

Effectiveness of Spatial and Environmental Regulations for Governance and Social Justice

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Abstract

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This study analyzes the effectiveness and challenges of implementing spatial planning and environmental regulations in Indonesia through a normative juridical approach. The main focus is on three laws, namely Law Number 26 of 2007 on Spatial Planning, Law Number 32 of 2009 on Environmental Protection and Management, and Law Number 3 of 2022 on the State Capital. These legal instruments reflect the state's commitment to achieving sustainable development governance and social justice. However, the analysis shows that gaps still exist between legal norms and field implementation. Policy overlaps between regions, weak institutional coordination, and limited legal mechanisms to anticipate ecological and social changes are the main challenges to legal effectiveness. The study also highlights the urgency for more responsive laws to dynamic development contexts, including the need to strengthen adaptive instruments in addressing specific conditions such as environmental degradation, land conflicts, and social impacts from large-scale development. In conclusion, the effectiveness of spatial planning and environmental law depends not only on the quality of regulations but also on governance capacity, public participation, and inter-agency integration in implementation.

1. Introduction

The development and relocation of the nation's capital constitute a national strategic policy that involves intertwined spatial planning, environmental, and social justice dimensions. Within the context of spatial planning law, this policy seeks to achieve a balance between economic development, environmental preservation, and social equity, as mandated by Law Number 26 of 2007 concerning Spatial Planning. This regulation emphasizes the principle of integrated and sustainable use of space, which must reflect the principles of inter-regional and inter-generational justice. Within this framework, challenges arise regarding the effectiveness of implementing spatial planning and environmental regulations that can guarantee the protection of ecological sustainability while providing legal certainty for the public. The ultimate goal is to create sustainable and socially just development governance, where development not only emphasizes physical and economic aspects but also ensures ecological balance and social inclusion for all segments of society.

The integration between spatial planning and environmental aspects is also bridged by Law Number 32 of 2009 concerning Environmental Protection and Management, which strengthens instruments such as the Environmental Impact Assessment (AMDAL/EIA) and environmental permits as controls against development that potentially damages the ecosystem. In practice, the principle of good environmental governance becomes the measure of success for spatial and

environmental policy. According to Fristikawati et al.¹ the effectiveness of environmental policy highly depends on the coherence between the regulation and its technical implementation in national-scale development projects. Limitations in supervision and weak cross-sectoral integration often lead to overlapping authority and lack of clarity in law enforcement.² This condition shows that sustainable development governance requires not only good regulation but also a solid and transparent institutional mechanism to ensure consistency in legal application on the ground.

The development of the new capital and related spatial planning policies are also closely linked to issues of social justice and public participation. Armies et al.³ mention that one of the major challenges in Indonesia's spatial policy is ensuring the protection of local and indigenous communities so that they do not become victims of development. The environmental justice perspective demands that the right to living space and a healthy environment be recognized as an integral part of human rights.⁴ In the context of government governance, the success of an environmental

¹ Yanti Fristikawati, Rainer Alvander, and Verrence Wibowo. "Pengaturan dan penerapan sustainable development pada pembangunan ibukota negara nusantara." *Jurnal Komunitas Yustisia* 5, no. 2 (2022): 739-749.

² Yusika Riendy. "Dampak Undang-Undang cipta kerja terhadap otonomi daerah ditinjau dari pasal 26 Undang-Undang no. 32 tahun 2009 tentang perlindungan dan pengelolaan lingkungan hidup." *Pamulang law review* 4, no. 1 (2021): 79-90.

³ Jessica Armies, Asri Verauli, and Muhammad Iqbal Baiquni. "Urgensi perlindungan hak kepemilikan atas tanah masyarakat adat di wilayah Ibu Kota Negara Nusantara." *Recht Studiosum Law Review* 1, no. 2 (2022): 14-27.

⁴ Hermin Efendi, Mustofa Agung Sardjono, and Paulus Matius. "Strategi Adaptasi Masyarakat Kutai Menghadapi Perkembangan Pembangunan Ekonomi Berbasis Sda (Studi Kasus: Wilayah Kedang Ipil, Kutai Kartanegara, Kalimantan Timur)." *Jurnal Penelitian Sosial dan Ekonomi Kehutanan* 4, no. 2 (2018): 95-108.

policy is measured not only by the achievement of physical development but also by the extent to which the decision-making process is transparent, participatory, and accountable.⁵ This asserts that socially just development governance demands a balance between the right to development and the state's ecological responsibility.

Furthermore, Law Number 3 of 2022 concerning the National Capital introduces a new paradigm for national spatial planning based on sustainability and equity. According to Keban,⁶ this regulation attempts to integrate modern governance principles with long-term spatial planning, although in practice, challenges remain regarding synchronization with sectoral policies. As stated by Rizky and Hartati (2019), public participation in spatial planning supervision is a crucial factor to ensure that the policy is not merely elitist but also favors broader public interests. This indicates that sustainable development governance can only be achieved if public policy allows room for social involvement and participatory oversight.

Within the legal framework, the effectiveness of spatial planning and environmental regulations is largely determined by the harmony between legal norms, institutional structure, and the accompanying social culture (Sukmana, 2018). Siregar (2020) emphasizes that without strong rule enforcement, the principle of sustainable development will remain only at the normative level. Therefore, it is

⁵ Rizkiana Sidqiyatul Hamdani. "Proyek lintas batas administrasi: analisis partisipasi publik dalam proses perencanaan ibu kota negara republik indonesia." *Journal of Regional and Rural Development Planning (Jurnal Perencanaan Pembangunan Wilayah Dan Perdesaan)* 4, no. 1 (2020): 43-62.

⁶ Yeremias T Keban. "The complexities of regional development planning reform: The Indonesian case." *Policy & Governance Review* 3, no. 1 (2019): 12-25.

important to thoroughly examine how spatial planning and environmental regulations function in creating a balance between development and environmental preservation, and how existing legal instruments can encourage sustainable and socially just development governance. Based on the above description, this research focuses on two main questions: first, to what extent can the effectiveness of regulatory implementation related to spatial planning and the environment be realized within the applicable legal framework; and second, what are the main challenges in the application of these regulations and why is the urgency of strengthening their implementation important for realizing sustainable and socially just development governance in Indonesia.

2. Methods

This research uses a normative legal method, which is an approach focused on the study of prevailing positive legal norms, legal doctrines, legal principles, and concepts related to spatial planning, environmental protection, and social justice in the context of national development. This method was chosen because the problem being studied is rooted in the regulatory and implementation levels, not in the collection of empirical data in the field. Thus, this research emphasizes the analysis of texts of laws and regulations and academic literature to find the consistency, relevance, and effectiveness of the legal provisions governing spatial planning and environmental protection. This approach allows researchers to examine the systematic relationship between the norms contained in Law Number 26 of 2007 on

Spatial Planning, Law Number 32 of 2009 on Environmental Protection and Management, and Law Number 3 of 2022 on the National Capital, as well as various derivative regulations.

In normative legal research, the main data sources consist of primary, secondary, and tertiary legal materials. Primary legal materials include laws, government regulations, and decrees related to the implementation of spatial planning and environmental policies. Secondary legal materials include research results, scientific journals, opinions of legal experts, and doctrines that explain the application of good governance and environmental justice principles. Meanwhile, tertiary legal materials such as legal dictionaries, legal encyclopedias, and official publications are used to reinforce the clarity of concepts and terminology. These three categories of legal materials complement each other to provide a comprehensive picture of the legal structure that forms the basis for spatial planning and environmental management in Indonesia.

The analysis technique used is normative qualitative analysis. This procedure is carried out by interpreting the content of the laws and regulations through systematic and teleological legal reasoning. Systematic analysis is performed to understand the suitability between one regulation and another, while teleological analysis is used to assess the extent to which the purpose of forming the law is reflected in its implementation. The results of this interpretation process are then compared with findings from academic literature to assess the effectiveness, coherence, and integration of spatial planning and environmental policies.

In addition, this research uses conceptual and legal comparison approaches as complements. The conceptual approach is used to explore the meaning and limitations of concepts such as social justice, sustainability, and environmental governance. Meanwhile, the legal comparison approach is used to see the extent to which the principles adopted in national regulations align with general principles of international environmental law and sustainable spatial governance. The overall method is expected to yield a deep and objective analysis of the effectiveness and challenges of implementing spatial planning and environmental regulations within the national legal framework.

3. Results and Discussion

3.1. Effectiveness of Implementing Spatial Planning and Environmental Regulations in the National Legal Framework

The effectiveness of implementing spatial planning and environmental regulations in Indonesia reflects the extent to which the principles of sustainable development, social justice, and good governance can be realized in policy practice. In the normative context, Law Number 26 of 2007 on Spatial Planning and Law Number 32 of 2009 on Environmental Protection and Management serve as the main foundation regulating the balance between development interests and environmental preservation. The basic principle is that every development activity must be based on a spatial plan that considers the environmental carrying capacity and the public's right to a decent living space (Sukmana, 2018). These regulations affirm that spatial planning is not only technocratic but must also reflect the values

of ecological and social justice in the distribution of space utilization.⁷ In the context of sustainable development governance, these two regulations are expected to be the instruments that govern development to not only pursue economic growth but also ensure ecosystem balance and inter-regional justice.

Normatively, the effectiveness of law is measured by the level of compliance with norms and the success in achieving the objectives set by the regulation. However, in practice, implementation effectiveness often depends on the consistency of government institutions in executing and enforcing these provisions. Fristikawati et al.⁸ highlight that environmental policies often face constraints at the implementation stage due to a lack of coordination between agencies, limited human resources, and weak supervision. Consequently, the principle of *sustainability*, which is the foundation of UU 32/2009, has not been fully realized in development practices, especially in strategic projects that demand accelerated physical realization. This condition indicates that sustainable development governance lacks solid institutional strength to ensure legal compliance and justice in policy implementation.

The effectiveness of implementing spatial planning regulations is also highly influenced by the quality of spatial planning and the integration of policies across

⁷ Hermin Efendi, Mustofa Agung Sardjono, and Paulus Matius. "Strategi Adaptasi Masyarakat Kutai Menghadapi Perkembangan Pembangunan Ekonomi Berbasis Sda (Studi Kasus: Wilayah Kedang Ipil, Kutai Kartanegara, Kalimantan Timur)." *Jurnal Penelitian Sosial dan Ekonomi Kehutanan* 4, no. 2 (2018): 95-108.

⁸ Yanti Fristikawati, Rainer Alvander, and Verrence Wibowo. "Pengaturan dan penerapan sustainable development pada pembangunan ibukota negara nusantara." *Jurnal Komunitas Yustisia* 5, no. 2 (2022): 739-749.

regions. Keban,⁹ emphasize that ideal spatial planning regulations must be able to harmonize national and regional spatial plans, and align them with long-term development plans. Inconsistencies between central and regional regulations often create dualism in policy, which in turn hinders consistency in implementation on the ground. In many cases, spatial planning documents only serve as administrative requirements without becoming a real reference for development decision-making.¹⁰ This situation shows that development governance is not yet coordinated vertically and horizontally, thereby hindering the achievement of social and ecological justice.

The weakness in the effectiveness of spatial planning law is also evident in the weak mechanisms for supervision and law enforcement. Riendy,¹¹ explain that although UU 32/2009 introduced the EIA (AMDAL) instrument as a prerequisite for development projects, its implementation often remains a formality without strict evaluation. Many environmental permits are granted without thoroughly considering the results of scientific studies, potentially leading to social conflicts and environmental degradation. This indicates a gap between legal norms and the still dominant bureaucratic practices, causing sustainable development governance to fail in protecting community groups directly affected by changes in space.

⁹ Yeremias T Keban. "The complexities of regional development planning reform: The Indonesian case." *Policy & Governance Review* 3, no. 1 (2019): 12-25.

¹⁰ Rizkiana Sidqiyatul Hamdani. "Proyek lintas batas administrasi: analisis partisipasi publik dalam proses perencanaan ibu kota negara republik indonesia." *Journal of Regional and Rural Development Planning (Jurnal Perencanaan Pembangunan Wilayah Dan Perdesaan)* 4, no. 1 (2020): 43-62.

¹¹ Yusika Riendy. "Dampak Undang-Undang cipta kerja terhadap otonomi daerah ditinjau dari pasal 26 Undang-Undang no. 32 tahun 2009 tentang perlindungan dan pengelolaan lingkungan hidup." *Pamulang law review* 4, no. 1 (2021): 79-90.

Rizky and Hartati (2019) add that public participation is one of the important indicators in assessing the effectiveness of spatial planning and environmental regulations. Public involvement not only increases the legitimacy of the policy but also strengthens the social oversight function against the abuse of authority. In practice, participatory mechanisms are still limited to formal consultation processes without substantial deliberative space. However, a participatory approach can bridge the gap between development interests and the need for environmental protection, and it is an essential part of socially just development governance.

Siregar (2020) assesses that the effectiveness of applying the principle of sustainable development depends on the government's ability to translate the value of sustainability into operational policies. This requires data-based planning, a robust environmental monitoring system, and alignment between sectoral policies. However, in reality, development policies often prioritize short-term economic growth over natural resource conservation. Consequently, ecological legal objectives are often sidelined by political and economic interests, thereby weakening the dimension of long-term social justice and sustainability.

In terms of government governance, the effectiveness of regulations is heavily influenced by the transparency and accountability of implementing institutions. Hamdani,¹² state that the principle of *good governance* in spatial planning demands open information, cross-agency coordination, and measurable evaluation mechanisms.

¹² Rizkiana Sidqiyatul Hamdani. "Proyek lintas batas administrasi: analisis partisipasi publik dalam proses perencanaan ibu kota negara republik indonesia." *Journal of Regional and Rural Development Planning (Jurnal Perencanaan Pembangunan Wilayah Dan Perdesaan)* 4, no. 1 (2020): 43-62.

However, the implementation of this principle is still limited due to complex bureaucracy and weak external oversight systems. This condition leads to many implementing regulations being ineffective because they lack clear accountability mechanisms, which ultimately hinders socially and ecologically just development governance.

Armies et al.¹³ demonstrate the social dimension of regulatory effectiveness through an analysis of the protection of indigenous and local communities. Spatial planning regulations that fail to consider the rights of vulnerable communities often lead to injustice and social resistance. The effectiveness of a policy should not only be measured by legal compliance but also by the extent to which the law can create a sense of social and ecological justice for all segments of society. This is important considering that spatial planning development has a direct impact on the social structure and welfare of local communities.

Finally, the effectiveness of spatial planning and environmental law must be viewed as the result of interaction between legal norms, institutional structure, and social awareness. As affirmed by Sukmana (2018), the success of law enforcement depends not only on the strength of the regulation but also on the legal awareness of implementers and the regulated parties. Without support from a strong legal culture, even good regulations will struggle to produce real change. Therefore, strengthening institutional capacity, increasing transparency, and fostering public legal awareness are key steps to ensuring the effective implementation of spatial

¹³ Jessica Armies, Asri Verauli, and Muhammad Iqbal Baiquni. "Urgensi perlindungan hak kepemilikan atas tanah masyarakat adat di wilayah Ibu Kota Negara Nusantara." *Recht Studiosum Law Review* 1, no. 2 (2022): 14-27.

planning and environmental regulations that favor sustainable and socially just development governance in Indonesia..

3.2. Challenges in Implementing Spatial Planning and Environmental Regulations and the Urgency of Strengthening Them

The main challenge in implementing spatial planning and environmental regulations in Indonesia lies in the gap between ideal legal norms and the reality of implementation on the ground. Normatively, Law Number 26 of 2007, Law Number 32 of 2009, and Law Number 3 of 2022 contain the principles of sustainable development, social justice, and environmental protection. However, in practice, these legal instruments have not been fully able to address the complexity of social, ecological, and political changes occurring in the development process. According to Fristikawati et al.¹⁴ the existing regulations are still macro-level and lack adaptive mechanisms to handle local dynamics such as ecosystem degradation or social shifts due to large-scale development. Consequently, the law, which should be a tool for control, often lags behind the pace of dynamic development policies.

The first and most crucial challenge is the weak synchronization and harmonization among regulations. In many cases, overlaps between national, provincial, and district/city spatial planning policies lead to legal uncertainty and conflicts of authority. Keban,¹⁵ assert that the inconsistency between regional spatial

¹⁴ Yanti Fristikawati, Rainer Alvander, and Verrence Wibowo. "Pengaturan dan penerapan sustainable development pada pembangunan ibukota negara nusantara." *Jurnal Komunitas Yustisia* 5, no. 2 (2022): 739-749.

¹⁵ Yeremias T Keban. "The complexities of regional development planning reform: The Indonesian case." *Policy & Governance Review* 3, no. 1 (2019): 12-25.

planning documents (RTRW) and national or regional medium-term development plans indicates a lack of integration across government levels. This condition weakens the effectiveness of implementing the principles of equitable and sustainable spatial planning. Reindy,¹⁶ add that in the environmental aspect, instruments such as EIA (AMDAL) or environmental permits are often processed without cross-agency coordination, leading to many policies running parallel without adequate ecological control.

The second challenge concerns the limitation of the law's ability to back up special or extraordinary conditions that arise in the field. UU 26/2007 and UU 32/2009 tend to provide a general normative legal framework but are not responsive enough to rapid changes such as extreme urbanization, climate crises, or massive land exploitation. Siregar (2020) states that environmental law in Indonesia is still weak in forming anticipatory instruments because most regulations are reactive and sanction-oriented, rather than preventive. This creates an urgency to strengthen legal instruments that are more contextual to contemporary issues. For example, adaptive mechanisms for climate change, urban green space management, and social protection for development-affected communities.

Armies et al.¹⁷ highlight the social aspects that also complicate implementation. The protection of indigenous and vulnerable communities is often

¹⁶ Yusika Riendy. "Dampak Undang-Undang cipta kerja terhadap otonomi daerah ditinjau dari pasal 26 Undang-Undang no. 32 tahun 2009 tentang perlindungan dan pengelolaan lingkungan hidup." *Pamulang law review* 4, no. 1 (2021): 79-90.

¹⁷ Jessica Armies, Asri Verauli, and Muhammad Iqbal Baiquni. "Urgensi perlindungan hak kepemilikan atas tanah masyarakat adat di wilayah Ibu Kota Negara Nusantara." *Recht Studiosum Law Review* 1, no. 2 (2022): 14-27.

neglected due to the lack of legal mechanisms that explicitly regulate compensation, relocation, or social guarantees in the context of spatial change. Consequently, the existing law is not fully capable of supporting the social and cultural needs of development-affected communities. Efendi et al.¹⁸ adds that social and ecological justice are still merely ideal principles, not yet an operational framework in spatial planning policy. This weakness shows a gap between the desired law (*ius constituendum*) and the existing law (*ius constitutum*), where implementation often trails the normative vision proclaimed.

From a government governance perspective, challenges also arise from the lack of institutional capacity and coordination mechanisms among agencies. Hamdani,¹⁹ mention that the governmental system has not fully adopted the principle of good environmental governance, which demands transparency, participation, and public accountability. Consequently, the execution of the law is more administrative than substantive. Regulations are implemented, but without a strong institutional commitment to enforce the norms. Rizky and Hartati (2019) reinforce this view by asserting that public participation in spatial planning oversight remains a formality, without sufficient bargaining power to influence government

¹⁸ Hermin Efendi, Mustofa Agung Sardjono, and Paulus Matius. "Strategi Adaptasi Masyarakat Kutai Menghadapi Perkembangan Pembangunan Ekonomi Berbasis Sda (Studi Kasus: Wilayah Kedang Ipil, Kutai Kartanegara, Kalimantan Timur)." *Jurnal Penelitian Sosial dan Ekonomi Kehutanan* 4, no. 2 (2018): 95-108.

¹⁹ Rizkiana Sidqiyatul Hamdani. "Proyek lintas batas administrasi: analisis partisipasi publik dalam proses perencanaan ibu kota negara republik indonesia." *Journal of Regional and Rural Development Planning (Jurnal Perencanaan Pembangunan Wilayah Dan Perdesaan)* 4, no. 1 (2020): 43-62.

decisions. Thus, weaknesses in governance actually deepen the disparity between the law and the expected substantive justice.

The urgency of strengthening spatial planning and environmental law becomes clearer when the three main laws Law No. 26 of 2007, Law No. 32 of 2009, and Law No. 3 of 2022 have not been fully able to back up the needs of sustainable and socially just development governance. Law No. 26 of 2007 only provides a structural and technocratic spatial planning framework without operationalizing the dimension of spatial justice in practice. This makes the distribution of space and access to resources not justly guaranteed across regions and social groups.²⁰ A similar view is expressed by Efendi et al.²¹ who assesses that spatial justice in spatial planning practice remains normative and has not become a substantively binding legal instrument.

Law No. 32 of 2009, although normatively oriented towards environmental protection, still operates within a framework of permitting and supervision that has not been able to ensure ecological sustainability consistently. The EIA (AMDAL) instrument still lacks meaningful participation and does not guarantee protection for the rights of indigenous communities dependent on the sustainability of their living space. Meanwhile, Law No. 3 of 2022 on the National Capital only recognizes indigenous communities generally without regulating customary land rights (hak

²⁰ Yeremias T Keban. "The complexities of regional development planning reform: The Indonesian case." *Policy & Governance Review* 3, no. 1 (2019): 12-25.

²¹ Hermin Efendi, Mustofa Agung Sardjono, and Paulus Matius. "Strategi Adaptasi Masyarakat Kutai Menghadapi Perkembangan Pembangunan Ekonomi Berbasis Sda (Studi Kasus: Wilayah Kedang Ipil, Kutai Kartanegara, Kalimantan Timur)." *Jurnal Penelitian Sosial dan Ekonomi Kehutanan* 4, no. 2 (2018): 95-108.

ulayat), compensation, or the mechanism for Free, Prior, and Informed Consent (FPIC). This condition leaves the social, cultural, and ecological protection for local communities unguaranteed. Thus, the three laws still leave a large gap between normative principles and substantive protection in realizing truly sustainable and socially just development.

4. Conclusion

This study indicates that spatial planning and environmental regulations in Indonesia have a strong legal basis through Law Number 26 of 2007, Law Number 32 of 2009, and Law Number 3 of 2022. These three laws represent the state's commitment to balancing development interests with environmental preservation and social justice. However, the effectiveness of their implementation still faces significant obstacles. The gap between legal norms and practical execution, overlapping policies across regions, weak inter-agency coordination, and minimal public participation mean that the law often remains a formality and has not been able to become an effective control instrument.

Furthermore, the existing legal system is not responsive enough to handle specific situations that arise on the ground, such as sudden ecological damage, land conflicts, and social changes due to large-scale development. This emphasizes the importance of the law's adaptive capacity so that it can *back up* extraordinary circumstances without sacrificing the principles of sustainability and justice.

Therefore, the main urgency is not merely the creation of new laws, but the strengthening of implementation mechanisms, inter-agency coordination, and public

legal awareness. In this way, spatial planning and environmental law can truly function as substantive instruments in realizing development that is just, sustainable, and favors social and ecological interests.

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