of 2024 in the Perspective of *Sustainable Development Goals* and *Maslahah Mursalah*".

### **a. Implementation**

According to the Big Indonesian Dictionary (KBBI) Implementation is the implementation or application.<sup>18</sup> Etymologically, implementation can be interpreted as an activity related to completing a task by using means (tools) to achieve results.<sup>19</sup>

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<sup>18</sup> "Meaning of the word implementation - Kamus Besar Bahasa Indonesia (KBBI) Online," accessed January 13, 2025, <https://kbbi.web.id/implementasi>.

<sup>19</sup> "Tachjan "Public Policy Implementation" (Bandung: AIPI Bandung Publisher, 2006)," 24, accessed December 23, 2024, [https://pustaka.unpad.ac.id/wp-content/uploads/2011/02/implementasi\\_kebijakan\\_publik\\_t.pdf](https://pustaka.unpad.ac.id/wp-content/uploads/2011/02/implementasi_kebijakan_publik_t.pdf).

According to Ripley and Franklin, implementation refers to the process that occurs after a law is passed, where the law provides authority for a particular program, policy, benefit, or form of tangible outcome. The term implementation covers a series of activities that are carried out as a follow-up to the statement of program objectives and outcomes that government officials want to achieve.<sup>20</sup> According to Grindle (1980: 7), implementation is a general process of administrative action that can be studied at the level of a particular program.

#### b. Local Regulation

Regional Regulations (Perda) are regulations formulated by the Regional People's Representative Council (DPRD) at the provincial level, which require approval from the Regional Head, be it the governor or regent/mayor. This is regulated in Law No. 15 of 2019 which is an amendment to Law No. 12 of 2011. Perda are divided into two categories: Provincial Regional Regulations and Regency/City Regional Regulations.<sup>21</sup>

According to K. Wantjik, Local Regulations are all written regulations drafted by authorities, both at the central and local levels, which are binding and generally applicable. This includes various types of regulations such as emergency laws, government regulations in lieu of laws,

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<sup>20</sup> "Rulinawaty Kasmad 'Public Policy Implementation Study' (Kedai Aksara, 2013)," 8, accessed December 23, 2024, [https://www.researchgate.net/profile/Rulinawaty-Kasmad/publication/327762798\\_Implementasi\\_Kebijakan\\_Publik/links/5ba2fda292851ca9ed1748e1/Implementasi-Kebijakan-Publik.pdf](https://www.researchgate.net/profile/Rulinawaty-Kasmad/publication/327762798_Implementasi_Kebijakan_Publik/links/5ba2fda292851ca9ed1748e1/Implementasi-Kebijakan-Publik.pdf).

<sup>21</sup> "Regional Regulation (Indonesia)," in *Indonesian Wikipedia, the free encyclopedia*, October 23, 2024, [https://id.wikipedia.org/w/index.php?title=Peraturan\\_Daerah\\_\(Indonesia\)&oldid=26448096](https://id.wikipedia.org/w/index.php?title=Peraturan_Daerah_(Indonesia)&oldid=26448096).

government regulations, presidential decrees, as well as provincial regulations and municipal regulations, among others.<sup>22</sup>

In this case it can be said that Regional Regulations (Perda) are regulations made by the Regional People's Representative Council (DPRD) together with the regional head, aiming to implement regional autonomy and regulate various aspects of community life according to local needs.<sup>23</sup> Local regulations function as instruments of policy, law enforcement, accommodators of community aspirations, and tools to improve regional welfare.<sup>24</sup> The aim is to empower the community, respect human rights, and consider environmental aspects and local culture in every policy set.<sup>25</sup>

### *c. Sustainable Development Goals (SDGs)*

The SDGs are global and national commitments to improve people's well-being, which include 17 global goals and targets set for 2030.<sup>26</sup> According to Nurhayati, MA. , SDGs stands for *The Sustainable Development Goals* which means sustainable development goals (SDGs).<sup>27</sup> The Sustainable Development Goals are to create peace and prosperity for humanity and the environment, both now and in the future.<sup>28</sup>

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<sup>22</sup> "Definition of Local Regulation to the Principles of Regulation Formation - Gramedia Literasi," accessed December 5, 2024, <https://www.gramedia.com/literasi/pengertian-perda/>.

<sup>23</sup> "Definition of Regional Legal Products | Legal Section," accessed December 5, 2024, <https://hukumsetda.bulelengkab.go.id/informasi/detail/artikel/pengertian-produk-hukum-daerah-22>.

<sup>24</sup> "Regional Regulation: Definition, Function and Purpose," accessed December 5, 2024, <https://news.detik.com/berita/d-5995224/peraturan-daerah-pengertian-fungsi-hingga-tujuannya>.

<sup>25</sup> "Definition of Regional Legal Products | Legal Section."

<sup>26</sup> "BERANDA," SDGs Indonesia, accessed December 5, 2024, <https://sdgs.bappenas.go.id/>.

<sup>27</sup> Nurhayati, "Cooperation Program between the Indonesian Embassy and IAIN LHOKEUMAWE for Community Service in 2017," t.t., <https://lpm.iainlhokseumawe.ac.id/sibakv2/BIDANG%20KERJASAMA/DOKUMEN%20LAPORAN%20PKM%20LUAR%20NEGERI/2017/25%20-%202017.pdf>.

<sup>28</sup> "Sustainable Development Goals (SDGs) - Faculty of Law, University of Indonesia," accessed December 5, 2024, <https://law.ui.ac.id/sustainable-development-goals-sdgs/>.

#### d. *Maslahah Mursalah*

In language, *maslahah* means goodness, benefit, or virtue, while *mursalah* means something that is cut off or not bound. Said Ramadhan al-Buthi defines *maslahah mursalah* as "any benefit that is in harmony with the objectives of *maqashid al-syari'*, whether there is evidence to support or reject it."<sup>29</sup>

In the *Big Indonesian Dictionary (KBBI)*, the terms *maslahat* and *kemaslahatan* have different meanings. *Maslahat* is defined as something that provides benefit, goodness, or benefit, while benefit refers to a broader use, interest, or benefit.<sup>30</sup> According to Imam al-Ghazali, *Maslahah Mursalah* is a benefit that has no shar'i evidence in the form of a specific nash that invalidates it, but also nothing that explicitly establishes it. Imam al-Ghazali emphasized that the benefit must be in line with the purpose of sharia (*Maqashid Al-Shari'ah*), even though it sometimes contradicts human desires.<sup>31</sup>

### G. Systematization of Writing

## CHAPTER I: INTRODUCTION

In this chapter, we will explain the background of the research, the formulation of the problem to be answered, as well as the objectives and benefits of this research. In addition, operational definitions will be included to clarify the

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<sup>29</sup> Prahasti Suyaman, "Maslahah Mursalah as One of the Methods of Istibath," *KRTHA BHAYANGKARA* 18, no. 2 (August 16, 2024): 419, <https://doi.org/10.31599/krtha.v18i2.2692>.

<sup>30</sup> Imron Rosyadi, "MASLAHAH MURSALAH AS DALIL HUKUM," May 2012, 16, <http://publikasiilmiah.ums.ac.id/handle/11617/2910>.

<sup>31</sup> Syarif Hidayatullah, "Maslahah Mursalah According to Al-Ghazali," *Al-Mizan : Journal of Islamic Law and Economics* 2, no. 1 (February 22, 2018): 16, <https://doi.org/10.33511/almizan.v2n1.115-163>.

terms used, ending with a writing systematic that explains the structure of the entire document.

## **CHAPTER II: LITERATURE REVIEW**

This chapter presents a literature review that includes previous studies and relevant theoretical studies to support understanding of the topic under study.

## **CHAPTER III: RESEARCH METHODS**

In this chapter, the research methods used will be discussed in detail, including the type and approach of the research, data sources, and techniques applied in collecting and managing data. Data analysis techniques will also be explained to provide a comprehensive overview of the research process.

## **CHAPTER IV: RESEARCH RESULTS AND DISCUSSION**

This chapter presents the results of the research with in-depth data analysis. The facts and data obtained from the field and the real conditions that occur at the research location will be described.

## **CHAPTER V: CLOSING**

In this final chapter, conclusions will be presented from all research findings as well as suggestions that can be given based on the results of the analysis.

## **CHAPTER II**

### **LITERATURE REVIEW**

#### **A. Previous Research**

Previous research according to legal experts is sourced from studies that have been carried out previously and become the basis or reference in the research being conducted. According to Randi (2018), previous research serves as an information reference to help researchers reproduce the theories used in their scientific work.<sup>32</sup> This research also helps researchers to find the shortcomings and advantages of previous works, so that they can become better and more authentic research. In the context of research on sustainable development, many have examined it, but specifically in research subjects and objects become a reference for differences in previous research:

In this previous study, several samples of research or scientific work were taken as follows:

- 1) Thesis by Ilzam Nuzuli, S.E. Faculty of Economics and Business, University of Jember in 2020 entitled "Analysis of the Regional Spatial Plan of Banyuwangi Regency (Sustainable Development Perspective)" researchers used a Quantitative approach with Descriptive-quantitative methods, the location and time of the research was conducted in baanyuwangi Regency. The population and sample of this study were NGOs

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<sup>32</sup> Florentina Tamba, "PUBLIC ADMINISTRATION STUDY PROGRAM FACULTY OF SOCIAL AND POLITICAL SCIENCE UNIVERSITY OF MEDAN AREA MEDAN 2022," t.t., 11.



and community leaders, entrepreneurs, workers, legislative (DPRD) and government officials. Sampling with quota sampling technique. By using premier, secondary and tertiary data. This research aims to analyze the sustainability status of the Regional Spatial Plan in Banyuwangi Regency which is observed in terms of social, economic, ecological, legal and regulatory, infrastructure, institutional and technological aspects. The results showed that:

The results of the analysis of the sustainability status of the regional spatial plan in Banyuwangi Regency in multidimensional terms are in a fairly sustainable status with a sustainability index point of 74.03 points on an ordination scale of 60.01-75.00. With the economic dimension being a big opportunity in the highest index of sustainability status. the results of the *Analytical Hierarchy Process* produce priority strategies in setting policies related to spatial planning are institutional aspects. So that it is necessary to pay attention to increasing the human resources of planners, evaluation activities both monitoring the utilization of Spatial Planning.

The difference between this research and the author's research is that the research focuses on the discussion and dimensions that focus on the analysis of Spatial Planning with various dimensions of Social, ecological, economic, legal and regulatory, infrastructure, institutional and technological as well as policy development. while the author's research focuses on the Implementation of the Regional Regulation Policy on spatial planning in 2024, the policy is still in the status of renewal of the previous Regional Regulation. Although there are similarities in terms of the point of view of sustainable development and also a

discussion of spatial planning, the author's point on SDGs and regional regulations is the main difference, as well as a review of *Maslahah Al-Mursalah*.<sup>33</sup>

- 2) Global & Policy Journal Vol.8, No.2, by Amjad Trifita, Ridha Amaliyah from UIN sunaan Ampel Surabaya in 2020 with the title "Public Space and Sustainable Cities: Surabaya City Government's Strategy to Achieve Sustainable Development Goals (SDGs)". The research aims to analyze the Surabaya city government's strategy as one of the metropolitan cities in Indonesia that realizes sustainable cities in the *Sustainable Development Goals* (SDGs). the research uses a qualitative-descriptive type and approach. research through case studies and combined with primary sources by conducting stakeholder interviews and secondary sources. The result of the research is that :

Surabaya, as a highly urbanized city, recognizes the importance of sustainable development and has been collaborating with *United Cities Local Government Asia-Pacific* (UCLG ASPAC) through the *Global Public Space Programme* (GPSP) since 2016. The project involved stakeholders and successfully implemented three key strategies: engaging stakeholders in public space planning, utilizing new knowledge, and implementing pilot projects.

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<sup>33</sup> "Ilzam Nuzuli, 'Analysis of Regional Spatial Plan in Banyuwangi Regency (Sustainable Development Perspective)' (Undergraduate thesis, University of Jember, 2020)," accessed August 29, 2024, [https://repository.unej.ac.id/bitstream/handle/123456789/102903/Ilzam%20Nuzuli%2c%20S.E.%20150820201012\\_.pdf?sequence=1&isAllowed=y](https://repository.unej.ac.id/bitstream/handle/123456789/102903/Ilzam%20Nuzuli%2c%20S.E.%20150820201012_.pdf?sequence=1&isAllowed=y).

The difference between the author's research and this research is that the research focuses on how Surabaya emphasizes sustainable development efforts through cooperation with UCLG ASPAC in the *Global Public Space Programme* (GPSP). The focus is on the integration of sustainability elements. Meanwhile, the author's research on Banyuwangi focuses on the implementation of sustainable development policies in Regional Regulation Number 2 of 2024. The author's research analyzes how the policy can accelerate the achievement of *Sustainable Development Goals* (SDGs) and how *Maslahah Al-Mursalah* reviews the benefits of society. This research has similarities in focusing on sustainable development, with the aim of supporting the achievement of *Sustainable Development Goals* (SDGs).<sup>34</sup>

- 3) POSITUM Law Journal Vol. 8, No.2 by Alisha Zahra Saadiya and Fatma Ulfatun Najicha from the Faculty of Law, Sebelas Maret University in 2023 with the title "Implementation of Spatial Planning policies in Realizing Sustainable Development" the study aims to analyze the relationship between spatial planning and sustainable development. The research uses normative legal research methods, through a statutory *approach* (*statue approach*) and *conceptual approach* (*conceptual approach*). The results of this study are that:

The relationship between sustainable development and spatial planning lies in the application of spatial planning based on the principle of

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<sup>34</sup> Amjad Trifita and Ridha Amaliyah, "Public Space and Sustainable Cities: Surabaya City Government's Strategy to Achieve Sustainable Development Goals (SDGs)," *Global and Policy Journal of International Relations* 8, no. 02 (July 1, 2020), <https://doi.org/10.33005/jgp.v8i02.2413>.

sustainability, which is in line with the concept of sustainable development. Both pay attention to the balance between economic, social and environmental aspects. In its implementation, sustainable development that utilizes space is very important to implement spatial planning policies.

The difference between this research and the author's research lies in the focus and objectives. The research on the relationship between sustainable development and spatial planning emphasizes the application of sustainability principles in spatial planning, which includes a balance between economic, social, and environmental aspects. Meanwhile, the author's research on the Banyuwangi Regency Regional Regulation is more specific in analyzing the implementation of spatial planning policies designed to accelerate the achievement of *Sustainable Development Goals* (SDGs) in the 2024-2044 period. As well as how the benefits from the point of view of *Maslahah Al-Mursalah* for the community. Both studies have similarities in the main focus related to spatial planning and sustainable development.<sup>35</sup>

- 4) Scientific Journal of Government Science Volume 10 by Theresia, et al from 'Aisyiyah University Yogyakarta in 2024 with the title "Analysis of Spatial Planning Policy Implementation in Yogyakarta City". This study aims to analyze spatial planning policies and how they are implemented in the city

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<sup>35</sup> Alisha Zahra Saadiya and Fatma Ulfatun Najicha, "IMPLEMENTATION OF SPATING POLICY IN PURSUIT OF SUSTAINABLE DEVELOPMENT," *Positum Law Journal* 8, no. 2 (2023): 299–316, <https://doi.org/10.35706/positum.v8i2.10802>.

of Yogyakarta, the study used a descriptive qualitative approach. The results of the study are that:

The government of Yogyakarta Special Region (DIY) has allocated budget and provided adequate facilities and infrastructure, including the use of the Gatra Matra Jogja platform to improve efficiency in information delivery. Policy implementers show high commitment, although there are still challenges from cultural aspects and land requirements that must be resolved. The successful implementation of spatial planning policies relies heavily on a well-organized bureaucratic structure, as well as flexible and adaptive standard operating procedures (SOPs).

The difference between this research and the author's research lies in the focus and objectives. The research is about implementation that focuses on spatial planning that emphasizes flexible and adaptive SOPs. Meanwhile, the author's research examines Regional Regulation No.2 of 2024 on spatial planning which focuses on the goals of the SDGs along with a review of *mashlahah mursalah*. The similarities between the two studies focus on the implementation aspect of spatial planning.<sup>36</sup>

- 5) Thesis by Diani Safitri from the University of Muhammadiyah Makassar in 2018 with the title "Implementation of Regional Spatial Planning Policy (RTRW) in Sinjai Regency". the purpose of the study was to find out the initiation of the implementation of the regional spatial plan policy in Sinjai

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<sup>36</sup> Theresia Wilmince Nahak et al., "Analysis of Spatial Planning Policy Implementation in Yogyakarta City," *Moderat: Scientific Journal of Government Science* 10, no. 4 (November 28, 2024): 788–805, <https://doi.org/10.25157/moderat.v10i4.4049>.

Regency. The study used a qualitative descriptive method, with the results of the discussion:

The research shows that the implementation of the RTRW has not been optimal based on Grindle's theory, which emphasizes changes towards welfare. Implementors are trying to improve existing shortcomings. The conversion of rice fields and gardens into housing is one of the problems. Community participation is very important, so synergy with the government needs to be improved. The Public Works Office and related agencies must also communicate the RTRW regulation effectively so that the community understands the policy.

The difference between this research and the author's research lies in the focus and objectives. The research is about the implementation of spatial policies based on Grindle's theory, while the author's research focuses on the Banyuwangi spatial regulation with the SDGs perspective and *the mashlahah mursalah* review. The similarities between the two studies both focus on discussing the analysis of the implementation of regional spatial policies.<sup>37</sup>

No	Name, Institution, Year,	Problem Formulation	The difference	Equation	The element of novelty
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<sup>37</sup> "Diana Safitri, 'Implementation of the Regional Spatial Plan (RTRW) Policy in Sinjai Regency' (Undergraduate Thesis, University of Muhammadiyah Makassar, 2018)," accessed May 14, 2025, [https://digilibadmin.unismuh.ac.id/upload/600-Full\\_Text.pdf](https://digilibadmin.unismuh.ac.id/upload/600-Full_Text.pdf).

	Research title				
1.	Thesis, by Ilzam Nuzuli, S.E. Faculty of Economics and Business, University of Jember in 2020 entitled "Analysis of the Regional Spatial Plan of Banyuwangi Regency (Sustainable Development	-What is the sustainability status of the Regional Spatial Plan in Banyuwangi Regency in terms of ecological, economic, social, legal and regulatory, institutional, infrastructure and technological dimensions?  -How is the policy formulation of a sustainable	- The difference between this research and the author's research is that the research focuses on the discussion and dimensions that focus on the analysis of Spatial Planning with various dimensions of Social, ecological, economic, legal and regulatory, infrastructure, institutional and technological as well as policy development. while the author's research focuses on the Implementation of Regional Regulation	-similarities in terms of the point of view of sustainable development and also the discussion of spatial planning.	-This research is a development of previous research  -Discusses how the Implementation of Regional Regulation No.2 of 2024 concerning Regional Spatial Planning 2024-2044 through the acceleration of regional development with not only

	Perspective) ".	Regional Spatial Plan in Banyuwangi Regency?	Policy concerning spatial planning in 2024, the policy is still in the status of renewal of the previous Regional Regulation.		goals and also being an indicator using Sustainable Development Goals (SDGs) and a review of Maslahah Al- Mursalah.
2.	Global & Policy Journal Vol.8, No.2, by Amjad Trifita, Ridha Amaliyah from UIN sunaan Ampel Surabaya in 2020 with	-How is the Surabaya city government's strategy as one of the metropolitan cities in Indonesia to realize a sustainable city as mandated by the United Nations in the	- The difference between the author's research and this research is that the research focuses on how Surabaya emphasizes sustainable development efforts through cooperation with UCLG ASPAC in the <i>Global Public Space Programme</i> (GPSP). The focus is on the	- This research is similar in its focus on sustainable <i>development</i> , with the aim of supporting the achievement of the <i>Sustainable Development Goals</i> (SDGs).	-This research is a development of previous research -Discusses how the Implementatio n of Regional Regulation No.2 of 2024 concerning Regional



	the title "Public Spaces and Sustainable Cities Surabaya City Government Strategies to Achieve Sustainable Development Goals (SDGs)"	Sustainable Development Goals (SDGs) 2030 Vision?	integration of sustainability elements. Meanwhile, the author's research on Banyuwangi focuses on the implementation of sustainable development policies in Regional Regulation Number 2 of 2024. The author's research analyzes how the policy can accelerate the achievement of <i>Sustainable Development Goals</i> (SDGs) and how the <i>Maslahah Al-Mursalah</i> review of community benefits.		Spatial Planning 2024-2044 through the acceleration of regional development with not only goals and also indicators using Sustainable Development Goals (SDGs) and a review of <i>Maslahah Al-Mursalah</i> .
3.	POSITUM Law Journal Vol. 8, No.2	-What is the relationship between spatial	-The difference between this research and the author's research lies in	-Both studies have similarities in	-This research is a development of

by Alisha Zahra Saadiya and Fatma Ulfatun Najicha from the Faculty of Law, Sebelas Maret University in 2023 with the title "Implementation of Space Arrangement policies in realizing sustainable development".	planning and sustainable development as well as -Is spatial planning policy important to be implemented in sustainable development	the focus and objectives. The research on the relationship between sustainable development and spatial planning emphasizes the application of sustainability principles in spatial planning, which includes a balance between economic, social, and environmental aspects. Meanwhile, the author's research on the Regional Regulation of Banyuwangi Regency is more specific in analyzing the implementation of spatial planning policies designed to accelerate the achievement of <i>Sustainable</i>	the main focus related to spatial planning and sustainable development.	previous research -Discusses how the Implementatio n of Regional Regulation No.2 of 2024 concerning Regional Spatial Planning 2024-2044 through the acceleration of regional development with not only goals and also being indicators using the Sustainable Development
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			<i>Development Goals</i> (SDGs) in the 2024-2044 period. As well as how the benefits from the point of view of <i>Maslahah Al-Mursalah</i> for the community.		Goals (SDGs) and a review of <i>Maslahah Al-Mursalah</i> .
4.	Scientific Journal of Government Science Volume 10 by Theresia, et al from University of 'Aisyiyah Yogyakarta in 2024 with the title "Analysis of Spatial Planning Policy	-How is the implementation of Spatial Planning policy in Yogyakarta City?	- The difference between this research and the author's research lies in the focus and objectives. The research is about Implementation which focuses on spatial planning that emphasizes flexible and Adaptive SOPs. Meanwhile, the author's research examines Regional Regulation No.2 of 2024 on spatial planning which focuses on the goals of the SDGs	- The similarities between the two studies focus on aspects of the implementation of on spatial planning.	-This research is a development of previous research  -Discusses how Implementation of Regional Regulation No.2 of 2024 concerning Regional Spatial Planning 2024-2044 through the

	Implementa tion in Yogyakarta City".		along with a review of <i>mashlahah mursalah</i> .		acceleration of regional development with not only goals and also indicators using Sustainable Development Goals (SDGs) and a review of Maslahah Al- Mursalah.
5.	Thesis by Diani Safitri from the University of Muhammad iyah Makassar in 2018 with the title	- 1. How is the initiation of the implementatio n of the Sinjai District spatial plan policy?  2. How is the policy implementatio n action of the	-The difference between this research and the author's research lies in the focus and objectives. The research is about the implementation of spatial policies based on Grindle's theory, while the author's research focuses on the	-The similarities of the two studies both focus on discussing the analysis of the implementatio n of regional spatial	-This research is a development of previous research -Discusses how the Implementatio n of Regional Regulation

	"Implement ation of Regional Spatial Planning Policy (RTRW) in Sinjai Regency".	Sinjai District spatial plan?	Banyuwangi spatial regulation with the SDGs perspective and <i>the mashlahah mursalah</i> review.	planning policies	No.2 of 2024 concerning Regional Spatial Planning 2024- 2044 through the acceleration of regional development with not only goals but also indicators using Sustainable Development Goals (SDGs) and a review of Maslahah Al- Mursalah.
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## B. Theoretical Framework

The theoretical framework is an important concept of research. Aims to help readers understand the events described from this research. According to Sugiyono (2017), a theoretical framework can be defined as a collection of concepts, definitions, and propositions that are interrelated and serve as a guide in the research process.<sup>38</sup> In this sub chapter, it explains several relevant theories as the basis for this research as follows:

### a. Legal Theory of Development Mochtar Kusumaatmadja

Mochtar Kusumaatmadja emphasized that *law* not only functions as a means of order, but also as a means of renewal and development of society (*law as a tool of social engineering*). This means that the law can direct people's behavior in accordance with development goals. This view departs from the belief that order is very important in the development process. Law is not simply understood as norms and principles, but also includes the institutions and processes that accompany it. Mochtar's Development Law Theory emphasizes the active and dynamic role of law as a catalyst and driver in social change in Indonesia.<sup>39</sup>

The concept of Development Law adapted from Roscoe Pound's idea of *law as a tool of social engineering*, Mochtar Kusumaatmadja developed further. He changed the view of law as a "tool" to a "means" of community development. In its application, the law must be in line with the unwritten laws that live in society. This

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<sup>38</sup> "Sugiyono, Quantitative, Qualitative and R & D Research Methods, (Bandung: Alfabeta Publisher, 2013)," accessed December 12, 2024, [https://digi-lib.stekom.ac.id/assets/dokumen/ebook/feb\\_35efe6a47227d6031a75569c2f3f39d44fe2db43\\_1652079047.pdf](https://digi-lib.stekom.ac.id/assets/dokumen/ebook/feb_35efe6a47227d6031a75569c2f3f39d44fe2db43_1652079047.pdf).

<sup>39</sup> Lilik, Mulyadi, "The Theory of Development Law Prof. Dr. Mochtar Kusumaatmadja, S.H., LL.M.," n.d.

concept combines Marxian and Poundian thinking with a uniquely Indonesian approach, where law functions as a means of dynamic social change.<sup>40</sup>

Mochtar Kusumaatmadja's Development Law Theory emerged due to the reality that law is often considered weak in the midst of the development process. In Indonesia, law was once popularized as a tool of development. Mochtar views law not just as a tool, but as a *means of* development, which functions to direct the behavior of society towards the goals of renewal and order. He emphasized the importance of laws that are alive and in accordance with the values of society.

Mochtar stated that the role of law as a means of development is broader in Indonesia than in the US, because in Indonesia the legislative aspect is more prominent. Development theory is comprehensive in the life of society, and law is its essential foundation. Law is defined as a system of values, institutions, and processes that ensure certainty and order in development.<sup>41</sup>

Mochtar Kusumaatmadja's Concept of Development Law aims to explain the function of law in a developing society, especially in the context of Indonesia's national development. Law is understood broadly, including principles, institutions, and processes that realize norms in reality. Legal unification for neutral fields, but allowing legal pluralism for aspects related to culture, long-term legal reform must start from legal education reform.<sup>42</sup>

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<sup>40</sup> Rr. Lyia Aina Prihardiati, "Legal Theory of Development Between Das Sein and Das Sollen," *HERMENEUTIKA : Journal of Legal Science* 5, no. 1 (February 27, 2021), <https://doi.org/10.33603/hermeneutika.v5i1.4898>.

<sup>41</sup> Nor Fadillah, "A Review of Mochtar Kusumaatmadja's Legal Theory of Development in the Law on the National Capital City (IKN)," *Supremasi Hukum: Journal of Legal Studies* 11, no. 1 (August 24, 2022): 45–65, <https://doi.org/10.14421/sh.v11i1.2559>.

<sup>42</sup> Fadillah.

This concept not only explains what law is, but also how law is projected to support development. His views are heavily inspired by Roscoe Pound's *sociological jurisprudence*, which sees law as a tool to address structural inequality in society. Mochtar considers the important role of law in legal reform in Indonesia, because formal regulation is the main tool in social change. Law, according to him, must reflect the values of society (living law), and power must remain limited by law.<sup>43</sup>

In the case of this research, Mochtar argues, the law is not only a complex of rules and principles that govern, but also includes the institutions and processes needed to realize the enactment of the law in reality. In this case, the law is not sufficiently understood as a set of normative rules, but is a complete system<sup>44</sup> , includes :

a. Norms (rules and principles)

Legal norms are the basis of legality, but if they are not actualized in the social context, they will be insufficient. Local regulation norms must reflect the value of social order and purpose. The concept of norms to analyze the substance of local regulations is in accordance with the values of spatial justice, sustainability and order needed by society.<sup>45</sup>

b. *Institutions*

Local regulations must be made by authorized institutions and through cooperation. The institution is not only a technical implementer, but

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<sup>43</sup> M. Zulfa Aulia, "Development Law from Mochtar Kusuma-atmadja: Directing Development or Serving Development?" *Undang: Journal of Law* 1, no. 2 (March 11, 2019): 363–92, <https://doi.org/10.22437/ujh.1.2.363-392>.

<sup>44</sup> Saifullah, "'THE DYNAMICS OF LAW THEORY: A Critical-Paradigmatic Reading' Pustaka Pelajar, January 1, 2018," 106, 193, 227.

<sup>45</sup> Saifullah, 106, 128, 193.



also the main actor in legal development. The concept of Institution is to examine the actors involved in the process of local regulation legislation and assess whether the system is participatory or not.<sup>46</sup>

c. *Process*

The law-making process should not be elitist. Law formation should not be done exclusively. If the process does not involve all parties inclusively, the law will lose legitimacy. The concept in the process of evaluating local regulation formulation procedures from public participation, cross-sector coordination, to political legitimacy is a necessary process to implement the enactment of the law in reality.<sup>47</sup>

In Mochtar's perspective, laws that are only formulated as norms without going through a gradual and participatory process without being supported by effective institutions will lose their function as a means of development. Local regulations must be tested as a representation of the legal system that lives and functions in society.

b. *Maslahah Mursalah*

The ushul fiqh experts define *maslahah mursalah* as mashlahat which is considered good by the intellect, but there is no provision in the text that indicates its acceptance or rejection. The use of al-mashlahahal-murlah as a method of ijtihad is accepted by most scholars. the use of al-mashlahah almurlah as an argument for determining the law is based on certain conditions. First, the benefits must be in accordance with the wishes of the Sharia and are included in the types of advantages that are supported by the text in general. Second, the benefits must be rational and

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<sup>46</sup> Saifullah, 117, 193.

<sup>47</sup> Saifullah, 119, 150, 227.

can be determined, not just an estimate, so that the law that is determined actually produces benefits and avoids or negates harm. Third, the benefit is about the interests of many people, not just personal interests or a certain group of people.<sup>48</sup>

Maslahat mursalah is one of the *ijtihād* methods that makes Islamic law more dynamic and contextual and not outdated, because new problems and the absence of legal provisions in the Al-Quran and Sunnah can be determined by the wrong *ijtihād* method. using the *maṣlahah mursalah* method.<sup>49</sup>

Al-Ghazālī describes *maṣlahah al-mursalah* as follows: "*Al-maṣlahah al-mursalah* is essentially an expression of the desire to obtain something useful (utility) and the desire to remove something bad (harm). *Al-Maṣlahah al-mursalah* is divided into three categories. First, those that have textual evidence to provide the decision. This first category is valid and can serve as a basis for other analogies. Second, those that are rejected based on textual propositions that support or refute them. This second form is prohibited. And the third category requires more in-depth reasoning.<sup>50</sup>

Imam al-Ghazali argues that a benefit must be in accordance with the objectives of sharia, even if it is contrary to human goals, because human benefits are not always based on the wishes of sharia . According to Ghazali, the objectives of sharia that must be maintained are five, namely: protecting religion, soul, spirit,

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<sup>48</sup> "Mukhsin Nyak Umar, AL-MASHLAHAH AL-MURSALAH (A Study of Its Relevance to Islamic Law Reform), Banda Aceh: 2017," t.t., 63.

<sup>49</sup> "Ahmad Mukri Aji, The Urgency of Maslahat Mursalah (In the Dialectic of Islamic Legal Thought), 2017," 213, accessed December 22, 2024, <https://repository.uinjkt.ac.id/dspace/bitstream/123456789/54990/1/HAKI.pdf>.

<sup>50</sup> "MUSHOFIHIN, "AL-MAṢLAHAH AL-MURSALAH IN THE VIEW OF AL-GAZALĪ AND ITS IMPLEMENTATION" (Undergraduate thesis, Institut Agama Islam Negeri Walisongo Semarang, 2012)," 25, accessed December 22, 2024, [https://eprints.walisongo.ac.id/id/eprint/86/1/Mushofihin\\_Tesis\\_Sinopsis.pdf](https://eprints.walisongo.ac.id/id/eprint/86/1/Mushofihin_Tesis_Sinopsis.pdf).

offspring, and property.<sup>51</sup> It can be concluded that according to Al-Ghazali, *mashlahah al-mursalah* is mashlahah in accordance with the actions of shara' which aims to maintain the objectives of shara' (Islamic law), there is no specific evidence that proves it, and the mashlahah is not contrary to shara'. Quran, Sunnah or Ijma

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<sup>51</sup> Hidayatullah, "Maslahah Mursalah According to Al-Ghazali," 116-17.

<sup>52</sup> Misran, "Al-Mashlahah Mursalah: An Alternative Methodology in Resolving Contemporary Legal Issues," *Justisia Journal: Journal of Law, Legislation and Social Institutions* 1, no. 1 (July 8, 2020): 251, <https://doi.org/10.22373/justisia.v1i1.2641>.

## CHAPTER III

### RESEARCH METHODS

#### A. Research Type

This research uses empirical legal research, which is one type of legal research that analyzes and examines implementation in society. Empirical legal research examines the law conceptualized as *actual behavior*, as a social symptom that is not written, which is experienced by everyone in social life.

Empirical legal research is also called sociological legal research. Soerjono Soekanto and Sri Mamudji, present sociological (empirical) research is "legal research conducted by examining primary data". According to Muhaimin "legal research that analyzes the application of law in reality to individuals, groups, communities, legal institutions in society by focusing on the behavior of individuals or communities, organizations or legal institutions in relation to the application or enactment of law".<sup>53</sup>

#### B. Research Approach

The approach method that will be used by this research is juridical sociological. According to Sutandyo, that sociological juridical research is included in the category of doctrinal legal research on law in concreto and normative legal research is called legal research in abstracto.<sup>54</sup> Sociological

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<sup>53</sup> "Muhaimin, Legal Research Methods. (Mataram University Press, 2020)," 83, accessed December 13, 2024, <https://eprints.unram.ac.id/20305/1/Metode%20Penelitian%20Hukum.pdf>.

<sup>54</sup> "Sigit Sapto Nugroho, Anik Tri Haryani and Farkhani, Legal Research Methodology, (Madiun-Surakarta: Oase Pustaka, 2020)," 48, accessed December 13, 2024, [https://unmermadiun.ac.id/repository\\_jurnal\\_penelitian/Sigit%20Sapto%20Nugroho/URL%20Buku%20Ajar/BUKU%20METODOLOGI%20RISET%20HUKUM.pdf](https://unmermadiun.ac.id/repository_jurnal_penelitian/Sigit%20Sapto%20Nugroho/URL%20Buku%20Ajar/BUKU%20METODOLOGI%20RISET%20HUKUM.pdf).

research on law requires individuals to view law from a different perspective. In this research, law is not understood only as a system of norms reflected in legislation, but as a consistent, structured, and socially legitimized behavior.<sup>55</sup>

Sociological juridical research can be used to examine how effectively the law is applied in society. There are various aspects of law that influence people's behavior when they interact with laws and regulations. The social aspects that play a role include politics, economy, social, culture, education, gender, demography, environment, and religion. Meanwhile, legal aspects include the textual content of laws and regulations, the values and interests of the regulated community, and the procedures for implementing these rules.<sup>56</sup>

### **C. Research Location**

The research location is the place or area where the research is conducted. The location of this research is in the Banyuwangi Regency area, East Java Indonesia. Researchers determined this location because the strategic and large area is a suitable issue for obtaining information and has its own uniqueness with this research.

### **D. Types and Sources of Data**

The data sources of this research are obtained from primary, secondary, and tertiary data.

#### **a. Primary Data**

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<sup>55</sup> "Muhaimin, Legal Research Methods. (Mataram University Press, 2020)," 84.

<sup>56</sup> "Muhaimin, Legal Research Methods. (Mataram University Press, 2020)," 86.

Primary data sources are information obtained directly from the primary source. This data is collected from respondents, informants, and sources. In empirical legal research, data sources come from field data, which includes information obtained from respondents and informants, including experts as sources.<sup>57</sup> In this study, researchers will conduct interviews with the Regional Government of Banyuwangi Regency and community leaders.

b. Secondary Data

Secondary data, also known as library data or legal materials in legal research, refers to an unwritten agreement among legal researchers that legal materials consist of various literatures. Secondary materials provide an explanation of primary legal materials, which can be in the form of draft legislation Law No. 26 of 2007, Government Regulation No. 21 of 2021, Ministerial Regulations related to the preparation of Regional Spatial Plans (RTRW) and Detailed Spatial Plans (RDTR) and Banyuwangi Regency Regional Regulation No.2 of 2024, research results contained as reinforcing material from the Central Statistics Agency (BPS) data, textbooks, scientific journals, newspapers, pamphlets, leaflets, brochures, and internet news. And scientific things that are relevant to the research to be studied.

c. Tertiary Data

Primary data sources refer to data obtained directly from the main source or object that is the focus of the research (first-hand). Primary data has special characteristics because it is collected through direct interaction

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<sup>57</sup> "Muhaimin, Legal Research Methods. (Mataram University Press, 2020)," 89.

between the researcher and the subject or object under study. This type of data is very useful for answering research questions, testing hypotheses, and gaining a deeper understanding of a phenomenon.<sup>58</sup> It is also legal material that can explain both primary legal materials and secondary legal materials, in the form of dictionaries, encyclopedias, lexicons and others.<sup>59</sup>

## **E. Data Collection Techniques**

The data collection method is a method used to process, obtain primary and secondary data. Researchers use data collection as follows explanation:

### **a. Observation**

Observation is a data collection technique by making observations around the object using all sensory organs directly in the field. Observation is considered an objective and systematic technique. This technique can help in collecting data or information for certain purposes that are factual and accountable.<sup>60</sup>

### **b. Interview**

Interviewing is a process of interaction and communication. The quality of interview results is influenced by various interrelated factors. These factors include the interviewer, the respondent or informant, the list of questions, and the conditions under which the

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<sup>58</sup> "Sigit Sapto Nugroho, Anik Tri Haryani and Farkhani, Legal Research Methodology, (Madiun-Surakarta: Oase Pustaka, 2020)," 68.

<sup>59</sup> Admin Anonym, "Knowing Primary, Secondary, and Tertiary Data Sources in Research - Publish Journal," August 31, 2023, <https://publishjournal.com/2023/08/31/sumber-data-primer-sekunder-tersier/>.

<sup>60</sup> "Observation: Definition, Purpose, Characteristics, Types, Examples," July 21, 2023, <https://info.populix.co/articles/observasi-adalah/>.

interview is conducted.<sup>61</sup> In empirical legal research, interviews play a crucial role in understanding respondents' and informants' responses, perceptions, knowledge, and understanding of the questions and issues being studied. Thus, interviews can produce answers that are relevant to the research needs and help answer the problems at hand.<sup>62</sup> This interview was aimed at Banyuwangi Regency government agencies including:

- a) Mr. Dr. Ir. H. Guntur Priambodo, MM as Acting Regional Secretary of Banyuwangi.
- b) Mr. Vendra Hamdani, S.H as staff of the Regional Secretary of Banyuwangi Legal section.
- c) Mr. David Nur Hamzah, S.H as Staff of DPRD Banyuwangi Secretariat.
- d) Mr. Bayu Hadiyanto, ST, Msi as the Head of Spatial Planning of the PUCKPP Office.
- e) Mr. Hermanto, S.Si., M.S.E. as the chairman of BPS Banyuwangi.
- f) Mr. Eko Budiyanto, S.H. As a Banyuwangi community leader.
- c. Documentation

In empirical legal research, documentation is used to complement data obtained through observation and interviews. This involves collecting documents such as official reports, archives, photographs and other records

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<sup>61</sup> "Sigit Sapto Nugroho, Anik Tri Haryani and Farkhani, Legal Research Methodology, (Madiun-Surakarta: Oase Pustaka, 2020)," 71.

<sup>62</sup> "Muhaimin, Legal Research Methods. (Mataram University Press, 2020)," 100.



that can provide additional context and empirical evidence related to the legal phenomenon under study.

#### **F. Data Analysis**

Several stages in analyzing the data of this research are, data and information that has been collected and classified both from interviews from Banyuwangi Regency Government Agencies, statistical data, books, journals and Regional Regulation No.2 of 2024. Then the researcher will select the data obtained and according to the facts that occur in the field, then link the laws and regulations and theories that are sustainable.

## CHAPTER IV

### DISCUSSION OF RESEARCH FINDINGS

#### A. Geographical conditions and location of Banyuwangi Regency



Figure 1 1Regional Map of Banyuwangi Regency

Source : [geoportal-bwi.citymap.id](https://geoportal-bwi.citymap.id)

##### a. Astronomical Location

Banyuwangi Regency is one of the regencies of the province in East Java. Astronomically Banyuwangi is located between 7°43' - 8°46' South latitude and 113°53' - 114°38' East longitude.<sup>63</sup>

<sup>63</sup> "Badan Pusat Statistik Banyuwangi 'Banyuwangi Regency in Figures 2025,'" 3, accessed May 19, 2025, <https://web-api.bps.go.id/download.php?f=drTFimyK+7JhwWhEvKhChnllMGlsNU9iNm1ielpnT3BtMlIXRU8rOHlW00WU8vT1ZyeW9McEptSGd0N0IOSzlpV25aKzkxREtHbmRpcDhHSzZIVzdOGZtS2RMbUFETk9pZnZiR2lTRmM1M3RQSjlZZmIra25jd29yeINFT1dNN2VXbmpTd0NDOTZiSUFwc3VyenAxTUFvenJrTnBiQzBtaWJuSmNtMzZlMEplMDZMWkMkMERZaDgwTlZjT0JXSXJk>

b. Territory boundaries

Its boundaries are to the north with Situbondo Regency, to the east with the Bali Strait, to the south with the Indian Ocean, and to the west with Bondowoso Regency and Jember Regency.<sup>64</sup>

c. Area

Banyuwangi Regency, with an area of approximately 5,782.50 square kilometers, is the largest district in East Java Province. Its diverse terrain includes mountains and beaches, which add to the area's tourist appeal. The district has a coastline of about 175.8 km and consists of 10 islands. Banyuwangi is divided into 25 sub-districts and 217 villages. Tegaldlimo sub-district is the largest, with an area of 1,341.12 km<sup>2</sup>, while Giri sub-district is the smallest, at only 21.31 km<sup>2</sup>.<sup>65</sup>

The mountainous areas of Banyuwangi support plantation production, while the lowlands produce food crops, and the coastal areas are a source of various marine life. Despite its great potential, the district also faces challenges in resource management and infrastructure development to improve economic growth and the welfare of its people.<sup>66</sup>

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VUdMNUNtNk5xNElnZXU1YytvZFptT3YzeFROYWpreHNhVHFLNmMvblB5TVVIYURNZm1zZEZUWm1BeFVNUVFoZUhMVUhhQTFrWHI2SGs=&\_gl=1\*6d9tj6\*\_ga\*ODA2ODYzMTI3LjE3Mjk3NTgzMDg.\*\_ga\_XXTTVXWHDB\*cZ3NDc2NDM1MjUkbzMkZzEkdDE3NDc2NDM1NTckajAkBDakaDA.

<sup>64</sup> "Badan Pusat Statistik Banyuwangi 'Banyuwangi Regency in Figures 2025,'" 3.

<sup>65</sup> "Badan Pusat Statistik Banyuwangi 'Banyuwangi Regency in Figures 2025,'" 4.

<sup>66</sup> "Badan Pusat Statistik Banyuwangi 'Banyuwangi Regency in Figures 2025,'" 5.

## **B. Analysis Implementation of Local Regulation Number 2 Year 2024 in the Perspective of Development Law and SDGs Goals 11**

### **1. Norms as a Basis for Sustainable Development Direction**

The substance of the Banyuwangi Regency Regional Regulation No. 2 of 2024 concerning the 2024-2044 Regional Spatial Plan is a legal product that sets the direction of spatial utilization policies in the long term. In the theory of development law by Mochtar Kusumaatmadja, the law must reflect norms that do not only contain commands and prohibitions, but carry a mission of social change. Legal norms must be able to answer the needs of society and be relevant to the facts in the conditions of society.<sup>67</sup>

The context of norms in Perda Banyuwangi has strategic value because it regulates coastal areas and other strategic areas. According to Mr. Bayu, the draft spatial plan was made since 2013-2014 to support the reforms needed by the community, it can be reached not every village area but from the sub-district it will be separated using spaces from service needs, agriculture, livestock, public roads or other things that are public.

The spatial implementation strategy is designed in stages each year, starting with socialization to the community to encourage understanding and participation. Subsequently, evaluation and policy implementation are carried out based on feedback and conditions in the field. All spatial management policies and implementation refer to Regional Regulation No. 2 of 2024, which serves as the main guideline in setting priorities,

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<sup>67</sup> Saifullah, "'THE DYNAMICS OF LAW THEORY: A Critical-Paradigmatic Reading' Pustaka Pelajar, January 1, 2018," 106, 128, 193.

implementing zoning, and adaptively adjusting spatial planning according to local needs and sustainable development goals.<sup>68</sup>

According to Mr. Bayu, to ensure the effectiveness of spatial supervision at the micro level, monitoring was conducted on 217 villages at a scale of 1:5000 hectares.<sup>69</sup> This approach allows detailed monitoring of land use and changes in spatial functions in each area.<sup>70</sup>

According to Mr. Guntur, supervision to monitor space or land is the responsibility of the sub-district, if there is a violation it can be handled directly by the local government and investigated first to ascertain the ownership rights or status of the space or land. The government can take steps if unauthorized with firm and legal action.<sup>71</sup>

In the context of encouraging social change towards SDGs through regional regulations that are still under renewal, it will be implemented in the form of socialization in the Banyuwangi regional regulation, which states the details of the planning. Article 4 paragraphs (1) and (2) of Banyuwangi District Regional Regulation No. 2 of 2024,<sup>72</sup> states that:

(1) The spatial planning policies of Banyuwangi Regency include:

a. policy on the development of the Regency Spatial Structure;

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<sup>68</sup> "Bayu Hadiyanto, Head of the Spatial Planning Division of the PUCKPP Office, Interview, (Banyuwangi, October 23, 2024)," t.t..

<sup>69</sup> "Regulation of the Minister of Public Works Number : 20/PRT/M/2011 Dated : December 20, 2011, (Guidelines for the Preparation of Detailed Spatial Plan and District/City Zoning Regulations) APPENDIX," t.t.

<sup>70</sup> "Bayu Hadiyanto, Head of Spatial Planning of PUCKPP Office, Interview, (Banyuwangi, October 23, 2024)."

<sup>71</sup> "Guntur Priambodo, Regional Secretary of Banyuwangi Regency, Interview, (Banyuwangi, January 15, 2025)," n.d.

<sup>72</sup> "Article 4 Paragraph 1-2 of the Regional Regulation of Banyuwangi Regency Number 2 of 2024 concerning the Regional Spatial Plan of Banyuwangi Regency for 2024-2044, Established in Banyuwangi on March 21, 2024, BANYUWANGI REGIONAL BILL OF BANYUWANGI DISTRICT YEAR 2024 NUMBER 2 REGISTER NUMBER 37-2/2024," t.t..

- b. policies for the development of the Regency Spatial Pattern; and
- c. development policy of the Regency Strategic Area.

(2) Policies for the development of the Regency Regional Spatial Structure as referred to in paragraph (1) include:

- a. development of settlement centers that integrate urban and rural service centers;
- b. development of a network system of regional facilities and infrastructure that supports movement patterns between settlement centers and supports agricultural activities, fisheries, tourism, industry, trade and services, and general services of the Region.

Movement and development patterns that review community activities and services. Article 5 of Banyuwangi Regency Regional Regulation No. 2 Year 2024,<sup>73</sup> states that:

- (1) Strategies for the development of settlement centers that integrate urban and rural service centers
  - a. increase the role of Banyuwangi Urban as a Regional Activity Center (PKW) and the role of sub-district capitals as Local Activity Centers (PKL), Area Service Centers, and Neighborhood Service Centers;
  - b. developing settlement centers that integrate with regional service centers and regional infrastructure networks; and

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<sup>73</sup> "Article 5 of the Regional Regulation of Banyuwangi Regency Number 2 of 2024 concerning the Regional Spatial Plan of Banyuwangi Regency for 2024-2044, Established in Banyuwangi on March 21, 2024, BANYUWANGI REGIONAL BILL OF BANYUWANGI DISTRICT YEAR 2024 NUMBER 2 REGISTER NUMBER 37-2/2024."

c. improving the accessibility of economic growth centers in urban areas and rural areas.

(2) Strategies for the development of a network system of regional facilities and infrastructure that supports movement patterns between settlement centers and supports agricultural activities, fisheries, tourism, industry, trade and services, and regional public services as referred to in Article 4 paragraph (2).

a. develop and optimize the road network to support the connectivity of urban service centers with rural areas and support agricultural activities, fisheries, tourism, industry, trade and services;

b. improving railroad, seaport, and airport network services to support connectivity and accessibility between cities and provinces;

c. improving the quality and range of energy network services and the development of alternative energy to meet the basic needs of the community and support economic activities;

d. improving the quality and coverage of telecommunications network services to fulfill the basic needs of the community and support economic activities;

e. improving the integration of water resources network management to support agricultural activities and reduce disaster risk;

f. improving the quality and coverage of drinking water supply systems (SPAM), wastewater management systems (SPAL),

hazardous and toxic waste management systems (B3), and solid waste networks to meet the basic needs of the community and support economic activities;

g. developing an integrated disaster evacuation network to reduce risks in disaster-prone areas; and

h. developing and optimizing an integrated drainage system to support economic activities and reduce disaster risk

To improve accessibility patterns as well as basic services, article 4 and article 5 have mentioned *das sein*. However, in *das sollen* the area reached in 25 sub-districts is not yet fully comprehensive. Access that has not been owned by ordinary people such as technology and inadequate physical health services and regional service licenses. The pattern of increasing coverage that is still uneven results in not fast growth in an area, so in overcoming this, a significant strategy is needed from the local government to find a solution so that the community can reach it more quickly.

This renewal regulation is to support the needs of the community. in response to the need for adaptive, sustainability-based spatial planning, and in line with the RPJMN (National Medium-Term Development Plan) and RPJMD (Regional Medium-Term Development Plan). Implementation as a manifestation of the government's obligation and necessity to do something. Where stage by stage starting from preparation, implementation to evaluation is very calculated.



The policy and implementation of spatial management fully refers to the Banyuwangi District Regional Regulation No. 2 of 2024, which is the basis for prioritizing, implementing zoning, and adjusting spatial planning adaptively to local needs and sustainable development goals.<sup>74</sup>

Complaints and community services can be written and there is a supporting system from the DPRD secretariat, namely SIPRADA (information system for discussing local regulations). The government takes care of the needs of the community not only in the public service mall but also complaints. Because sometimes people do not understand technology, there are still many. and the proposal is for complaints to write through free of charge. And besides that, you can network on any social media Facebook, Instagram, Google.<sup>75</sup>

Finalization of the RTRW discussion was carried out on 6 February 2024, then processed by the Legal Section. Technically, all discussions were held at the DPRD, including the public test that had been conducted twice by the executive. Supporting data from Bappeda is complete and all stages have been carried out. This RTRW document regulates strategic planning such as agriculture, networks, and cities, which will later be derived in the form of RDTRK (Sub-district Spatial Detail Plan), including general discussion and substance.<sup>76</sup>

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<sup>74</sup> "Bayu Hadiyanto, Head of Spatial Planning of PUCKPP Office, Interview, (Banyuwangi, October 23, 2024)."

<sup>75</sup> "David Nur Hamzah, Staff of Banyuwangi Regency DPRD Secretariat, Interview, (Banyuwangi, October 14, 2024)," t.t..

<sup>76</sup> "David Nur Hamzah, Staff of Banyuwangi Regency DPRD Secretariat, Interview, (Banyuwangi, October 14, 2024)."

According to Mr. Eko, the Regional Regulation of Banyuwangi Regency No. 2 Year 2024 plays a strategic role in supporting the achievement of SDGs 11 by promoting inclusive, safe and sustainable cities and settlements. Its main focus includes access to decent settlements, control of land use change, and integration of spatial planning with public infrastructure. If implemented consistently and monitored well, this local regulation can be a strong foundation for equitable and environmentally sound spatial planning.<sup>77</sup>

According to Mr. Hermanto, data is the main foundation in development, especially in fulfilling the government's key performance indicators (KPIs), both at the national, provincial and district/city levels. Basic development data covers cultural, economic, and agricultural aspects, with the main sources from the census and BPS as an independent institution. This data not only serves as a monitoring tool, but also as a basis for policy formulation and evaluation.<sup>78</sup>

In the perspective of Mochtar Kusumaatmadja's Development Law Theory, legal norms are the main element in a legal system that is not only technical-formal, but also acts as a means of social change and development. Good norms must be alive, adaptive, and in harmony with the needs of society.

This is reflected in Articles 4 and 5 of Banyuwangi District Regulation No. 2 Year 2024, which contains long-term spatial policies,

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<sup>77</sup> "Eko Budiyanto, Community Leader, Interview, (Banyuwangi, April 15, 2025)," t.t..

<sup>78</sup> "Hermanto, Head of Banyuwangi Central Bureau of Statistics, Interview, (Banyuwangi, October 15, 2024)," t.t..

strengthening basic services, and environmental protection. These norms not only reflect the legal principles of development, but also support the achievement of SDG Goal 11, which is to realize cities and settlements that are inclusive, safe, resilient and sustainable.

## **2. Institutions as Determinants of Direction and Sustainability of Local Regulation Implementation**

Mochtar emphasized that institutions are an important element in the legal system. Institutions function not only as implementers, but also as guarantors of the enforceability and sustainability of Perda Banyuwangi, among the actors involved such as the Banyuwangi District Government, DPRD, Bappeda, Technical Services and Civil Society. This is in line with must be realized by legitimate and collaborative institutions.<sup>79</sup>

According to Mr. Bayu, in terms of implementation there is PUCKPP agency, coordination is carried out with Bappeda and related agencies and ratified in February 2024.<sup>80</sup> According to Mr. David, spatial planning is the authority of the executive. The DPRD is only involved in regulative discussions. The initial process of preparing the RTRW, from data collection to reaching out to the community, is done by the executive. The DPRD discusses in a political context and is aligned with planning documents such as the RPJMN and Provincial RPJMD. The draft RTRW is prepared by the PUCKPP Office, with proposals coming from both the executive and the

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<sup>79</sup> Saifullah, "'THE DYNAMICS OF LAW THEORY: A Critical-Paradigmatic Reading' Pustaka Pelajar, January 1, 2018," 117, 193.

<sup>80</sup> "Bayu Hadiyanto, Head of Spatial Planning of PUCKPP Office, Interview, (Banyuwangi, October 23, 2024)."

DPRD. Because the RTRW must be aligned with the RPJMN, it requires cross-sector coordination with relevant ministries.<sup>81</sup>

In the formation of draft supervision according to Mr. David, it is said that the draft is fully carried out by the regional executor. And guarding from the beginning of the draft to cross-sectoral coordination that signifies according to procedures in changes that are not merely for legality purposes. Nationally in line with the central government.

Mr. David argued, All processes are accompanied by minutes of the meeting, involving academics, legal institutions, cross-sectors, TNI (Kodim), Banyuwangi NGOs, and online and offline participants. Official documents are only issued by authorized agencies and must be in accordance with the purpose and scope of the area, referring to Government Regulation No. 21 of 2021 concerning RTRW.<sup>82</sup> All local regulations must be harmonized by the Ministry of Law, while RTRW recommendations are issued by the Ministry of ATR/BPN. In the past, the discussion was carried out by Bappeda, but after the Job Creation Law, the technical executor is the PUCKPP Office.

According to Mr. Vendra, the legal secretary is the same as the DPRD in overseeing the draft. For the implementation of the draft Perkada (Regional Head Regulation) or Perda, *the* technical services are directly

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<sup>81</sup> "David Nur Hamzah, Staff of Banyuwangi Regency DPRD Secretariat, Interview, (Banyuwangi, October 14, 2024)."

<sup>82</sup> "Government Regulation Number 21 of 2021, concerning the Implementation of Spatial Planning, Copy of Decree No. 087066 A," t.t..

*involved*.<sup>83</sup> In fact, the draft executor also oversees the draft, which is fully carried out by the PUCKPP Office.

The DPRD Secretariat acts as a liaison between the DPRD and the executive, especially in communication with SKPD (Regional Work Units) or elements of local government. As part of the regional apparatus under the government, the secretariat assists with coordination, including when the DPRD wrote to the regent to bring technical agencies such as PUCKPP, Agriculture, Environment, and the Legal Department to the RTRW discussion. The RTRW was approved on February 7, 2024, with the agreed minutes and plenary approval.<sup>84</sup>

According to Mr. Bayu, the local government has established a monitoring and evaluation mechanism based on SDGs, including the ratio of access to basic regional services, the level of space utilization according to the plan, in collaboration with bappeda and the inspectorate for annual audits and performance-based evaluation. The evaluation of local regulations can be changed depending on the situation and conditions that occur in the field, because the data for evidence from the government to respond directly can be harmonized directly.<sup>85</sup>

The RTRW will have a 20-year plan in accordance with the RPJMN and the RPJMD has annual and yearly government work plans. The

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<sup>83</sup> "Vendra Hamdani, Staff of the Regional Secretariat of Banyuwangi Legal Section, Interview, (Banyuwangi, January 24, 2025)," t.t.

<sup>84</sup> "David Nur Hamzah, Staff of Banyuwangi Regency DPRD Secretariat, Interview, (Banyuwangi, October 14, 2024)."

<sup>85</sup> "Bayu Hadiyanto, Head of Spatial Planning of PUCKPP Office, Interview, (Banyuwangi, October 23, 2024)."

mechanism is through the budget and the breakdown has been scheduled and seen the competence of local government performance. At the end of each year, what is done from the budget posture and *check and balance*. And in accordance with the objectives of the target according to the scope of the region.<sup>86</sup>

The RTRW is recommended by the Ministry of Agrarian Affairs and Spatial Planning. Community grievances and community services by letter and there is a supporting system from the DPRD Secretariat, namely SIPRADA (information system for the discussion of local regulations), to carry out community needs not in the public service mall but complaints.<sup>87</sup>

According to Mr. Vendra, the implementation is in accordance with the Regulation of the Minister of Public Works, Spatial Planning for a maximum of 2 years must be reviewed, RTRW from Perda No. 2 of 2024 is still prime. Promulgated in 2024 and in 2026 the Central Government will evaluate the local regulation depending on the evaluation of the legal umbrella above which will get permission from the Ministry of Public Works. Then it can be 2 years depending on who delegates, mostly 5 years can only be reviewed. the pattern is almost the same as the RKPD (Regional Government Work Plan) and the RPJMD which go hand in hand.<sup>88</sup>

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<sup>86</sup> "David Nur Hamzah, Staff of Banyuwangi Regency DPRD Secretariat, Interview, (Banyuwangi, October 14, 2024)."

<sup>87</sup> "David Nur Hamzah, Staff of Banyuwangi Regency DPRD Secretariat, Interview, (Banyuwangi, October 14, 2024)."

<sup>88</sup> "Vendra Hamdani, Staff of the Regional Secretariat of Banyuwangi Legal Section, Interview, (Banyuwangi, January 24, 2025)."

Evaluation mechanism The initial stage begins with an internal review of the content of the Perda, then submitted to the East Java Provincial Government, particularly the Public Works Office, for preliminary approval. After that, together with the PMD, a formal review request is submitted on behalf of the Sekda and Bupati. The document is then evaluated at the provincial level before proceeding to the Ministry of PUPR at the center. The process at the center is carried out through a cross-sectoral meeting (lingsek) involving various ministries, and attended directly by the Regent and the team from the region. The results are outlined in the minutes of the cross-sectoral evaluation, and if approved, the region is given a maximum time limit of two months to promulgate the regulation.<sup>89</sup>

This process is procedural and involves evaluating technical aspects such as spatial planning, finance, taxation, defense and marine affairs, so although it is a regional legal product, it still has to go through central government approval. The department responsible for implementing the Perda is the Public Works Agency. This office actively conducts socialization, at least to village officials, so that the village head can understand the content of the Perda and explain it directly to the community.<sup>90</sup>

According to the Development Law Theory proposed by Mochtar Kusumaatmadja, the success of the law is not only determined by the

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<sup>89</sup> "Vendra Hamdani, Staff of the Regional Secretariat of Banyuwangi Legal Section, Interview, (Banyuwangi, January 24, 2025)."

<sup>90</sup> "Vendra Hamdani, Staff of the Regional Secretariat of Banyuwangi Legal Section, Interview, (Banyuwangi, January 24, 2025)."

content of the norm, but also by the extent to which implementing institutions can play an active role in progressively changing society. In this case, the existence of institutions such as Bappeda, PUPR Office, and DPRD in Banyuwangi Regency is an important element in implementing Perda No. 2 Year 2024. These institutions have carried out the technical functions of spatial planning and management. However, substantively, success as a driver of social change still faces challenges, especially in reaching areas with limited access and basic services.

With SDGs Goal 11, implementing agencies should not only formulate policies, but also ensure that their implementation has a direct impact on society, such as through the provision of inclusive infrastructure, mapping vulnerable areas, and involving citizens in spatial planning. This means that for the law to function as a means of development as Mochtar intended, implementing agencies need to be adaptive, responsive, and able to collaborate across sectors and open up space for broad community participation.

### **3. Legislative Process as an Indicator of Responsive Legal Governance**

Mochtar views law as a process that is integrated with the dynamics that occur in the community. The process of forming local regulations must be open, adaptive, and able to absorb the aspirations and needs of the people of Banyuwangi Regency. Mochtar's theory emphasizes the importance of



legal processes that are not only formally legal, but also participatory and in accordance with community values.<sup>91</sup>

To shape a plan, there must be community involvement to support needs that have not been addressed or refined by the local government. According to Mr. David's , a number of cross-sectoral parties from the community were invited, including academics, environmental practitioners, and students. The series of meetings took place from June 2023 to February 2024, referring to the Permendagri. Documentally, the RTRW proposal has been submitted since 2014. The public consultation process has been carried out by the executive, including minutes and a minimum of two public consultations. In fact, meetings were also held with district border areas.<sup>92</sup> Both in the community sector and with the regency's borders with Jember, Bondowoso, Situbondo, minutes and community involvement have been carried out, which is effective and organized for the creation of local regulations. Overall inter-sectoral coordination is needed to support *checks and balances*.

Accessibility since the leadership of this two-term regent, everything is easily accessible, digitized. for spatial matters, it is more technical, pictures, maps. Maybe online is more difficult. Ordinary people understand little, except for dispenduk files, birth certificates, family certificates.<sup>93</sup>

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<sup>91</sup> Saifullah, "'THE DYNAMICS OF LAW THEORY: A Critical-Paradigmatic Reading' Pustaka Pelajar, January 1, 2018," 119, 150, 227.

<sup>92</sup> "David Nur Hamzah, Staff of Banyuwangi Regency DPRD Secretariat, Interview, (Banyuwangi, October 14, 2024)."

<sup>93</sup> "Vendra Hamdani, Staff of the Regional Secretariat of Banyuwangi Legal Section, Interview, (Banyuwangi, January 24, 2025)."

According to Mr. Guntur as the Secretary of Banyuwangi, now public services or the community are not separated based on distance. Public services have advanced to digitalization. You don't have to come far to Banyuwangi. The concept is physical accessibility but how can people in southern areas with cellphones get public services from the local government. And also other services Health and so on. For other services divided by each region, planning for the southern area of Pesanggaran hospital in Pesanggaran. As well as the permission of the Ministry of Health to be researched further. government linkage access services simply by digitizing we are almost finished.<sup>94</sup>

Increases in digitalization are indeed very influential on the progress of community accessibility growth, but direct services are not only non-physical digitalization, but physical service needs such as health which are still in the planning process. The phased plan in the third section of the Regional Regulation Banyuwangi Regency No. 2 of 2024 article 44,<sup>95</sup> states that the indications in the medium-term program:

(1) Indications of 5 (five) year medium-term main programs as referred to in Article 42 letter b include:

a. indication of the main medium-term program for phase I (one) of 2024;

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<sup>94</sup> "Guntur Priambodo, Regional Secretary of Banyuwangi Regency, Interview, (Banyuwangi, January 15, 2025)."

<sup>95</sup> "Regional Regulation of Banyuwangi Regency Number 2 of 2024 concerning the Regional Spatial Plan of Banyuwangi Regency Year 2024-2044, Established in Banyuwangi on March 21, 2024, BANYUWANGI REGIONAL BILL OF BANYUWANGI DISTRICT YEAR 2024 NUMBER 2 REGISTER NUMBER 37-2/2024."

- b. indication of the main medium-term programs of phase II (two) years 2025-2029;
- c. indication of the main medium-term programs of phase III (three) years 2030-2034;
- d. indications of the main medium-term programs of phase IV (four) years 2035-2039; and
- e. indication of the main medium-term programs of phase V (five) years 2040-2044.

The substance of the implementation of the Banyuwangi regional regulation is still in the socialization stage to the community and therefore inclusivity is very important for the implementation of this regional regulation. The general public can access digitalization such as *smart kampung* and *siprada* or other services for access to public services or for the use of space used for community self-help without having to come directly to the central agency.

The realization phase in the implementation of 2024 and 2025 to 2029 is still in the stage of the main implementation program and in the stage of the budget allocation realization plan contained in article 44 : <sup>96</sup>

Paragraph (2), Indications of the main medium-term program for phase I (one) of 2024 as referred to in paragraph (1) letter a and indications of the main medium-term program for phase II (two) of 2025-2029 as referred to in paragraph (1) letter b include:

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<sup>96</sup> "Article 44 of the Regional Regulation of Banyuwangi Regency Number 2 of 2024 concerning the Regional Spatial Plan of Banyuwangi Regency for 2024-2044, Established in Banyuwangi on March 21, 2024, BANYUWANGI REGIONAL BILL OF BANYUWANGI DISTRICT YEAR 2024 NUMBER 2 REGISTER NUMBER 37-2/2024."

- a. main program;
- b. location;
- c. funding sources;
- d. implementing agency; and
- e. implementation time.

Paragraph (3), The main programs as referred to in paragraph (2) letter a include:

- a. realization of the district spatial structure plan;
- b. the realization of the district spatial pattern plan; and
- c. the realization of the Regency Strategic Area. Document electronically signed using a certificate electronics issued by the Electronic Certification Center (BSrE)

Paragraph (4), The location as referred to in paragraph (2) letter b is the place where the proposed main program will be implemented.

Paragraph (5), The source of funding as referred to in paragraph (2) letter c comes from:

- a. National Budget (APBN);
- b. Provincial Revenue and Expenditure Budget (APBD);
- c. Regional Budget (APBD) of the Regency;
- d. private;
- e. the community; and/or
- f. other legal sources in accordance with the provisions of laws and regulations.

Legal challenges include potential disharmony with sectoral regulations and weak inter-agency synergies. Socially, there is community resistance to spatial changes. Therefore, participatory and educative approaches are key so that people feel involved and understand the importance of sustainable spatial planning.<sup>97</sup>

Sometimes if access to digitalization is difficult, they sometimes aspire, write letters. not just a formality. If the spatial plan, so the policy is an art of *choice*. However, the challenges in the regions are still quite large, especially in the limited sample and digital access. Minimal social interaction and limited understanding of data at the village level lead to less than optimal fulfillment of SDGs indicators. Therefore, the active role of the community, including through non-digital aspirations such as letters, remains important. Local governments are expected to be able to identify problems at the village level so that they do not become a burden at the sub-district or district level. The need for technology adoption, form communities, in order to better understand technological advances.<sup>98</sup>

According to Mr. Eko, the successful implementation of Perda No. 2 Year 2024 is legally measured by compliance with spatial plans, efficiency of space-based licensing, and minimal zoning violations. Socially, indicators include improved quality of life, availability of public space, equal access to infrastructure, and active community participation. The level

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<sup>97</sup> "Eko Budiyanto, Community Leader, Interview, (Banyuwangi, April 15, 2025)."

<sup>98</sup> "Hermanto, Head of Banyuwangi Central Bureau of Statistics, Interview, (Banyuwangi, October 15, 2024)."

of public trust in spatial management is also an important benchmark in the long term.<sup>99</sup>

The local government must act as the driver, builder, and controller of spatial policies. Every program derived from the local regulation must be implemented in an inclusive, transparent, and fair manner. Further regulations, technical guidance, and field supervision need to be carried out in a planned and sustainable manner, by ensuring distributive justice for all levels of society, including vulnerable groups.<sup>100</sup>

Some four important recommendations: first, the need for periodic monitoring and evaluation by an independent institution to ensure the effectiveness of local regulations. Second, the establishment of a dialog forum between the government, the community, and academics to make the policy more aspirational. Third, the application of values and benefits in every stage of implementation to maintain a balance between physical, economic, humanitarian, and environmental. Fourth, strengthening community literacy about spatial planning so that they become active subjects in development.<sup>101</sup>

Based on the analysis of the norm, institutional and process aspects in the implementation of Local Regulation No. 2 Year 2024, it shows that all three have a close relationship in carrying out the function of law as a development tool. From the normative side, this local regulation has contained provisions that are in line with the objectives of regional

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<sup>99</sup> "Eko Budiyanto, Community Leader, Interview, (Banyuwangi, April 15, 2025)."

<sup>100</sup> "Eko Budiyanto, Community Leader, Interview, (Banyuwangi, April 15, 2025)."

<sup>101</sup> "Eko Budiyanto, Community Leader, Interview, (Banyuwangi, April 15, 2025)."

development and reflect legal norms that are adaptive and in favor of the community, as emphasized in Mochtar Kusumaatmadja's Development Law Theory.

In the institutional aspect, the role of implementing agencies such as Bappeda and related Departments is quite significant in the technical stages, but strengthening coordination and response to community needs still needs to be improved, namely physical strengthening of hospital planning, according to Mr. Guntur, all aspects can be digitized which almost reaches all areas of Banyuwangi Regency.

In terms of the legislative process, this regulation has fulfilled the elements of legality, but community involvement and responsiveness to local issues are challenges that need to be evaluated. These three aspects show that law should not only be viewed from a legal-formal perspective, but should also function socially and transformatively.

This approach is in line with SDG Goal 11, which encourages the creation of inclusive, resilient and sustainable cities and settlements. Therefore, norm updates, strengthening institutions, and a more participatory legislative process are key for the law to truly become an instrument of change for the Banyuwangi Community.

### **C. Relevance of the Concept of *Maslahah Mursalah***

Banyuwangi Regency Regional Regulation No. 2 of 2024 concerning the Regional Spatial Plan reflects the principle of *maslahah mursalah* in Islamic law, namely public benefits that are not explicitly mentioned in the nash, but are still valid and contextual. In Al-Ghazali's

perspective, *maslahah* aims to protect the five principles of life: religion, soul, mind, offspring, and property. <sup>102</sup>These values are present in the substance of this local regulation through several important aspects, namely:

- 1) First, the fairness of spatial distribution in this regulation reflects the protection of property rights and equitable access for all groups, especially the vulnerable (*hifẓ al-māl*/Keeping the Treasure).
- 2) Second, the focus on environmental preservation and control of land use change is in line with efforts to preserve human life and safety (*hifẓ al-nafs*) to protect the soul and the environment.
- 3) Third, community involvement in spatial planning supports the value of rationality and public awareness (*hifẓ al-'aql*/Keeping the Intellect).
- 4) Fourth, regular policy evaluation shows that this law is open to changes and real needs in society, reflecting the value of social ethics in maintaining the common good (*hifẓ al-dīn* in the broad sense of maintaining order and ethics).

The concept of *maslahah mursalah* according to Imam al-Ghazali occupies an important position in the methodology of *istinbāṭ* Islamic law because it deals with all forms of benefit that do not have explicit evidence in the *nash*, but do not conflict with *maqāṣid al-syarī'ah*. Al-Ghazali emphasized that the *maslahah* that can be used as a basis for law must meet

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<sup>102</sup> Misran, "Al-Mashlahah Mursalah," 251.



three criteria: general (not individual), real benefits (not speculative), and not contrary to the existing Shari'ah. In al-Ghazali's view, the benefit itself aims to protect the five main principles of life, namely religion (*ḥifẓ al-dīn*), soul (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), offspring (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*).

The results of this study indicate that the substance in Banyuwangi Regency Regional Regulation No. 2 of 2024 has a very strong relevance to the five dimensions of *maslahah*. First, in terms of *ḥifẓ al-māl* (safeguarding property), this local regulation guarantees fairness in spatial distribution and zoning spatial utilization arrangements that aim to prevent land conflicts and protect community ownership rights, especially vulnerable and marginalized groups. Second, from the aspect of *ḥifẓ al-nafs* (protecting the soul), there is a strategic regulation in Article 5 of the local regulation that emphasizes the development of regional facilities and infrastructure systems, including disaster evacuation systems, sanitation infrastructure, and environmental protection, which are directly related to the safety and quality of life of the community. Third, in terms of *ḥifẓ al-'aql* (safeguarding the mind), this local regulation provides space for public participation in the spatial planning process through socialization and public testing, thus supporting collective rationality and legal awareness of the community.

Fourth, related to *ḥifẓ al-nasl* (protecting offspring), this regulation regulates the development of regional service centers such as decent housing, education, and health that support the quality of life of present and future generations. Fifth, the aspect of *ḥifẓ al-dīn* can be broadly interpreted

as a form of maintenance of social ethical values and community order through an adaptive and public benefit-oriented legal system. The results of interviews and observations in this study show that this local regulation was not only born from administrative needs, but also from community participation and strong social aspirations, making it a *living law* product.

*Maslahah mursalah* strengthens the moral legitimacy of this local regulation as a spatial planning instrument that is not only administratively legal, but also ethical, just, and in accordance with the objectives of sharia, so that the laws stipulated actually produce benefits.<sup>103</sup> According to al-Ghazali, the doctrine of *Maslahah Mursalah* must be in accordance with the objectives of sharia, even if it is contrary to human goals, because human benefits are not always based on the wishes of sharia. provides a complementary conceptual foundation in realizing Local Regulation No. 2 of 2024 Banyuwangi Regency as a resilient, inclusive and sustainable spatial planning instrument.

Thus, based on Al-Ghazali and empirical evidence in this study, Local Regulation No. 2 of 2024 deserves to be seen as a form of actualization of *maslahah mursalah* in modern spatial law. The substance of the local regulation is not only legally valid, but also ethically and philosophically valid within the framework of Islamic law. As well as answering the real needs of the Banyuwangi community, preventing damage, and presenting collective benefits, which makes this regional regulation a legal product that not only regulates, but also builds.

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<sup>103</sup> "Mukhsin Nyak Umar, AL-MASHLAHAH AL-MURSALAH (A Study of Its Relevance to Islamic Law Reform), Banda Aceh: 2017," 63.

## CHAPTER V

### CLOSING

#### A. Conclusion

Based on the results of research on the implementation of Banyuwangi Regency Regional Regulation No. 2 of 2024, it can be concluded that from the perspective of Mochtar Kusumaatmadja's Development Law Theory, this regional regulation has reflected the function of law as a tool for social change through adaptive norms, organized institutional structures, and legal legislative processes. However, its implementation still needs strengthening in terms of community participation and openness of the implementation process. The substance of the local regulation in Articles 4 and 5 shows support for SDGs Goal 11, particularly in the development of sustainable settlement areas, improved accessibility, and equitable provision of basic services.

A review from the perspective of Maslahah Mursalah shows that Local Regulation No. 2 Year 2024 is in line with the principles of benefit in Islam. It reflects the protection of property (*hifz al-māl*), life (*hifz al-nafs*), reason (*hifz al-'aql*), and social order (*hifz al-dīn*) by promoting fairness in spatial distribution, environmental preservation, community participation, and open policy evaluation. Thus, this local regulation is not only administratively valid, but also fulfills ethical and shar'i values in the context of sustainable development.

## **B. Advice**

1. The Banyuwangi District Government is advised to increase active community participation in every stage of local regulation implementation, from planning, monitoring, to evaluation. This can be done through optimizing citizen deliberation forums, improving the digitalization of public services (such as SIPRADA), and spatial information disclosure that reaches all levels of society, especially remote or vulnerable areas. With stronger community involvement, the function of law as a tool for social change as idealized by Mochtar will be more realizable.

2. The policies implemented should always prioritize the principle of public benefit and not conflict with the values of Islamic law. The government also needs to strengthen public literacy on the importance of spatial planning and sustainable development so that people can more actively participate in supporting and monitoring existing policies. Thus, this regulation is not only legally valid, but also an ethically, socially and environmentally beneficial policy for the people of Banyuwangi.

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"Bayu Hadiyanto, Head of the Spatial Planning Division of the PUCKPP Office,  
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"Vendra Hamdani, Staff of the Regional Secretariat of Banyuwangi Legal Section,  
Interview, (Banyuwangi, January 24, 2025)," t.t.

## APPENDIX

*Appendix1 Documentation and interview results with Mr. Dr. Ir. H. Guntur Priambodo, MM as Acting (Pj) Regional Secretary (Sekda) Banyuwangi.*



*"Nowadays, public services or communities are not separated based on distance. We have advanced this public service to digitalization. The concept is not physical accessibility but how the people of the southern region with the cellphone they hold can get public services from the local government. And also other services for health and so on. And for other services we divide by each region, the plan for the southern area of Pesanggaran physically we have a hospital in Pesanggaran. As for access services related to government, I think with digitalization we are almost finished. As for the supervision of the sub-district head and property rights land, it can be included or investigated further first to find out the status of the land from the state or disputes. And steps from the government can take steps if not licensed or through the court"*

***Attachment2 Documentation and Interview Results with Mr. Bayu Hadiyanto, ST, Msi as the Head of Spatial Planning of the PUCKPP Office.***



*"We have been evaluating spatial planning for a long time, and we have been drafting this since 2013-2014 to support the reforms needed by the community. Technically the implementation is on us. To coordinate we worked with Bappeda, Dprd and several agencies to establish this draft rtrw planning. And successfully ratified in February 2024 "*

*"To ensure the effectiveness of spatial monitoring at the micro level, we conducted spatial monitoring of 217 villages at a scale of 1:5000 hectares. This approach allows us to monitor the situation and condition of each area in more detail, both in terms of land use and changes in spatial functions."*

*"We design the spatial implementation strategy in stages every year. The initial stage starts with socialization to the community, so that they understand the importance of spatial planning and actively participate. After socialization, we continue with evaluation and policy implementation based on feedback and field dynamics. All policies and implementation of spatial management are carried out*

*referring to the draft and provisions contained in Regional Regulation No. 2 of 2024. This becomes our main reference in prioritizing, implementing zoning, and adjusting spatial planning that is adaptive to local needs and sustainable development goals."*

*"All policies and implementation of spatial management are carried out referring to the draft and provisions contained in Regional Regulation Number 2 Year 2024. This is our main reference in prioritizing, implementing zoning, and adjusting spatial planning that is adaptive to local needs and sustainable development goals."*

*"We have been evaluating spatial planning since 2013-2014. This process involved reviewing various documents, public consultation, and harmonization with national and provincial policies. The evaluation results became the basis for changes and updates that were finally outlined in Perda No.2 Year 2024." We have established a monitoring and evaluation mechanism based on SDGs indicators, including: Area of protected area maintained, Ratio of access to basic services per region, Decrease in the number of slums, Level of space utilization according to plan. We work closely with Bappeda and Inspectorate for annual audit and performance-based evaluation.*

***Attachment3 Documentation and results of interviews with Mr. David Nur Hamzah, S.H as Staff of the Banyuwangi DPRD Secretariat.***



*"Regional spatial planning is the power of the executive. The DPRD only regulatively discusses the framework before it becomes a draft RTRW, looking for data from the top to the roots to the community, the executive, the DPRD discusses politically. Politically equated with RPJMN, Provincial RPJMD. Preparation of drafts in draft regulations in the PUCKPP Office. The discussion of local regulations has proposals from the executive and proposals from the DPRD. RTRW needs coordination with cross-sectoral ministries because it must be in line with RPJMN.*

*"Several cross-sectoral organizations from the community were invited, including academics, environmental practitioners, and some students. Since June 2023 meetings until February 2024. Permendagri was delivered. so if you look at the document, the rtrw stage, it was proposed since 2014. We only invite the community and it has been done by the executive. So the executive has conducted*



*minutes with a minimum of 2 public consultations that have been carried out. even held meetings with district borders.*

*"There are minutes of all meetings. Academic industry, legal institutions, cross-sectors, Kodim. Banyuwangi NGOs, some from online and offline. The document there is entitled to issue And in accordance with the objectives of the target according to the scope of the area, pp 21 related to RTRW and the process from the beginning to determination. All local regulations must be harmonized by the ministry of law. and rtrw is recommended by the ministry of agrarian and spatial planning. In the past it was discussed by bappeda initially, the implementation of the puckpp office after the ciptaker law."*

*"The bridge between the DPRD and the executive is the DPRD secretariat, we only help communication with the executive at the Skpd level. The secretariat is included in the regional apparatus under the auspices of the regional government. If the DPRD wants to carry out meeting activities, they write to the regent to present the relevant agencies. Puckpp office, agriculture, LH office, legal department. For the rtrw discussion. Ratified on February 7, 2024, it has been agreed upon minutes, plenary approval of the event.*

*"Finalize the discussion on 6 February 2024. After that it is processed in the legal department. Technically the discussion is all in the DPRD. Public tests etc. It has been ratified twice by the executive. The data in bappeda is complete against the rtrw has all been carried out. And this document regulates strategic planning, agriculture, network, urban. Later on breakdown of rtrw, rdtrk (detailed sub-district spatial plan). Discuss in general and substance*

*"The Rtrw will have a 20-year plan, and the Rpjn and Rpjd will have annual and yearly government work plans. The mechanism is through the budget and the breakdown is scheduled and looked at the competence of local government performance. At the end of each year, what is done by budget posture and so on. And check and balance. Here is some data on technical consultation meetings and treaties with several districts. This is documentation and proof that the local government is doing it according to the flow. There are minutes of all meetings. Industry academic lh. cross sector. Kodim . lsm bwi, there are online and offline. The documents there are entitled to issue and in accordance with the objectives of the target according to the scope of the area, pp 21 related to RTRW and the process from the beginning until the determination. And if the RTRW is changed continuously, it is not efficient to measure the intended target. All local regulations must be harmonized by the Ministry of Law. And the RTRW is recommended by the Ministry of Agrarian Affairs and Spatial Planning. Community complaints and community services are written and there is a supporting system from the DPRD scheme, namely SIPRADA. information system for the discussion of local regulations, we do the needs of the community not in the public service mall but in the complaint. Because sometimes people do not understand technology, there are still many. and the proposal is for complaints to write through free of charge. And besides that it can be networked on any social media fb, ig, google.*

***Attachment4 Documentation and Interview Results with Mr. Vendra Hamdani,  
S.H as staff of the Regional Secretariat of Banyuwangi Legal Section.***



*"The secretary of the legal department is actually almost the same as the DPR, in that we oversee the draft. For the implementation of the draft Perda or Perda later, it is directly the technical service. Broad, accessibility. Indeed, since the leadership of the second crede of this lady, talking about this, everything is easily accessible, digitized. But for spatial planning matters, it's more technical, drawings, reta. So maybe online is more difficult, it will be more complicated. Maybe the public will be more dizzy, unless it's like dispenduk files, birth certificates, aktekel. Is there any evaluation of the implementation? From the design, and then the implementation, there is something like that. If according to the PU candy, the spatial planning is maximum, it must be reviewed in 2 years. 2 years maximum must be reviewed. That's right, our RT RW will premiere number 2 in 2024. That means it will be promulgated in 2024. Later in 2026 we can, we or the center can evaluate our local regulations. Are there any additions, are there any deficiencies, are there any revisions that need to be made? But it's 2 years. 2 years?"*

*There are different opinions, some say 2 years, some say 5 years. It depends on the public works candy. It depends on what, the upper legal umbrella that delegates it. Even if I'm not mistaken, related to RT RW, the Regional Spatial Plan, it can be reviewed in 2 years. As long as you get permission from the ministry. But it's mostly 5 years before it's reviewed. So that's why the pattern is almost the same as the RKPD and RBCMD, so they go hand in hand. The first thing is of course we do a review. This review is that there is something missing, this, this. We first appealed to the East Java Province first. To East Java Public Works first. Did you ask PU? PMD told us on behalf of Mr. Sekda and the Regent to review this regional regulation. Then it was evaluated by the Province. Then we get permission from the center, from the Ministry of Public Works. They reviewed it, it was called a lingsek meeting. The language is lingsek. Cross-sectoral meeting. That means all Ministries are invited. So the Regent will be there. Now from Banyuwangi. "Full team coming*

*" is immediately reported. You can continue to review or not. This is an example. It turned out to be ACC by the Ministry. then we communicated. The DPR also came. The DPR also came. After the Linksek. The Linksek letter was issued. Results of cross-sectoral evaluation, center, date. Minutes. Time is given. Maximum 2 months must be promulgated... Because we are not technically. space, tax, finance, ABBD. That's a direct evaluation of the ministry center. So we don't wait for the governor ... Yes, very procedural lah should be. Finance, taxation, defense, marine are evaluated. If we make our own legal products, it is indeed the freedom of the region itself. For the SKPD that implements the PERDA, it is the Public Works Agency, diligently socializing. Explain that this PERDA has become a secret at least to the village head so that the village head can explain it to his residents at least."*

***Appendix5 Documentation and results of interviews with Mr. Hermanto, S.Si.,  
M.S.E. as chairman of BPS Banyuwangi***



*"when the data we make is based on the results of the data we take to fulfill the data indicators that become the main program or the main indicators of government development. some indicators can be up to the level in the province, there are some up to the local level of the city that are fulfilled by BPS. Because not all data is in BPS, some is also in other agencies. The basic data is census, we have three, culture, economy and agriculture. Three main data that become development obligations.*

*"Central government performance targets. For example, poverty, unemployment, poverty is the target percentage, unemployment is the target percentage. Then economic growth is the target, inflation is the target. Now the task of BPS is to prepare indicators that become IQ targets, key government performance indicators. Government indicators. Now usually the main performance indicators are broken down to the lower level of the province first. The breakdown is also at the lower level of the city district. That is a mandatory*

*indicator if the main performance. Well beyond that there are performance indicators that are typical of the region, typical of the region. That's what we usually can't prepare. Because there is something we can prepare if it is included in our survey instrument."*

*"But if for example it doesn't exist, we can't prepare it. the main indicator is yes, the main thing. So there is poverty, unemployment, economic growth, inflation rate, and so on. With this independent agency. So you can also supervise from regional agencies. If we don't supervise actually. We just take pictures. Taking pictures too. So we portray what it is. Sometimes if they don't digitize, they sometimes aspire too. Write letters like that. Sometimes they also wait. Now that the office has been split into several sub-districts, it is faster too".*

*"Actually, the spatial plan, so the policy is the art of choice, the art of choosing actually. The art of choice. Outside of this, yes, outside of this context. If this is as long as this person. But actually policy is the art of choice. What is related to spatial planning is also the art of choice. Where do I want to concentrate? If I concentrate on growth, then I choose something that has a big added value. But not necessarily a big impact. Example. If it's industry, which is faster than agriculture? Industry or people? Because they are more instinctive, the industry is faster."*

*"Agriculture still needs some more time to grow. Because if it's an industry, the law of the market applies, right? If agriculture applies the law of the market, does it not? It should also be included in the market law, right sir? It depends on the commodity. SDGS earlier. How is the regional strategic body. Support the achievement. SDGS goals in the region. Yes, that. That's clear. We provide. The data. So supply data. Especially data. Which can reach the level. City competent.*

*So statistical data. Work. From the leveling side. That leveling. Sufficiency. Customization. Sufficiency. Customization. So there is. So. SDGS data itself. That. Not all indicators. Can be up to district level. Certain. But the main ones. Poverty. Unemployment. That. It's there. It's there up to the level. Total district. For example. Again. Index. Perception index. Corruption. For example IPAK. IPAK is only up to national. Up to national only. Because the provincial level is not available. The siphon. Up to the provincial level. The need for everything is quite large. Even internationally.*

*"I see in international transparency. the challenge in that area, the sample is limited. So to fulfill the SDGs, it's a bit like this. And when we go to the field, the more people are scared, don't know. The term social interaction that is famous from urban areas is usually rejected. If I ask the sample as a survey, yes. We do a survey, I ask questions, the sample doesn't give an answer, so the information is lost.*

*"What is the coordination and collaboration between BPS and government agencies, academics, and the community? With the government, thank God we support. So we are in, because we do maintain independence. Because we are vertical. That's what ultimately can maintain independence. It's different if, for example, we are autonomous, we go to the local government."*

*"Intervention in the sense that please make a program. For example. If this banyu wangi, for example, is properly dependent on other places, for example, yes. If Banyuwangi is Garlic can. Garlic here can be high. Well maybe we give advice. This garlic has started to rise slightly. Please be careful. Maybe cooperation. Where the garlic is produced, just buy it here. So that it's cheap here. We, we can give input to the percentage earlier. give input. To suppress the operation. That's right. So later*

*there will be operations, there will be cheap market operations. The law of supply and demand.*

*"Our main data users are the Government, first. Second, Academia. Helping the village, especially to understand more about data, especially data. Because if, for example, problems in the village can be solved by the village itself, then automatically, the burden on the sub-district and the region will be reduced. If he can identify the problems, which are in him, Identify what problems, who needs to be, Need to be executed, Improvement is carried out, So, God willing, more, More comfortable. The data will be needed by the community, not for example by the government, to complement the needs of the community. indicators produced by the local government, yes, of course the local government is actually more able to assess. But again, if we are the selected indicators with the performance of the Central Government, where are the highlights? To add those insights."*

*"when the indicator appears So when the indicator appears the value has appeared Whether it is good or bad Whether it is increasing or decreasing We explain So explain later The explanation can become a mechanism or tool to create policies or assess policies that have been running Effectively or not Continuing or not can be the term BPS bench lights Whether this policy is Ijut or red or yellow It needs to be continued If it is to be continued it must be adjusted or it needs to be added Add more lights Add more lights So it can give So BPS does not force but gives recommendations Give input We several times Maybe if you see it in the messenger Several times We also present Present Related to Indicators that have been produced The results have come out and some of our recommendations are also noted and implemented For example, in Banyuwang, there is a name*



*Winmalang Islam So related to poverty Poverty Once again, if I am from the province, I give advice Don't let poverty be an issue that needs to be resolved The indicators that have been produced have already come out and there are several recommendations Our suggestions are also noted and implemented For example, in Banyuwang, there is a name Winmalang Islam, so it is related to poverty Poverty Once again, if I am from the province, I give advice Poverty should not only be the task of the government Poverty must be an effort to save Poverty "*

*"What are those controversies, those spaces. That may need to be studied earlier. Well, the day he said with the SDGs, how, for example, the development, if in Banyengin, tourism, when in space data, so the connection with this space data is how the space data can guarantee that the goals of the government in the regional government, yes? That can be realized. What is the goal? To prosper with what emphasis? What is the physical division? For example, sustainable tourism or agriculture or what. Well, that might be how far, for example, tourism development does not sacrifice the sustainability of the food sector, for example. That's SDC too, between tourism and agriculture. Agriculture is also higher if there are many of these. Very high agriculture. There are several specific SDGs. Well, later we just need the space data.*

*"So actually digital has eliminated the answer factor earlier. So you just need to use it. From cellphones, everything is connected. Enough service here, right, also enough service in the village, what's the name? Enough service hours are orderly. Like in my cities. Actually, if Banyuwangi is relative in terms of access, there are two. Distance and convenience. If the distance may not be a problem. But in terms of convenience, we are sensible. That can eliminate the obstacles earlier.*

*The obstacles can be removed by facilitating distance or facilitating access earlier. the digital aspect of agriculture is indeed with a low level of technology adoption."*

*"why is the southern area like Pesanggaran. But I don't want to let go of Banyuwangi. Even though the blade is near Genteng right. Now that's something like that. The political negotiations. Many appear outside. Same with the community too. Semenet is the same. Semenet did not want to be released to Pulomer. In fact, they don't want to be released to Pulomer. But it's the community that suffers. The oil potential. Oil potential. The oil potential is an application. Not too much tax. Then the natural potential. The nature is outside. That's why Pulomer doesn't want to be released. The DPRD is there. The DPRD has increased, the bureaucracy has increased. We also need to think about the facilities. Build it. Adopt technology facilities. That's right. What does it take to do that? It takes a big budget."*

*Appendix6 Documentation and Interview Results with Mr. Eko Budiyanto, S.H as a Community Leader.*



*"Banyuwangi Regional Regulation No. 2 Year 2024 is substantially a step forward in holistic and future-oriented regional planning. This regulation does not only organize space technically, but also presents a strategic approach that takes into account social, economic, cultural and environmental aspects. In the perspective of masalah mursalah, this regulation is in line with the principles of benefit that are not explicitly written in the nash, but are needed to answer the challenges of the times contextually, especially in creating order, spatial balance, and protection of public rights."*

*"This regulation has a strategic role in answering the challenges of sustainable development, especially in achieving Sustainable Development Goals (SDGs) point 11, namely making cities and settlements inclusive, safe, resilient and sustainable. Strengthening access to decent settlements, controlling land use change, and integrating spatial planning and public infrastructure are proof that*

*this regulation already contains a framework for equitable and sustainable development. If implemented consistently and accompanied by strong supervision, this regional regulation has great potential to become an important foundation in spatial planning that is environmentally sound while favoring the welfare of the wider community."*

*"Yes, in principle this regulation has fulfilled the principle of public benefit (al-maslahah al 'ammah). This is evident from its arrangements that include ecological balance, development of green open spaces, control of the growth of built-up areas, and empowerment of peripheral areas through equitable connectivity. In the framework of Islamic law, this reflects the principles of social justice and equitable distribution of benefits, as mandated in the rule of tasharruf al-imam 'ala al-ra'iyyah manutun bi al-maslahah, namely the ruler's policy must always bring goodness to the people he leads."*

*"As with any regulation, the implementation of this regulation is faced with various challenges, both legal and social. Legally, there is potential disharmony between this local regulation and other sectoral regulations, as well as not optimal synergy between implementing agencies. Socially, challenges arise in the form of community resistance to changes in spatial planning, especially if it relates to relocation or activity restrictions in certain zones."*

*"Legal indicators of success include stakeholder compliance with spatial plans, efficiency in the spatially-based licensing process, and minimal violations of zoning and land use. From the social side, success can be measured through improvements in the quality of life of the community, the existence of decent and equitable public spaces, equal access to infrastructure, and the level of citizen*

*participation in the policy planning and evaluation process. Public trust in the government to manage space fairly is also a very important measure of success in the long term."*

*"Local governments must take a central role as the driver, builder and controller of spatial policies. In realizing *maslahah*, the government must ensure that every derivative program from this regional regulation is carried out based on the principles of inclusiveness, transparency, and justice. The preparation of derivative regulations, technical guidance to development actors, and field supervision must be carried out in a planned and sustainable manner. The government must also prioritize the principle of distributive justice, which ensures that every layer of society, including vulnerable groups, benefit proportionally from this spatial policy."*

*"I recommend several important things. First, regular monitoring and evaluation by an independent institution is needed to ensure that local regulations remain relevant and effective. Second, the establishment of a dialog forum between the government, the community and academics in order to create aspirational and contextual policies. Third, instilling *maslahah* values in every stage of implementation, so that development is not only oriented towards physical and economic aspects, but also upholds human values and environmental sustainability. Finally, strengthening public literacy about the importance of spatial planning and sustainable development is essential so that all regional components are actively involved as subjects of development, not just objects of policy."*

**Attachment7 Pre-research Letter**

	<p><b>KEMENTERIAN AGAMA REPUBLIK INDONESIA</b> <b>UNIVERSITAS ISLAM NEGERI MAULANA MALIK IBRAHIM MALANG</b> <b>FAKULTAS SYARIAH</b> Jl. Gajayana 50 Malang 65144 Telepon (0341) 559399 Faksimile (0341) 559399 Website: <a href="http://syariah.uin-malang.ac.id">http://syariah.uin-malang.ac.id</a> E-mail: <a href="mailto:syariah@uin-malang.ac.id">syariah@uin-malang.ac.id</a></p>
<hr/>	
Nomor : B- 2924 /F.Sy.1/TL.01/07/2024	Malang, 04 September 2024
Hal : <b>Pra-Penelitian</b>	
Kepada Yth. Kepala Lembaga Pemerintah Daerah Kabupaten Banyuwangi Jalan Ahmad Yani NO. 100 Banyuwangi, Banyuwangi, Jawa Timur, Indonesia, 68416	
<i>Assalamualaikum wa Rahmatullah wa Barakatuh</i>	
Dalam rangka menyelesaikan tugas akhir/skripsi mahasiswa kami:	
Nama :	ARDHI GEO ALDAMA
NIM :	210203110053
Fakultas :	Syariah
Program Studi :	Hukum Tata Negara
mohon diperkenankan untuk mengadakan <i>Pra Research</i> dengan judul : <b>Strategi Efisiensi Peraturan Daerah Kabupaten Banyuwangi Nomor 2 Tahun 2024 Tentang Tata Ruang Wilayah 2024-2044 Dalam Mewujudkan Akselerasi Sustainable Development Goals</b> , pada instansi yang Bapak/Ibu Pimpin.	
Demikian, atas perhatian dan perkenan Bapak/Ibu disampaikan terima kasih.	
<i>Wassalamualaikum wa Rahmatullah wa Barakatuh</i>	
<p>Scan Untuk Verifikasi</p> 	 <p>Dekan Ket. Dekan Bidang Akademik, Kemal Mulumudi</p>
Tembusan :	
1. Dekan	
2. Ketua Prodi Hukum Tata Negara	
3. Kabag. Tata Usaha	
	

*Attachment8 Research Permit Recommendation Letter*



**PEMERINTAH KABUPATEN BANYUWANGI**  
**BADAN KESATUAN BANGSA DAN POLITIK**  
Jalan KH. Agus Salim No. 109 Mojopanggung, Banyuwangi, Jawa Timur 68425  
Telepon (0333) 425119 Faksimile (0333) 425119  
Pos-el [keshangpol.bwi@gmail.com](mailto:keshangpol.bwi@gmail.com) Laman [keshangpol.banyuwangikab.go.id](http://keshangpol.banyuwangikab.go.id)

Banyuwangi, 23 September 2024

Nomor : 072/224/429.206/2024  
Sifat : Segera  
Lampiran : -  
Perihal : Rekomendasi Kajian Ijin  
Penelitian/ Survei/ KKN/ Data

Yth. 1. Sekretaris DPRD Kabupaten Banyuwangi  
2. Kepala Dinas PUCKPP Kabupaten Banyuwangi  
3. Kepala Bagian Hukum Setda Kabupaten Banyuwangi  
4. Kepala Badan Pusat Statistik Kabupaten Banyuwangi

di  
Banyuwangi

Menunjuk Surat : Wakil Dekan Bidang Akademik Fakultas Syari'ah Universitas  
Islam Negeri Maulana Malik Ibrahim Malang  
Tanggal : 4 September 2024  
Nomor : B-2924/F.Sy.1/TL.01/07/2024  
Maka dengan ini memberikan Rekomendasi ijin kepada :  
Nama : Ardhi Geo Aldama  
Tempat : 1. DPRD Kabupaten Banyuwangi;  
2. Dinas PUCKPP Kabupaten Banyuwangi;  
3. Bagian Hukum Setda Kabupaten Banyuwangi;  
4. Badan Pusat Statistik Kabupaten Banyuwangi;  
Waktu : 23 September s/d 23 Oktober 2024  
Tujuan : Pra Penelitian untuk tugas akhir/skripsi dengan Judul  
"Strategi Efisiensi Peraturan Daerah Kabupaten Banyuwangi  
Nomor 2 Tahun 2024 Tentang Tata Ruang Wilayah 2024 -  
2044 Dalam Mewujudkan Akselerasi Sustainable  
Development Goals"

Sehubungan dengan hal tersebut, tidak ada dampak negatif yang diperkirakan  
akan timbul/dapat mengganggu kondusifitas di wilayah Kabupaten Banyuwangi.

Untuk selanjutnya dimohon untuk memberikan bantuan berupa tempat,  
data/keterangan yang diperlukan dengan ketentuan:

1. Peserta wajib mentaati peraturan dan tata tertib yang berlaku di daerah setempat;
2. Peserta wajib menjaga situasi dan kondisi selalu kondusif;
3. Melaporkan hasil dan sejenisnya kepada Badan Kesatuan Bangsa dan Politik  
Kabupaten Banyuwangi.

Demikian atas perhatiannya, kami sampaikan terima kasih.

Plt. Kepala Badan Kesatuan Bangsa dan Politik  
Kabupaten Banyuwangi



Drs. R. Agus Mulyono, M.Si.  
Pembina Tingkat I  
NIP. 196908201998031010

**Tembusan :**

1. Kepala DPMPSTSP Kabupaten Banyuwangi;
2. Wakil Dekan Bidang Akademik Fakultas Syari'ah Universitas Islam Negeri Maulana  
Malik Ibrahim Malang.



## CURRICULUM VITAE

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## EDUCATION HISTORY

Education	Agency Name	Year
TK	Khadijah Kindergarten 26 Tegalsari	2007-2009
ELEMENTARY/MIDDLE SCHOOL	SDN 1 Tegalsari	2009-2015
SMP/MTs	SMPN 2 Gambiran	2015-2018
SMA/MA	SMKN 2 Tegalsari	2018-2021
S1	UIN Maulana Malik Ibrahim Malang	2021-2025

## ORGANIZATION HISTORY

No.	Position	Institution	Year
1.	Member of Interest & Talent Division	HMPS Constitutional Law	2022-2023
2.	Head of PSDM	HMPS Constitutional Law	2023-2024