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The Rise of Centralistic Governance in Spatial Planning in Indonesia and Australia: A Comparative Study

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ABSTRACT

Since the Reformation, spatial planning governance has moved away from authoritarianism toward a more democratic style of government. However, the current Job Creation Regulation has heralded the return of the centralistic governance in spatial planning. Surprisingly, Australia is also experiencing this trend. This study will look at how the centralistic phase of spatial planning was implemented in Indonesia and Australia. By using a normative method, the results reveal that the spirit of centralization is obvious in the Job Creation Regulation. The central government has a dominating role in the implementation of spatial planning. It also controls the issuing of detailed plan. Because of the need to produce a digital map, the central government now has a power over the granting of spatial planning permission. In Australia, the local government evaluates and decides on the vast majority of planning applications. A countervailing tendency, nevertheless, has seen state governments take on some of the planning and decision-making duties once exercised by local governments. The state minister and development assessment panels are now responsible for authorization of significant projects. This pattern appears to depoliticize and simplify the application process for development projects, especially when those projects have financial advantages.

1. Introduction

The Spatial planning is typically thought of in terms of the technical actions of specialists, professions, and government in creating spaces[1] to anticipate and alleviate the

[1]Quintin van Heerden, 'Accessibility, Affordability, and Equity in Long-Term Spatial Planning: Perspectives from a Developing Country', *Transport Policy*, 120 (2022), 104 https://doi.org/https://doi.org/10.1016/j.tranpol.2022.03.007, Jean David Gerber and Gabriela Debrunner, 'Planning with Power. Implementing Urban Densification Policies in Zurich, Switzerland', *Land Use Policy*, 123 (2022), 106400 https://doi.org/https://doi.org/10.1016/j.landusepol.2022.106400

negative repercussions of economic and political forces.[2] By managing how areas within a city, a province, or an entire nation are utilized and preserved, societies may improve people's quality of life, safeguard and provide livelihoods, support sustainable economic development, and protect the environment.[3] To work properly, spatial planning requires a multidisciplinary team of specialists, including attorneys, engineers, architects, planners, and public politicians.[4] Referring to cultural traditions, local politics and legal system styles, many countries have different names for spatial planning governance. The law in Israel is known as the "Planning and Building Law,"[5] whereas in Russia it is known as the "Urban Planning Law." [6] A "Town and Country Planning Law" exists in several African countries,[7] but China has a "City Master Plan."[8] The phrase "Spatial Planning Laws" is used by the majority of countries in Europe, including the Netherlands,[9] Slovenia, Poland[10] and Italy.[11] Indonesia, like this text, follows the European tradition.[12]

Indonesia has a lengthy and tangled history of centralizing spatial planning power. The Soekarno administration (1945-1966) developed the concept of state-controlled rights in land management when the Dutch allowed local authorities to engage in the planning mechanism. Although local governments could adopt spatial planning legislation during the

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[2] Meng Meng, 'Spatial Planning in the Face of Flood Risk: Between Inertia and Transition', *Cities*, 126 (2022) https://doi.org/https://doi.org/10.1016/j.cities.2022.103702

[3]Schwartz-Belkin Inbar and Michelle E Portman, 'A Review of Geospatial Technologies for Improving Marine Spatial Planning: Challenges and Opportunities', *Ocean and Coastal Management*, 231 (2023), 106280 https://doi.org/https://doi.org/10.1016/j.ocecoaman.2022.106280 Mihály Dombi, 'Types of Planning Systems and Effects on Construction Material Volumes: An Explanatory Analysis in Europe', *Land Use Policy*, 109 (2021) https://doi.org/https://doi.org/10.1016/j.landusepol.2021.105682

[4]Nigel Taylor, 'What Is This Thing Called Spatial Planning?: An Analysis of the British Government's View', *Town Planning Review*, 81.2 (2010), 193–208 https://doi.org/10.3828/tpr.2009.26

[5]Phil Allmendinger and Graham Haughton, 'Spatial Planning, Devolution, and New Planning Spaces', *Environment and Planning C: Government and Policy*, 28.5 (2010), 803–18 https://doi.org/10.1068/c09163

[6] Oleg Golubchikov, 'Urban Planning in Russia: Towards the Market', *European Planning Studies*, 12.2 (2004), 229–47 https://doi.org/10.1080/0965431042000183950

[7]Mulugeta Maru and Hailu Worku, 'Unpacking Principles of Resilience Mainstreamed in Ethiopia's Local Urban Spatial Planning Documents: Practices from Kombolcha, an Urbanizing Secondary City', *Heliyon*, 8.3 (2022), e09137 https://doi.org/https://doi.org/10.1016/j.heliyon.2022.e09137

[8]Zhu Qian, 'Master Plan, Plan Adjustment and Urban Development Reality under China's Market Transition: A Case Study of Nanjing', *Cities*, 30.1 (2013), 77–88 https://doi.org/10.1016/j.cities.2011.12.010, Zhichao He, 'Master Plan, Plan Adjustment and Urban Development Reality under China's Market Transition: A Case Study of Nanjing', *Land Use Policy*, 108 (2021), 105562 https://doi.org/https://doi.org/10.1016/j.landusepol.2021.105562

[9]Philip Boland, 'The Relationship between Spatial Planning and Economic Competitiveness: The "path to Economic Nirvana" or a "Dangerous Obsession"?', *Environment and Planning A*, 46.4 (2014), 770–87 https://doi.org/10.1068/a4687

[10]Małgorzata Krajewska, Sabina Źróbek, and Maruška Šubic Kovač, 'The Role of Spatial Planning in the Investment Process in Poland and Slovenia', *Real Estate Management and Valuation*, 22.2 (2014), 52–66 https://doi.org/10.2478/remav-2014-0017

[11]Valentina Cattivelli, 'Planning Peri-Urban Areas at Regional Level: The Experience of Lombardy and Emilia-Romagna (Italy)', *Land Use Policy*, 103 (2021), 105282 https://doi.org/https://doi.org/10.1016/j.landusepol.2021.105282

[12]Maret Priyanta, 'Pembaruan Dan Harmonisasi Peraturan Perundangundangan Bidang Lingkungan Dan Penataan Ruang Menuju Pembangunan Berkelanjutan', *Hasanuddin Law Review*, 1.3 (2015), 337 https://doi.org/https://doi.org/10.20956/halrev.v1n3.113

Soeharto administration (1966-1998), the process was closely overseen and sanctioned by the central government,[13] as shown by Spatial Planning Law No. 24 of 1992 (SPL 1992). This fact demonstrated a centralized and top-down mode to spatial planning.

The demise of the Soeharto dictatorship sparked movements in Indonesia to move away from authoritarianism and toward a more democratic form of governance. The establishment of more independent regional administrations aided in the distribution of authorities and obligation between the central and local authorities. In spatial planning, under Law No. 26 of 2007 (SPL 2007), the district government has the authority to issue location permits following the district spatial plan. The district government could reject a permit application if this violated the district spatial plan.[14] Since the last three years, Law No. 11 of 2020 on Job Creation Law (JCL 2020) as replaced by Government Regulation *in lieu* of Law No. 2 of 2022 (GRIL 2022) has boosted expectations in Indonesia for enhanced spatial planning governance. However, the centralization spirit is clear in GRIL 2022 compared to SPL 2007 based on three indicators, namely the role of the central government in implementing spatial plan; the mechanism of issuing district-level detailed plans; and the requirement for creating digital maps.

Australia, a federal nation, is likewise experiencing a surge in centralized governance. The federal government has historically retained several powers under the Commonwealth constitution, including those related to defense and foreign policy, social services, and immigration. The governments of the six states were handed all remaining powers.[15] Because spatial planning is not within the jurisdiction of the federal government, each state then adopts rules and regulations on spatial planning,[16] outlining the shared duty between the local and the state government.[17] Generally, the majority of development clearance applications are reviewed, reviewed and decided by the local government.[18]

Since the last ten years, there has been a countervailing trend in which state governments have taken up some of the planning and decision-making responsibilities previously held by local governments. For instance in New South Wales (NSW) and Western Australia, the State Minister and development assessment panels (DAPs) have taken over authority to

[13]Delik Hudalah and Johan Woltjer, 'Spatial Planning System in Transitional Indonesia', *International Planning Studies*, 12.3 (2007), 291–303 https://doi.org/10.1080/13563470701640176

[14] Abdul Kadir Jaelani, Reza Octavia Kusumaningtyas, and Asron Orsantinutsakul, 'The Model of Mining Environment Restoration Regulation Based on Sustainable Development Goals', *Legality : Jurnal Ilmiah Hukum*, 30.1 (2022), 131–46 https://doi.org/10.22219/ljih.v30i1.20764

[15] One World Nations, 'The History of Australia' https://www.nationsonline.org/oneworld/History/Australia-history.htm

[16]Peter Williams, 'The "Panelization" of Planning Decision-Making in Australia', *Planning Practice and Research*, 29.4 (2014), 426–47 https://doi.org/https://10.1080/02697459.2014.893677

[17] Ed Wensing, 'Indigenous Rights and Interests in Statutory and Strategic Land Use Planning: Some Recent Developments', *James Cook University Law Review*, 24 (2018), 169–90 https://search.informit.org/doi/10.3316/agispt.20190521010722

[18] Michael Lu and Ehab Diab, 'Understanding the Determinants of X-Minute City Policies: A Review of the North American and Australian Cities' Planning Documents', *Journal of Urban Mobility*, 3 (2023), 100040 https://doi.org/https://doi.org/10.1016/j.urbmob.2022.100040

provide authorization for projects that they consider "strategic or significant".[19] This trend seems to hasten the processing of land-use applications that offer financial benefits.[20]

This paper seeks to identify and evaluate the emergence of centralistic governance in Australia and Indonesia, two neighboring nations. The first part of this paper shows how centralistic governance predominated in Indonesia under the Soekarno and Soeharto administrations. The presence of regional government and local governments' authority over spatial planning governance in the post-Soeharto administrations are then discussed. The following section of this article looks at how the current GRIL 2022 appears to restore the central government's control over planning. This study then describes the growth of centralistic control in spatial planning in Australia. This article outlines the structure of government and the current legislation before describing how this tendency has developed in NSW and Western Australia.

Some previous studies have discussed spatial planning governance in Indonesia. Indrajit et al (2021) introduced the Land Administration Domain Model (LADM) standard, which provides a basis for establishing information interoperability in land management and is essential for modeling the relationship between people and land (and space).[21] Faxon et al. (2022) discuss the significance of one map projects in developing a government-managed online spatial data platform that builds on national mapping in Indonesia.[22] Similarly, Andréfouët, Paul, and Farhan (2022) stated that the One Map Policy is critical for reducing land use disputes in Indonesia. Little islands, on the other hand, have unique socioeconomic, social, and conservation challenges, and an expansion of the One Map Policy vision to Small Islands is necessary.[23]

Kuller at al(2022) then discovered that Indonesia's primary issue is a lack of execution of spatial planning regulations. Particularly, the failure to involve all necessary parties in participatory planning, the local government's capacity issues, and ongoing issues with illegal development.[24] Finally, Hadi, Hamdani and Roziqin (2023) opposed the presence of Job Creation Law, which exempted commercial projects from the requirement to complete Environmental Impact Assessment (EIA) as long as their projects are in accordance with the land usage policy and zoning plan. This poses a danger to environmental sustainability

[19]Paul McFarland, 'The Best Planning System in Australia or a System in Need of Review? An Analysis of the New South Wales Planning System', *Planning Perspectives*, 26.3 (2011), 403–22 https://doi.org/https://10.1080/02665433.2011.575557

[20] I Gusti Ayu Ketut Rahmi Handayani, Lego Karjoko, and Abdul Jaelani, 'The Politics Settlement of Land Tenure Conflicts During Jokowi's Presidency', *Journal of Indonesian Legal Studies*, 7.2 (2022), 487–524 https://doi.org/https://doi.org/10.15294/jils.v7i2.57539

[21]Agung Indrajit and others, 'Developing a Spatial Planning Information Package in ISO 19152 Land Administration Domain Model', *Land Use Policy*, 98.April 2019 (2020), 104111 https://doi.org/10.1016/j.landusepol.2019.104111

[22]Hilary Oliva Faxon, 'Territorializing Spatial Data: Controlling Land through One Map Projects in Indonesia and Myanmar', *Political Geography*, 98 (2022), 102651 https://doi.org/https://doi.org/10.1016/j.polgeo.2022.102651

[23]Serge Andréfouët, Mégane Paul, and A. Riza Farhan, 'Indonesia's 13558 Islands: A New Census from Space and a First Step towards a One Map for Small Islands Policy', *Marine Policy*, 135 (2022), 104848 https://doi.org/10.1016/j.marpol.2021.104848

[24]Martijn Kuller, 'Planning Support Systems for Strategic Implementation of Nature-Based Solutions in the Global South: Current Role and Future Potential in Indonesia', *Cities*, 126 (2022), 103693 https://doi.org/10.1016/j.cities.2022.103693

because just 10 percent of Indonesia's regencies have detailed plans.[25] Although prior studies acknowledged the issue of spatial planning governance, none of them identified or evaluated the issue in the relationship between the central and district governments, particularly looking at the rise of centralistic governance in spatial planning. Also, they did not undertake a comparison research to solve the spatial planning problem in Indonesia.

2. Research Method

This study will use a normative approach,[26] identifying and assessing major legislation and regulations addressing spatial management in Indonesia and Australia, as well as research findings, evaluations, and other relevant references.[27] It investigated the suitable legal framework in spatial management using the statute technique. All data assembled was then evaluated employing qualitative approaches, and the findings were thoroughly documented.[28]

3. Results and Discussion

3.1. The Rise of Centralistic Governance in Spatial Planning in Indonesia

By examining some indicators, this section will demonstrate and analyze the rise of centralistic governance in spatial planning. The central government's dominant role in issuing spatial plan permits, in particular. Furthermore, the central government's supervision mechanism has reduced the district government's authority in determining district-level spatial plans. As the following section will also demonstrate, this practice is reminiscent of the Soekarno and Soeharto administrations' dominance over spatial planning governance in the past.

3.1.1. *The History of the Centralistic Governance in Spatial Planning*

Despite the fact that Indonesia declared independence in 1945, the Dutch were not forced to leave the country until 1949. Based on the Renville Agreement of 17 January 1948, Soekarno's government was granted *de facto* authority over Sumatra, Central Java, and Yogyakarta.[29] The Dutch kept power over the remainder of Indonesia. The Dutch government published the *Staadvorming Ordonatie* (SVO) this time, followed by its implementing rule, the *Stadsvormings Verordening* (SVV), in 1949.[30] The SVO's objective was to empower local governments to protect town development while taking into account

[25]Sudharto P Hadi, Rizkiana S Hamdani, and Ali Roziqin, 'A Sustainability Review on the Indonesian Job Creation Law', *Heliyon*, 9.2 (2023), e13431 <https://doi.org/https://doi.org/10.1016/j.heliyon.2023.e13431>.
[26]Agus Raharjo, 'The Legal Policy of Criminal Justice Bureaucracy Cybercrime', *Bestuur*, 10.2 (2022), 105–22 https://doi.org/https://doi.org/10.20961/bestuur.v10i2.64498
[27] Budiman and Abdul Kadir, 'The Policy of Sustainable Waste Management Towards Sustainable Development Goals', *Journal of Human Rights, Culture and Legal System*, 3.1 (2023), 70–94 https://doi.org/https://doi.org/10.53955/jhcls.v3i1.73
[28] Daniar Supriadi, 'The Regulation of Personal and Non-Personal Data in the Context of Big Data', *Journal of Human Rights, Culture and Legal System*, 3.January (2017), 33–69 https://doi.org/https://doi.org/10.53955/jhcls.v3i1.71
[29]Australian Government, 'Department of Foreign Affairs and Trade' https://dfat.gov.au/about-us/publications/historical-documents/Pages/volume-13/22-renville-agreement.aspx [accessed 1 May 2022].
[30] Lego Karjoko and others, 'Indonesia's Sustainable Development Goals Resolving Waste Problem: Informal to Formal Policy', *International Journal of Sustainable Development and Planning*, 17.2 (2022), 649–58 https://doi.org/10.18280/ijsdp.170230

social and environmental considerations as well as predicted economic growth.[31] The SVV underlined local governments' responsibilities to provide wide and comprehensive spatial planning,[32] notably in respect to technical standards controlling road and building development. The SVO and SVV allowed local governments to proactively involve in the planning mechanism at the time, reflecting the Dutch desire for a federal structure.[33]

Following Indonesia's independence in 1949, Soekarno's (1945-1966) administration was reticent to adopt the SVO and SVV into national legislation. They were considered as a part of Dutch land law and may be managed by Dutch colonial municipal *(gemeente)* administrations. Besides, SVO and SVV had created western enclaves by partitioning space along ethnic lines. As a result, they remained on the books but were never implemented. The central government did, however, adopt Law No. 5 of 1960 on the Basic Agrarian Law that is still in effect in Indonesia for land management. This Law created 'rights regulated by the State,' which means that the State is given jurisdiction over the use and preservation of water, land, and air space, as well as natural resources within it.[34]

The SVO was founded in 1976, under the era of Soeharto (1966-1998), when the government promulgated a Presidential Instruction stipulating local governments to draft city planning regulations. Although local governments could pass spatial planning legislation during this period, the process was strictly supervised and sanctioned by the central government, exhibiting a centralized and top-down mode to spatial planning.The district government was required to inquire the Provincial Development Planning Board or *Badan Perencanaan dan Pembangunan Daerah (Bappeda)* and the Urban Development Board or *Badan Pengembangan Kota (Bangkota)* when drafting the district spatial plan to ensure that the draft complied with the provincial and national spatial plans. The recommendation was subsequently sent to the Directorate General of Public Administration and Regional Autonomy, Ministry of Home Affairs. If the proposal was authorized by this ministry, it was acknowledged by regional regulation and forwarded to the Minister of Home Affairs for approval.

The central government approved Government Regulation No 14 of 1987 on the Delegation of Parts of Central Government Authority in Public Works to the Regions in 1987. However, the central government retained its dominant position since the Ministry of Home Affairs would review regions' technical and financial capacities before acquiring spatial planning authority from the central government. Moreover, the Ministry of Public Works was in charge of designing district spatial planning and deciding when and how spatial planning power would be devolved to the regions.

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[31] Abdul Kadir Jaelani and Muhammad Jihadul Hayat, 'The Proliferation of Regional Regulation Cancellation in Indonesia', *Journal of Human Rights, Culture and Legal System*, 2.2 (2022), 121–38 https://doi.org/https://doi.org/10.53955/jhcls.v2i3.55

[32] Paul Atagamen, 'Environmental Hazard : The Legal Issues Concerning Environmental Justice in Nigeria', *Journal of Human Rights, Culture and Legal System*, 3.1 (2023), 17–32 https://doi.org/https://doi.org/10.53955/jhcls.v3i1.60

[33] Reza Octavia Kusumaningtyas and others, 'Reduction of Digitalization Policy in Indonesian MSMEs and Implications for Sharia Economic Development', *Juris: Jurnal Ilmiah Syariah*, 21.2 (2022), 157–71 https://doi.org/10.31958/juris.v21i2.6855

[34]Graham Greenleaf, *Independence of Data Privacy Authorities: International Standards and Asia-Pacific Experience*, No 2011/42, 2011.

In 1992, the Soeharto government promulgated the first central government legislation on spatial planning. The SVO and the SVV were legally supplanted by Spatial Planning Law No. 24 of 1992 (SPL 1992). Article 19 SPL 1992 classified spatial planning into three types: national, province, and district spatial plans. However, the federal government retained a significant role in spatial planning control.[35] The central government, as in the past, did not allow district governments to freely manage spatial planning. Following article 19, it closely oversaw the development and implementation of district spatial plans through the Ministry of Home Affairs.

3.1.2. *Reformation Era and the Decentralised Governance in Spatial Planning*

The fall of the Soeharto regime gave rise to a movement to change the centralized administrative structure into a more democratic one that would provide district autonomy. The Law No. 22 of 1999 on Regional Government (RGL 1999) was passed as a consequence of this process. Article 11 RGL 1999 specifically designated district or municipal administrations as the recipients of residual national government jurisdiction rather than provincial governments. Additionally in article 18(1), RGL 1999 gave provincial and district/city administrations the authority to create regional laws, including spatial governance as a means of achieving their autonomy.

RGL 1999 was only valid for 5 years. One of the key reasons for repealing this Law was the difficulty the central government experienced in regulating and monitoring district-level governments, particularly related to the issuance of developmental permits that conflict with the national and provincial spatial plans. The national government then enacted Regional Government Law No. 32 of 2004 (RGL 2004). The central government, under article 10(3), retained sole power in foreign affairs, military and security, religion, monetary and fiscal concerns, as it did under RGL 1999. Nonetheless, jurisdiction over these matters may be delegated to regional governments. Article 13 and 14 also placed a number of required matters or *urusan wajib* on provincial and district administrations, such as public infrastructure, health, education, the environment, land affairs, investment, and small and medium-sized enterprises (SMEs).

The next regional government legislation is Law No. 23 of 2014 (RGL 2014). Article 9 of this Law divides government concerns into three categories: “absolute affairs,” “concurrent affairs,” and “generic affairs.” The central government exercises complete power over foreign policy, military and security, the judiciary, national fiscal and monetary policy, and religion. Meanwhile, following article 9(3), the national government, provincial governments, and district/municipality administrations are all dealing with “concurrent difficulties.” These are classified as “mandatory affairs” and “elective affairs” as stated in article 11.

Mandatory issues are those that must be addressed by all areas, whereas elective affairs are those that are handled by the area based on its expertise. According to article 11(2), mandatory matters are further classified as primary and non-primary service matters.

[35] Maret Priyanta, ‘Optimalisasi Fungsi Dan Kedudukan Kajian Lingkungan Hidup Strategis Dalam Penyusunan Dan Evaluasi Rencana Tata Ruang Dalam Sistem Hukum Lingkungan Indonesia Menuju Pembangunan Berkelanjutan [Optimization of Functions and Position of Strategic Environment’, *Jurnal IUS Kajian Hukum Dan Keadilan*, 6.3 (2018), 388–402 https://doi.org/http://dx.doi.org/10.29303/ius.v6i3.565

Fundamental Services are government-provided services that address the most fundamental needs of persons. Education, health, housing, public works, and spatial planning are examples of core services following article 12. As a result, all three levels of government must oversee spatial planning at the same time.

RGL 2014 splits governmental functions largely between the national and provincial governments. There has been no substantial adjustment in the distribution of authority among the three levels of government in terms of spatial planning. The district administration continues to grant building and nuisance permits. The following table shows how concurrent affairs are distributed among planning-related institutions under RGL 2014.

Table 1. The Division of Authority in Planning-related Authorities

Authorities Sectors	**Central Government**	**Provincial Government**	**District Government**
Management of Natural Resources and Coastal Protection	National strategic river areas, cross-country river areas, and cross-border provincial river areas.	River regions in bordering districts.	River located within the District.
Building Requirements (Establishment and Implementation)	Areas determined as of 'national strategic' importance.	Areas determined as of 'provincial strategic importance'.	1. Areas determined as of 'district strategic importance'. 2. Authority to issue building permits *(ijin mendirikan bangunan)* and certificate of building functions *(sertifikat laik fungsi)*
Spatial Planning	Implementation of national spatial arrangements and international collaboration of spatial planning.	Implementation of provincial spatial arrangements.	Implementation of district spatial arrangements.
Marine, Coastal, and Small Islands	Management of marine over 12 miles and strategically national areas.	Management of maritime space up to 12 miles and granting of permits for the use of sea space below 12 miles for purposes other than oil and gas.	No Authority

Source: Elucidation to central government Law No. 23 of 2014 on Regional Autonomy

Table 1 shows how district governments' authority has been reduced under RGL 2014. The central government, in particular, delegated authority in maritime, coastal, and small island zones completely to the provincial government, with no authority delegated to district governments. This policy reflects the growth of centralistic governance, which is also evident in spatial planning governance, as illustrated in the next section. The first inclusive law in the control of spatial planning was Law 26 of 2007 on Spatial Planning (SPL 2007). Under article 7(1), the State has a duty to regulate space use "to the greatest

degree [possible] for the sake of people's welfare." Article 1(2) governs how space is used by classifying it as either "spatial structure," or *struktur ruang*, or "spatial design," or *pola ruang*. "An arrangement of residential centers and infrastructure network systems that serve as a support for the society's social and economic activities" is referred to as a "spatial structure" following article 1(3). Spatial designs are defined as "the spatial allocation that divides regions into conservation and agriculture zones" in the interim as stated in article 1(4).

This law gives district administrations the power to impose restrictions on the purchase of real estate for commercial uses. According to article 26(3) of SPL 2007, the district spatial plan acts as the legal basis for granting site/location permits and managing land. If a permit application violates the present district spatial plan, the district administration may reject it in accordance with this article.[36]

This Law, on the other hand, has retained the centralistic governance of Indonesia's previous spatial planning legislation. This Law, as stated in article 6(2), explicitly regulates that "national, provincial, and district spatial planning governance shall be handled in a hierarchical and complementary manner." Following article 10, the central and provincial governments have the authority to provide broad guidelines and enforceable directives on spatial planning in order to harmonize national development. District administrations, under article 11(4), must comply all of these standards and directions, especially when drafting spatial plans. References to national and provincial spatial plans must be included in the proposed district spatial plan. After receiving the Governor's suggestion, as stated under article 18(2), the Minister of Agrarian and Spatial Planning must approve this kind of document.[37]

3.2 *Rise of the Centralistic Governance in Spatial Planning*

JCL 2020 aims to resolve the overlapping, scattered, and inconsistent rules that accompany economic activity. This Law then modifies and replaces around 74 laws considered barriers to employment creation and investment in Indonesia, notably SPL 2007. SPL 2007 has 80 articles, 45 of which have been left unchanged, 26 of which have been simplified, and 9 of which have been removed. As informed earlier, this Law has just been replaced by GRIL 2022. The parts that follow will illustrate how the spirit of centralization may be seen in this regulation.[38]

Regarding the Implementation of Spatial Planning Law, GRIL 2022 has limited local governments' role in spatial planning. The authority for spatial planning is clearly delegated to the central government in Article 17. Government rules oversee additional requirements concerning the roles and obligations of spatial planning. Equally important, article 3 Government Regulation No. 21 of 2021 on the Implementation of Spatial Planning states that the central government has the ability to establish standards, norms,

[36] Rini Astuti and others, 'Making Illegality Visible: The Governance Dilemmas Created by Visualising Illegal Palm Oil Plantations in Central Kalimantan, Indonesia', *Land Use Policy*, 114 (2022), 105942 https://doi.org/10.1016/j.landusepol.2021.105942

[37] Erika JE Techera, 'The Intersection of Marine and Coastal Conservation and Nature-Based Solutions to Climate Change: Governance Insights from Indian Ocean Small Island States', *Ocean and Coastal Management*, 239.February (2023), 106579 https://doi.org/10.1016/j.ocecoaman.2023.106579

[38] Viviana A. Cordero-Vinueza, F. (Femke) Niekerk, and T. (Terry) van Dijk, 'Making Child-Friendly Cities: A Socio-Spatial Literature Review', *Cities*, 137.May 2022 (2023), 104248 https://doi.org/10.1016/j.cities.2023.104248

methods, and criteria for the execution of spatial planning. Local governments' spatial planning must adhere to the norms established by the central government.[39]

The jurisdiction of province and district administrations is explained in Articles 10 and 11 of SPL 2007, which differ significantly from the preceding seven articles. Regional governments have the ability to oversee regional spatial planning, strategic area spatial planning, and inter-district/city or inter-provincial spatial planning, according to SPL 2007. Regional governments are also empowered to define strategic areas, such as strategic regions for spatial planning and strategic areas for space usage. However, according to the current GRIL 2022, the jurisdiction of local governments is limited to three areas. First, there is the regulation, direction, and monitoring of spatial planning implementation in provinces and districts/cities. Second, provincial spatial planning must be implemented as stated in article 17(5). Finally, under the same article, collaboration in spatial planning between provinces and promotion of spatial planning cooperation between districts/cities.[40]

The idea of centralization is then reinforced by article 17 Government Regulation No. 21 of 2021, stating that the creation of the regency area spatial plan is carried out in line with the rules, standards, methods, and criteria established by the minister through a Ministerial Regulation. Article 69 (1) stipulates that processes for developing district spatial plans should entail, among other things, the regent submitting draft district rules relating district spatial planning plans to the Minister for substance approval. With respect to the Issuance of Detailed Plan, both SPL 2007 and GRIL 2022 entrusted responsibilities for developing general and specific spatial plans to national, provincial, and district authorities. General plans, according to article 14(2) SPL 2007, encompass national, province, and district spatial plans. Detailed plans then might help governments organize their spatial plans. These kinds of plans offer a complete description of the blocks, zones, and regions in a particular district,[41] defining whether areas are open or closed for certain projects.[42]

The availability of a detailed plan is critical for enforcing spatial planning legislation violations in Indonesia. It will specify the blocks, zones, and areas within districts, indicating what is authorized and banned in terms of specific projects. It is difficult for district managers to establish if planned activities violate spatial planning without this type of plan. In Indonesia, the provision of a detailed plan is crucial for pursuing spatial planning regulation infractions. Without this form of plan, it is impossible for district administrators to determine whether planned activities contradict spatial planning. The central government, however, wields significant authority in the issuing of the district

[39] Carlos J.L. Balsas, 'Qualitative Planning Philosophy and the Governance of Urban Revitalization, a Plea for Cultural Diversity', *Urban Governance*, 2.2 (2022), 247–58 https://doi.org/10.1016/j.ugj.2022.09.003
[40] Hallie Eakin, Svenja Keele, and Vanessa Lueck, 'Uncomfortable Knowledge: Mechanisms of Urban Development in Adaptation Governance', *World Development*, 159 (2022), 106056 https://doi.org/10.1016/j.worlddev.2022.106056
[41]Kimia Ghasemi, 'Geographic Information System Based Combined Compromise Solution (CoCoSo) Method for Exploring the Spatial Justice of Accessing Urban Green Spaces, a Comparative Study of District 22 of Tehran', *Ecological Indicators*, 144 (2022), 109455 https://doi.org/https://doi.org/10.1016/j.ecolind.2022.109455
[42] Ingemar Elander, Mikael Granberg, and Stig Montin, 'Governance and Planning in a "Perfect Storm": Securitising Climate Change, Migration and Covid-19 in Sweden', *Progress in Planning*, 164.October 2021 (2022), 100634 https://doi.org/10.1016/j.progress.2021.100634

detailed plan. The method for developing district detailed plans is specifically stated in Article 85 of Government Regulation No. 21 of 2021. After finalizing a draft of the district-level detailed plan, the public works and spatial planning agency of the district government must submit the document to the Geospatial Agency. This map will then validate the map in compliance with the existing requirements. Following completion of this procedure, the paper is sent to the Ministry of Agrarian and Spatial Planning for Ministerial approval. Following receipt of this approval, the district government can finalise the draft and turn it into a district rule.[43]

GRIL 2022 highlights the importance of a detailed plan in monitoring the compliance of activity site and firm as stated in article 17(7). Following article 14(2), district governments must create a clear digital plan based on appropriate criteria. The public must have easy access to this digital map in order to acquire information on specific projects' compliance with a comprehensive plan. When this map is available, following article 14(4), the Central Government must include it into online single submissions for business licenses. As a consequence, when applicants submit a business license, it is expected that they would be able to quickly check the compliance of their enterprise's location by providing the geographical coordinates. The technology would provide a quick answer as to whether the proposed firm location adheres to the present detailed plan. However, in the absence of a digital map, the spirit of centralization becomes obvious. This is made clear in Article 15 of GRIL 2022, which states that if the district government fails to produce a digital map, the central government would take over the responsibility for giving clearance for the location's suitability for proposed projects. Article 244 of Government Regulation No.21 of 2021 contains the final contentious clause. It indicates that if this Government Regulation does not regulate, is inadequate or confusing, and/or there is government stagnation, the Minister may use his or her discretion to address particular challenges in the administration of government activities in the field of spatial planning.[44]

3.3. *The Rise of Centralistic Governance in Spatial Planning in Australia*

3.3.1. *The Hierarchy of Government in Australia*

Australia has a characteristic as federal government that is denoted in a three-level hierarchy of political authority, namely: Commonwealth (national), state and territory, and local governments. When Australia was established in 1901, authorities were shared between the national and state governments under the Commonwealth Constitution. Importantly for spatial planning, the Commonwealth was not given wide direct control over natural resource governance, spatial planning, the environment, or land-use regulation.[45] As a result, each state and territory has its own set of regulatory, statutory and procedural frameworks for governing planning and land tenure.[46]

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[43] Wirastuti Widyatmanti and others, 'Codification to Secure Indonesian Peatlands: From Policy to Practices as Revealed by Remote Sensing Analysis', *Soil Security*, 9.December 2021 (2022), 100080 https://doi.org/10.1016/j.soisec.2022.100080

[44] Achmad Sahri and others, 'Cetacean Habitat Modelling to Inform Conservation Management, Marine Spatial Planning, and as a Basis for Anthropogenic Threat Mitigation in Indonesia', *Ocean and Coastal Management*, 205 (2021), 105555 https://doi.org/10.1016/j.ocecoaman.2021.105555

[45] Constanza Gonzalez-Mathiesen, Simone Ruane, and Alan March, 'Integrating Wildfire Risk Management and Spatial Planning – A Historical Review of Two Australian Planning Systems', *International Journal of Disaster Risk Reduction*, 53 (2021), 101984 https://doi.org/10.1016/j.ijdrr.2020.101984

[46] Yuqing Chen, 'Linking Ecosystem Accounting to Environmental Planning and Management: Opportunities

In the other words, the management of these matters is the responsibility of each state and territorial within Australia. Some states then enacted their own planning laws,[47] such as Western Australia through Town Planning and Development Act in 1928 and The Local Government Act of 1919 (LGA) in New South Wales (NSW), which was later replaced by Environmental Planning and Assessment Act, 1979 (EPAA).

Most planning decisions are often decided and resolved at the local government tier. This is especially true when it comes to development options, with the vast majority of applications for planning approval being submitted with, and examined and resolved by, local governments rather than state governments.[48] Meanwhile, strategic planning is frequently subject to stronger state government direction since it involves the designation of planned or future land uses and their execution through the establishment of legislative planning restrictions.[49] Therefore, strategic planning at the state and regional levels is often the primary responsibility of state governments, however, there is room for more collaborative methods with local governments for regional planning.

3.3.2. *Environmental Planning and Assessment Act in Australia*

NSW Environmental Planning and Assessment Act, 1979 (EPAA) went into force on 1 September 1980. This Act was the first planning law in Australia that expressly addressed a balance of social, environmental and economic consequences.[50] In accordance with Article 1(3), some important goals include promoting the social and economic well-being of communities and a better environment by managing, developing, and conserving the State's natural and other resources. By include essential environmental, social and economic factors in decisions on environmental planning and assessment, this Act also strives to encourage ecologically sustainable development. The last goal is to protect native species, including those that are endangered and other biological groupings, as well as their habitats.

According to article 2(1), a state-level minister has the portfolio duty for planning and the Planning Secretary is in charge of overseeing departmental planning and the Minister's allocated responsibilities under this Act. Following article 2(3), panels may be established as a supervisory mechanism, and the Minister or the Planning Secretary will select the

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and Barriers Using a Case Study from the Australian Capital Territory', *Environmental Science & Policy*, 142 (2023), 206 https://doi.org/https://doi.org/10.1016/j.envsci.2023.02.014

[47]Anna Lukasiewicz, 'Declining Trends in Plan Quality: A Longitudinal Evaluation of Regional Environmental Plans in Queensland, Australia', *Landscape and Urban Planning*, 203 (2020), 103891 https://doi.org/https://doi.org/10.1016/j.landurbplan.2020.103891

[48]Constanza Gonzalez-Mathiesen, Simone Ruane, and Alan March, 'Integrating Wildfire Risk Management and Spatial Planning – A Historical Review of Two Australian Planning Systems', *International Journal of Disaster Risk Reduction*, 53 (2021), 101984 https://doi.org/https://doi.org/10.1016/j.ijdrr.2020.101984, Michael McGreevy, 'How Well Do Australian Government Urban Planning Policies Respond to the Social Determinants of Health and Health Equity?', *Land Use Policy*, 99 (2020), 105053 https://doi.org/https://doi.org/10.1016/j.landusepol.2020.105053

[49]Peter John Williams and Angelique Mary Williams, 'Sustainability and Planning Law in Australia: Achievements and Challenges', *International Journal of Law in the Built Environment*, 8.3 (2016), 226–42 https://doi.org/https://doi.org/10.1108/IJLBE-06-2016-0008

[50]Khandakar Farid Uddin and Awais Piracha, 'Urban Planning as a Game of Power: The Case of New South Wales (NSW), Australia', *Habitat International*, 133 (2023), 102751 https://doi.org/https://doi.org/10.1016/j.habitatint.2023.102751

panel's chairperson and other members. These panels may be tasked with the following duties: (a) looking into any issue relevant to the administration of this Act; or (b) providing counsel, recommendations, or reports on any such matter to the Minister and the Planning Secretary. Referring to article 2(4), the Planning Secretary may delegate any of their tasks to, among other things, a person from the Department of Planning and Environment, or the Greater Cities Commission, or the Independent Planning Commission.[51]

The formation of an independent planning commission that is not under the Minister's direction or control is mandated under article 2(7). The members of this commission are chosen by the Minister in accordance with article 2(8). Every member of the committee must be knowledgeable in at least one of the following fields: planning, architecture, heritage, the environment, urban design, land economics, soil or agricultural science, tourism, or public administration and/or government. In accordance with article 2(9), this commission has the following duties: to grant approval for State significant or other strategic projects; to advise the Minister or the Planning Secretary on planning-related issues; to hold a public hearing; and to perform other duties as assigned by the Minister.[52]

Regarding public participation, article 2(22) outlines the required standards for community engagement in the performance of relevant planning functions by planning authorities. These include, among other things, a minimum duration of public exhibition, public notice requirements, and the provision of explanations for planning authority decisions. Besides, applicants are required for consents or other permits to consult with the community. Article 2(23) then states that a planning authority is obliged to establish a community participation plan outlining how and when it will engage in community engagement. A proposed plan must be publicly shown for at least 28 days. Developing this plan, a planning authority must consider the following, among other things: to provide a right to know about planning-related issues that impact it; to encourage continuing, fruitful community partnerships to create meaningful chances for community involvement in planning; and actively seek community viewpoints and community involvement inclusively.[53]

EPPA has significantly modified the provisions of Part XIIA of the NSW Local Government Act, 1919. EPPA dramatically altered NSW planning by establishing a new Department of Environment and Planning that has responsibilities of subjects of state and regional importance, while local governments would have authority over local planning. The content, format and demonstration of planning instruments as stated in Part 3 of EPPA were more adaptable and less rigid than in prior planning instruments. The goal was to focus on the planning results rather than the tools and maps. Finally, the Local Government Tribunal was superseded by the Land and Environment Court as enshrined in Article 8(6). This was the first time in Australia that a court with exclusive jurisdiction over planning

[51] Eduardo Oliveira and Anna M. Hersperger, 'Governance Arrangements, Funding Mechanisms and Power Configurations in Current Practices of Strategic Spatial Plan Implementation', *Land Use Policy*, 76.August 2017 (2018), 623–33 https://doi.org/10.1016/j.landusepol.2018.02.042

[52] Céline Jacob and others, 'A Two Way Process – Social Capacity as a Driver and Outcome of Equitable Marine Spatial Planning', *Marine Policy*, 149.December 2022 (2023) https://doi.org/10.1016/j.marpol.2023.105507

[53] Camilo Ordóñez, 'Governance Lessons from Australian Local Governments for Retaining and Protecting Urban Forests as Nature Based Solutions', *Nature-Based Solutions*, 1.June (2021), 100004 https://doi.org/10.1016/j.nbsj.2021.100004

issues was established. Specifically, according to Article 8(7), objectors to designated development applications may file an appeal with the Land and Environment Court against the award of development approval. Members of the public have legal standing to institute proceedings in that court to ensure conformity with the new planning rules and to redress any violations of those laws.[54]

3.3.3. *The Rise of Centralistic Governance in Spatial Planning in Australia*

Tensions between state and local governments have been heightened in the last decade or so as a result of activities such as the expansion of powers held by planning ministers or their delegates, allowing them to interfere or "call in" strategic planning and development proposals; and the introduction of new governance structures, such as planning panels in several states.[55] This has resulted in a clear shift away from the spirit of the Act's initial objectives and toward more centralized and less democratic decision making as shown by the following practices in New South Wales and Western Australia.[56]

When it was passed in 1980, EPAA was largely regarded as being at the vanguard of planning for unified management of land, development, and the environment. For the first time in Australia, there existed a legislative framework that centralized and harmonized land-use planning. Public inspection and involvement were allowed at all phases of development. Furthermore, the distinction between responsibilities for planning at the state/regional and municipal levels was clearly articulated. The establishment of a separate court of appeals for planning and relevant issues was also significant.[57]

Important changes in government and government land-use planning policy have occurred since the EPAA's inception. The Act has been revised on several occasions as the government considered appropriate to reflect these policy developments. Surprisingly, the great majority of EPAA revisions have happened in the previous ten years. According to the facts, the more recent modifications represent the emergence of the centralistic governance in Australia. Article 3A of EPAA, adopted in the 2005 changes, mandates the Minister for Planning's permission for all significant or strategic projects within NSW. The 2008 changes continue the trajectory of centralistic character of planning power in the Minister and planning panels. These revisions appear to have been designed to aid the expediting of plan-making and land-use approvals, and in doing so, have restricted most of the option for public input in order to minimize decision-making time. Moreover, the new, state-appointed planning organizations have increased the system's complexity. The NSW government appears to want faster decisions on land-use applications based on economic advantages. The result of the government's EPAA changes in 2005 and 2008 is a shift toward a more centralized decision-making structure with increasing complexity and less public scrutiny. The revisions also centralized local sovereignty in land-use decision-

[54]McFarland.
[55]Williams.
[56] Eakin, Keele, and Lueck.
[57]McFarland.

making. This is a departure from the EPAA's objectives as envisioned when the Act was introduced in parliament in 1979.[58]

This trend also occurred in Western Australia. This state has historically was the most centralized planning model in Australia.[59] The Town Planning and Development Act 1928 (TPDA) had authorized the establishment of a centralized independent planning authority, known as the Town Planning Board (TPB) in 1929. The TPB's principal powers were to examine planning applications, provide suggestions to the Minister on the planning plan of local government, and give general advice. Following the creation of a Liberal-National Government in September 2008, crucial legal reforms, reflecting the rise of centralisation to the planning governance were implemented, with two pieces of legislation standing out.[60]

The first is the Approvals and Related Reforms of Planning Act 2010. The introduction of development assessment panels (DAPs), an independent body consist of three specialized experts and two elected local government representatives, which has a primary responsibility in assessing development applications of a certain size, has altered some planning authorities away from local governments and toward the State. The next is Metropolitan Redevelopment Authority Act 2011. This Act resulted in the amalgamation of four previously redevelopment authorities into a single comprehensive body – the Metropolitan Redevelopment Authority (MRA). Furthermore, unlike the four previous redevelopment authority, the MRA expanded the potential for additional redevelopment zones to be designated and put under the MRA's supervision without the requirement for a separate Act of Parliament. As a result, when a redevelopment scheme for a new redevelopment area is authorized, both the relevant local government planning scheme and the Western Australia Planning Commissions (WAPCs) Metropolitan Region Scheme are immediately suspended.[61]

3.4. *The Comparison Between Indonesia and Australia*

This section will compare and analyze the rise of centralistic governance in spatial planning in Indonesia and Australia. Although they have experienced this trend since the last decade, there are several things that differentiate between them. In Indonesia, the Amendment of the 1945 Constitution changed this nation from a highly centralized style of government to regional autonomy. Indonesia seem to blend elements of federal and decentralized forms of administration, with the central government giving district governments a wide degree of authority rather than enabling province governments to function as states under a federal system.[62] The central government and the local

[58] Wirastuti Widyatmanti and Deha Agus Umarhadi, 'Spatial Modeling of Soil Security in Agricultural Land of Central Java, Indonesia: A Preliminary Study on Capability, Condition, and Capital Dimensions', *Soil Security*, 8.June (2022), 100070 https://doi.org/10.1016/j.soisec.2022.100070
[59] Paul Maginn and Neil Foley, 'From a Centralised to a "Diffused Centralised" Planning System: Planning Reforms in Western Australia', *Australian Planner*, 5.1 (2014), 151–62 https://doi.org/https://10.1080/07293682.2014.894106
[60] Widyatmanti and others.
[61] Maginn and Foley.
[62] Sahri and others.

government are both involved in this setting of shared authority. As mentioned in the preceding section, centralisation happens in spatial planning when the central government takes over some authority from the local government. In Australia, it is a federation of six states, each having its own constitution, parliament, administration, and laws. It is also obvious that the federal government has no authority over spatial planning. As a result, only the state and local governments will be involved in spatial planning management. The state government then takes over spatial planning responsibilities from the local government, resulting in centralisation.[63]

The rhetoric they employed upon seizing control of the government is the next distinction. The wording used in Indonesia's legislation on spatial planning appears to be more eloquent. For example, article 3 GR 21 of 2021 explicitly specifies that the central government has the authority to set standards, norms, and criteria for the implementation of spatial planning and that local governments must abide by these standards. The central government will take over control of spatial planning if the local government does not adhere to the norm. In particular, following article 15, the central government would be responsible for approving the location's appropriateness for planned developments if the district government failed to generate a digital map. Australia, on the other hand, seems to establish new structure or agencies in taking over local governments' authorities in spatial planning. For instance, the Independent Planning Commission and Development Assessment Panels (DAPs) both have the authority to get planning clearance for significant projects in NSW. Similar to Western Australia, some planning authorities have been transferred from local governments to the State as a result of the Metropolitan Redevelopment Authority (MRA), which amalgamated four prior agencies in the field of spatial planning.

The only similarities found in this study is that the significance put upon economic growth and infrastructure seems to be the main reason behind the rise of centralistic governance. The importance of nationally strategic projects in Indonesia has prompted the central government to evaluate and amend the spatial plan at any time, as outlined by Presidential Regulation No. 3 of 2016 on the Acceleration of Nationally Strategic Projects. Similarly, as Sofyan Djalil, former Minister of Agrarian and Spatial Planning, remarked, the central government is granted permission to change the spatial plan in order to maintain some mega projects. These projects comprise 47 highway projects, 12 railway projects, five non-toll motorways, 11 airport revitalization projects, four new airport projects, and 13 new ports.[64]

Economic growth was given higher emphasis over spatial planning objectives in Australia as well. In the case of the Covent Garden Opera House, Westminster City Council granted planning permission in 1988 for the construction of a commercial complex and the renovation of the Opera House, despite the fact that the project violated its development plan.[65] Furthermore, the EPAA explicitly states that projects that are

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[63] Fitri Nur, Aini Prasetyo, and Abdul Kadir Jaelani, 'The Changing of Environmental Approval Administrative Law Perspective', *Journal of Human Rights, Culture and Legal System*, 2.3 (2022), 191–208 https://doi.org/https://doi.org/10.53955/jhcls.v2i3.55

[64] Fedina S. Sundaryani, 'Spatial Planning Regulations Revised to Accommodate Megaprojects', 2017 https://www.thejakartapost.com/news/2017/05/03/spatial-planning-regulations-revised-to-accommodate-megaprojects.htm [accessed 25 December 2022].

[65] Malcolm Grant, 'Planning Law and the British Land Use Planning System: An Overview', Town Planning

significant for economic or social considerations can be classed as significant projects and must be approved by the Minister of Planning or the Independent Planning Commission before proceeding. Southdown Solar Farm, Muray River; St Philip's Christian College; and Charmhaven, Central Coast are among these initiatives.[66] These adjustments appear to have been made to help expedite plan-making and land-use approvals, as well as to reap economic advantages from these projects.

4. Conclusion

Indonesia had a lengthy history of centralizing spatial planning power both in Soekarno and Soeharto era. The fall of the dictatorship of Soeharto encouraged efforts in Indonesia to shift away from authoritarianism and toward a more democratic style of administration. The creation of more autonomous regional administrations assisted in the division of powers and duties between the central and local governments. The existence of GRIL 2022, on the other hand, has demonstrated the opposite tendency, where the spirit of centralization is evident. This regulation has decreased local governments' influence in spatial planning by asserting that the implementation of spatial planning is in the hands of the central government. Furthermore, the central government sets the rigorous standards for issuing district-level detailed plans, and digital maps. Similarly, centralized governance is increasing in Australia in general, the vast majority of applications for development permission are received, reviewed, and decided by local government rather than state government. A countervailing tendency has seen state governments take on some of the planning and decision-making duties that local governments once carried out. The State Minister and development assessment panels (DAPs), for instance, now have the power to approve projects that they deem to be "strategic or significant." This pattern appears to depoliticize and simplify the application process for development projects, especially when those projects have financial advantages.

Refrences

Allmendinger, Phil, and Graham Haughton, ‘Spatial Planning, Devolution, and New Planning Spaces’, *Environment and Planning C: Government and Policy*, 28.5 (2010), 803–18 https://doi.org/10.1068/c09163

Andréfouët, Serge, Mégane Paul, and A. Riza Farhan, ‘Indonesia’s 13558 Islands: A New Census from Space and a First Step towards a One Map for Small Islands Policy’, *Marine Policy*, 135 (2022), 104848 https://doi.org/10.1016/j.marpol.2021.104848

Astuti, Rini, Michelle Ann Miller, Andrew McGregor, M. Dedy Pratama Sukmara, Wiko Saputra, Sulistyanto, and others, ‘Making Illegality Visible: The Governance Dilemmas Created by Visualising Illegal Palm Oil Plantations in Central Kalimantan, Indonesia’, *Land Use Policy*, 114 (2022), 105942 https://doi.org/10.1016/j.landusepol.2021.105942

Review, 63.1 (1992), 3–12 https://doi.org/10.3828/tpr.63.1.gr415506k73285m0

[66]‘Planning Portal’, *The Government of New South Wales* https://www.planningportal.nsw.gov.au/major-projects/assessment

Atagamen, Paul, 'Environmental Hazard : The Legal Issues Concerning Environmental Justice in Nigeria', *Journal of Human Rights, Culture and Legal System*, 3.1 (2023), 17–32 https://doi.org/https://doi.org/10.53955/jhcls.v3i1.60

Australian Government, 'Department of Foreign Affairs and Trade' https://dfat.gov.au/about-us/publications/historical-documents/Pages/volume-13/22-renville-agreement.aspx [accessed 1 May 2022]

Balsas, Carlos J.L., 'Qualitative Planning Philosophy and the Governance of Urban Revitalization, a Plea for Cultural Diversity', *Urban Governance*, 2.2 (2022), 247–58 https://doi.org/10.1016/j.ugj.2022.09.003

Boland, Philip, 'The Relationship between Spatial Planning and Economic Competitiveness: The "path to Economic Nirvana" or a "Dangerous Obsession"?', *Environment and Planning A*, 46.4 (2014), 770–87 https://doi.org/10.1068/a4687

Budiman, and Abdul Kadir, 'The Policy of Sustainable Waste Management Towards Sustainable Development Goals', *Journal of Human Rights, Culture and Legal System*, 3.1 (2023), 70–94 https://doi.org/https://doi.org/10.53955/jhcls.v3i1.73

Cattivelli, Valentina, 'Planning Peri-Urban Areas at Regional Level: The Experience of Lombardy and Emilia-Romagna (Italy)', *Land Use Policy*, 103 (2021), 105282 https://doi.org/https://doi.org/10.1016/j.landusepol.2021.105282

Chen, Yuqing, 'Linking Ecosystem Accounting to Environmental Planning and Management: Opportunities and Barriers Using a Case Study from the Australian Capital Territory', *Environmental Science & Policy*, 142 (2023), 206 https://doi.org/https://doi.org/10.1016/j.envsci.2023.02.014

Cordero-Vinueza, Viviana A., F. (Femke) Niekerk, and T. (Terry) van Dijk, 'Making Child-Friendly Cities: A Socio-Spatial Literature Review', *Cities*, 137.May 2022 (2023), 104248 https://doi.org/10.1016/j.cities.2023.104248

Dombi, Mihály, 'Types of Planning Systems and Effects on Construction Material Volumes: An Explanatory Analysis in Europe', *Land Use Policy*, 109 (2021) https://doi.org/https://doi.org/10.1016/j.landusepol.2021.105682

Eakin, Hallie, Svenja Keele, and Vanessa Lueck, 'Uncomfortable Knowledge: Mechanisms of Urban Development in Adaptation Governance', *World Development*, 159 (2022), 106056 https://doi.org/10.1016/j.worlddev.2022.106056

Elander, Ingemar, Mikael Granberg, and Stig Montin, 'Governance and Planning in a "Perfect Storm": Securitising Climate Change, Migration and Covid-19 in Sweden', *Progress in Planning*, 164.October 2021 (2022), 100634 https://doi.org/10.1016/j.progress.2021.100634

Faxon, Hilary Oliva, 'Territorializing Spatial Data: Controlling Land through One Map Projects in Indonesia and Myanmar', *Political Geography*, 98 (2022), 102651 https://doi.org/https://doi.org/10.1016/j.polgeo.2022.102651

Gerber, Jean David, and Gabriela Debrunner, 'Planning with Power. Implementing Urban Densification Policies in Zurich, Switzerland', *Land Use Policy*, 123 (2022), 106400 https://doi.org/https://doi.org/10.1016/j.landusepol.2022.106400

Ghasemi, Kimia, 'Geographic Information System Based Combined Compromise Solution (CoCoSo) Method for Exploring the Spatial Justice of Accessing Urban Green Spaces, a Comparative Study of District 22 of Tehran', *Ecological Indicators*, 144 (2022), 109455 https://doi.org/https://doi.org/10.1016/j.ecolind.2022.109455

Golubchikov, Oleg, 'Urban Planning in Russia: Towards the Market', *European Planning Studies*, 12.2 (2004), 229–47 https://doi.org/10.1080/0965431042000183950

Gonzalez-Mathiesen, Constanza, Simone Ruane, and Alan March, 'Integrating Wildfire Risk Management and Spatial Planning – A Historical Review of Two Australian Planning Systems', *International Journal of Disaster Risk Reduction*, 53 (2021), 101984 https://doi.org/10.1016/j.ijdrr.2020.101984

Gonzalez-Mathiesen, Constanza, Simone Ruane, and Alan March, 'Integrating Wildfire Risk Management and Spatial Planning – A Historical Review of Two Australian Planning Systems', *International Journal of Disaster Risk Reduction*, 53 (2021), 101984 https://doi.org/https://doi.org/10.1016/j.ijdrr.2020.101984

Grant, M., 'Planning Law and the British Land Use Planning System: An Overview', *Town Planning Review*, 63.1 (1992), 3–12 https://doi.org/10.3828/tpr.63.1.gr415506k73285m0

Greenleaf, Graham, *Independence of Data Privacy Authorities: International Standards and Asia-Pacific Experience*, No 2011/42, 2011

Hadi, Sudharto P, Rizkiana S Hamdani, and Ali Roziqin, 'A Sustainability Review on the Indonesian Job Creation Law', *Heliyon*, 9.2 (2023), e13431 https://doi.org/https://doi.org/10.1016/j.heliyon.2023.e13431

He, Zhichao, 'Master Plan, Plan Adjustment and Urban Development Reality under China's Market Transition: A Case Study of Nanjing', *Land Use Policy*, 108 (2021), 105562 https://doi.org/https://doi.org/10.1016/j.landusepol.2021.105562

Hudalah, Delik, and Johan Woltjer, 'Spatial Planning System in Transitional Indonesia', *International Planning Studies*, 12.3 (2007), 291–303 https://doi.org/10.1080/13563470701640176

Inbar, Schwartz-Belkin, and Michelle E Portman, 'A Review of Geospatial Technologies for Improving Marine Spatial Planning: Challenges and Opportunities', *Ocean and Coastal Management*, 231 (2023), 106280 https://doi.org/https://doi.org/10.1016/j.ocecoaman.2022.106280

Indrajit, Agung, Bastiaan van Loenen, Hendrik Ploeger, and Peter van Oosterom, 'Developing a Spatial Planning Information Package in ISO 19152 Land

Administration Domain Model', *Land Use Policy*, 98.April 2019 (2020), 104111 https://doi.org/10.1016/j.landusepol.2019.104111

Jacob, Céline, Sereno DuPrey Diederichsen, Liam Fullbrook, Amanda T. Lombard, Siân E. Rees, Nina Rivers, and others, 'A Two Way Process – Social Capacity as a Driver and Outcome of Equitable Marine Spatial Planning', *Marine Policy*, 149.December 2022 (2023) https://doi.org/10.1016/j.marpol.2023.105507

Jaelani, Abdul Kadir, and Muhammad Jihadul Hayat, 'The Proliferation of Regional Regulation Cancellation in Indonesia', *Journal of Human Rights, Culture and Legal System*, 2.2 (2022), 121–38 https://doi.org/https://doi.org/10.53955/jhcls.v2i3.55

Kadir Jaelani, Abdul, Reza Octavia Kusumaningtyas, and Asron Orsantinutsakul, 'The Model of Mining Environment Restoration Regulation Based on Sustainable Development Goals', *Legality : Jurnal Ilmiah Hukum*, 30.1 (2022), 131–46 https://doi.org/10.22219/ljih.v30i1.20764

Karjoko, Lego, I. Gusti Ayu Ketut Rachmi Handayani, Abdul Kadir Jaelani, and Muhammad Jihadul Hayat, 'Indonesia's Sustainable Development Goals Resolving Waste Problem: Informal to Formal Policy', *International Journal of Sustainable Development and Planning*, 17.2 (2022), 649–58 https://doi.org/10.18280/ijsdp.170230

Krajewska, Małgorzata, Sabina Źróbek, and Maruška Šubic Kovač, 'The Role of Spatial Planning in the Investment Process in Poland and Slovenia', *Real Estate Management and Valuation*, 22.2 (2014), 52–66 https://doi.org/10.2478/remav-2014-0017

Kuller, Martijn, 'Planning Support Systems for Strategic Implementation of Nature-Based Solutions in the Global South: Current Role and Future Potential in Indonesia', *Cities*, 126 (2022), 103693 https://doi.org/10.1016/j.cities.2022.103693

Kusumaningtyas, Reza Octavia, Rahayu Subekti, Abdul Kadir Jaelani, Asron Orsantinutsakul, and Utkarsh K. Mishra, 'Reduction of Digitalization Policy in Indonesian MSMEs and Implications for Sharia Economic Development', *Juris: Jurnal Ilmiah Syariah*, 21.2 (2022), 157–71 https://doi.org/10.31958/juris.v21i2.6855

Lu, Michael, and Ehab Diab, 'Understanding the Determinants of X-Minute City Policies: A Review of the North American and Australian Cities' Planning Documents', *Journal of Urban Mobility*, 3 (2023), 100040 https://doi.org/https://doi.org/10.1016/j.urbmob.2022.100040

Lukasiewicz, Anna, 'Declining Trends in Plan Quality: A Longitudinal Evaluation of Regional Environmental Plans in Queensland, Australia', *Landscape and Urban Planning*, 203 (2020), 103891 https://doi.org/https://doi.org/10.1016/j.landurbplan.2020.103891

Maginn, Paul, and Neil Foley, 'From a Centralised to a "Diffused Centralised" Planning System: Planning Reforms in Western Australia', *Australian Planner*, 5.1 (2014), 151–62 https://doi.org/https://10.1080/07293682.2014.894106

Maru, Mulugeta, and Hailu Worku, 'Unpacking Principles of Resilience Mainstreamed in Ethiopia's Local Urban Spatial Planning Documents: Practices from Kombolcha, an Urbanizing Secondary City', *Heliyon*, 8.3 (2022), e09137 https://doi.org/https://doi.org/10.1016/j.heliyon.2022.e09137

McFarland, Paul, 'The Best Planning System in Australia or a System in Need of Review? An Analysis of the New South Wales Planning System', *Planning Perspectives*, 26.3 (2011), 403–22 https://doi.org/https://10.1080/02665433.2011.575557

McGreevy, Michael, 'How Well Do Australian Government Urban Planning Policies Respond to the Social Determinants of Health and Health Equity?', *Land Use Policy*, 99 (2020), 105053 https://doi.org/https://doi.org/10.1016/j.landusepol.2020.105053

Meng, Meng, 'Spatial Planning in the Face of Flood Risk: Between Inertia and Transition', *Cities*, 126 (2022) https://doi.org/https://doi.org/10.1016/j.cities.2022.103702

Nur, Fitri, Aini Prasetyo, and Abdul Kadir Jaelani, 'The Changing of Environmental Approval Administrative Law Perspective', *Journal of Human Rights, Culture and Legal System*, 2.3 (2022), 191–208 https://doi.org/https://doi.org/10.53955/jhcls.v2i3.55

Oliveira, Eduardo, and Anna M. Hersperger, 'Governance Arrangements, Funding Mechanisms and Power Configurations in Current Practices of Strategic Spatial Plan Implementation', *Land Use Policy*, 76.August 2017 (2018), 623–33 https://doi.org/10.1016/j.landusepol.2018.02.042

One World Nations, 'The History of Australia' https://www.nationsonline.org/oneworld/History/Australia-history.htm

Ordóñez, Camilo, 'Governance Lessons from Australian Local Governments for Retaining and Protecting Urban Forests as Nature Based Solutions', *Nature-Based Solutions*, 1.June (2021), 100004 https://doi.org/10.1016/j.nbsj.2021.100004

Priyanta, 'Pembaruan Dan Harmonisasi Peraturan Perundangundangan Bidang Lingkungan Dan Penataan Ruang Menuju Pembangunan Berkelanjutan', *Hasanuddin Law Review*, 1.3 (2015), 337 https://doi.org/https://doi.org/10.20956/halrev.v1n3.113

Priyanta, Maret, 'Optimalisasi Fungsi Dan Kedudukan Kajian Lingkungan Hidup Strategis Dalam Penyusunan Dan Evaluasi Rencana Tata Ruang Dalam Sistem Hukum Lingkungan Indonesia Menuju Pembangunan Berkelanjutan [Optimization of Functions and Position of Strategic Environment', *Jurnal IUS Kajian Hukum Dan Keadilan*, 6.3 (2018), 388–402 https://doi.org/http://dx.doi.org/10.29303/ius.v6i3.565

'Planning Portal', *The Government of New South Wales* https://www.planningportal.nsw.gov.au/major-projects/assessment

Qian, Zhu, 'Master Plan, Plan Adjustment and Urban Development Reality under China's Market Transition: A Case Study of Nanjing', *Cities*, 30.1 (2013), 77–88 https://doi.org/10.1016/j.cities.2011.12.010

Rahmi Handayani, I Gusti Ayu Ketut, Lego Karjoko, and Abdul Jaelani, 'The Politics Settlement of Land Tenure Conflicts During Jokowi's Presidency', *Journal of Indonesian Legal Studies*, 7.2 (2022), 487–524 https://doi.org/https://doi.org/10.15294/jils.v7i2.57539

Sahri, Achmad, Mochamad Iqbal Herwata Putra, Putu Liza Kusuma Mustika, Danielle Kreb, and Albertinka J. Murk, 'Cetacean Habitat Modelling to Inform Conservation Management, Marine Spatial Planning, and as a Basis for Anthropogenic Threat Mitigation in Indonesia', *Ocean and Coastal Management*, 205 (2021), 105555 https://doi.org/10.1016/j.ocecoaman.2021.105555

Sundaryani, Fedina S., 'Spatial Planning Regulations Revised to Accommodate Megaprojects', 2017 https://www.thejakartapost.com/news/2017/05/03/spatial-planning-regulations-revised-to-accommodate-megaprojects.htm [accessed 25 December 2022]

Supriadi, Daniar, 'The Regulation of Personal and Non-Personal Data in the Context of Big Data', *Journal of Human Rights, Culture and Legal System*, 3.January (2017), 33–69 https://doi.org/https://doi.org/10.53955/jhcls.v3i1.71

Taylor, Nigel, 'What Is This Thing Called Spatial Planning?: An Analysis of the British Government's View', *Town Planning Review*, 81.2 (2010), 193–208 https://doi.org/10.3828/tpr.2009.26

Techera, Erika JE, 'The Intersection of Marine and Coastal Conservation and Nature-Based Solutions to Climate Change: Governance Insights from Indian Ocean Small Island States', *Ocean and Coastal Management*, 239.February (2023), 106579 https://doi.org/10.1016/j.ocecoaman.2023.106579

Uddin, Khandakar Farid, and Awais Piracha, 'Urban Planning as a Game of Power: The Case of New South Wales (NSW), Australia', *Habitat International*, 133 (2023), 102751 https://doi.org/https://doi.org/10.1016/j.habitatint.2023.102751

van Heerden, Quintin, 'Accessibility, Affordability, and Equity in Long-Term Spatial Planning: Perspectives from a Developing Country', *Transport Policy*, 120 (2022), 104 https://doi.org/https://doi.org/10.1016/j.tranpol.2022.03.007

Wensing, Ed, 'Indigenous Rights and Interests in Statutory and Strategic Land Use Planning: Some Recent Developments', *James Cook University Law Review*, 24 (2018), 169–90 https://search.informit.org/doi/10.3316/agispt.20190521010722

Widiatedja, I Gusti Ngurah Parikesit, 'Fragmented Approach to Spatial Management in Indonesia: When It Will Be Ended?', *Kertha Patrika*, 43.2 (2021), 145–66 https://doi.org/https://doi.org/10.24843/KP.2021.v43.i02.p03

Widiatedja, I Gusti Ngurah Parikesit, and I Nyoman Suyatna, 'Job Creation Law and Foreign Direct Investment in Tourism in Indonesia: Is It Better than Before?', *Kertha Patrika*, 6.1 (2022), 62–82 https://doi.org/https://doi.org/10.24843/UJLC.2022.v06.i01.p04

Widyatmanti, Wirastuti, and Deha Agus Umarhadi, 'Spatial Modeling of Soil Security in Agricultural Land of Central Java, Indonesia: A Preliminary Study on Capability, Condition, and Capital Dimensions', *Soil Security*, 8.June (2022), 100070 https://doi.org/10.1016/j.soisec.2022.100070

Widyatmanti, Wirastuti, Budiman Minasny, Disyacitta Awanda, Deha Agus Umarhadi, Zealandia Sarah Nurul Fatma, William Krista Mahendra, and others, 'Codification to Secure Indonesian Peatlands: From Policy to Practices as Revealed by Remote Sensing Analysis', *Soil Security*, 9.December 2021 (2022), 100080 https://doi.org/10.1016/j.soisec.2022.100080

Williams, Peter John, and Angelique Mary Williams, 'Sustainability and Planning Law in Australia: Achievements and Challenges', *International Journal of Law in the Built Environment*, 8.3 (2016), 226–42 https://doi.org/https://doi.org/10.1108/IJLBE-06-2016-0008

Williams, Peter, 'The "Panelization" of Planning Decision-Making in Australia', *Planning Practice and Research*, 29.4 (2014), 426–47 https://doi.org/https://10.1080/02697459.2014.893677