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Regulation of Regional Spatial Plan Based on Ecological Sustainability in National Development

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Abstract
Implementation of Development in relation to the environment and spatial planning which tends to be unplanned and unsustainable has impacted on the declining quality and function of the environment including natural resources in it. Spatial planning formulates efforts to attempt to formulate optimum spatial land use and efficient spatial planning for human business activities in its territory, in the form of sectoral, local, private, community development that wants and can be achieved within a certain period of time. When talking about the arrangement of spatial plans there is a regulation on a spatial arrangement that has not been based on ecological sustainability and contains a blurring of meaning. The method used in this research is normative law research. By undertaking such assessment steps: identifying legal facts; Collection of materials; Reviewing legal issues; Draw conclusions and provide prescriptions based on arguments that have been built in conclusions. The results showed that to overcome the deterioration of environmental quality required the moral commitment of the government when issuing policies or regulations related to spatial planning must apply three main principles of good policy that is: a. Collational Relational Principle, b. Participatory-Responsive Principles, c. Principles of Morality.
Keywords: Spatial Planning, Ecological Sustainability, National Development

1. Introduction

Space is a natural resource that can be utilized in general which can be exploited if its utilization exceeds its carrying capacity and is a container where the overall interaction is not automatically taking place in a balanced and mutually beneficial various parties because of the existence of different capabilities and interests so that the necessary arrangement in the utilization.

As for which is the basis of thought, the reasons underlying the need for spatial arrangement or in the theory commonly referred to as Philosophical Foundation that is[1]:

1. The space of the Republic of Indonesia with its ecosystem diversity is a natural resource that needs to be managed and protected for the welfare of human life (across generations)
2. The management of natural resources (space, land, sea, and air) needs to be carried out in a coordinated and integrated with environmentally friendly development resources.
3. For the sake of realizing a unity of dynamic environmental order and still maintain the preservation of environmental functions or capabilities. This means to realize the national development environmentally sound.
4. For the sake of maintaining harmony in the implementation of inter-regional authority with regional and inter-regional and central, so as not to cause gaps, both between regions and between centers and regions.
5. To realize space (as a container) that will be comfortable, productive and sustainable.
6. Disaster mitigation, especially natural disasters as an effort to improve the safety and comfort of life and human livelihood.

These six principles are the Philosophical Foundation which is a unity that shows how important the arrangement of space is held for the utilization and maintenance of natural resources in an optimal and sustainable. Therefore, spatial arrangements at all levels, national, provincial, and district/city must always be inspired by the rationale as a whole.

Space as a place also known as ruimte (Netherland), Space (English), Raum (Germany) and Spatium (latin) are firstly defined as plane (planum-plenology) which in its later development has three dimensions and means residence (Dwelling house) that should be arranged, as well as possible for the happiness, welfare and sustainability of mankind2.

Spatial planning with the emphasis on "arrange" is the arrangement of the spatial arrangement of a region/ egion (area) so as to create requirements that are economical, sociocultural and political useful and beneficial to the development of society3.

With this emphasis expected to develop the function of the state mandated in Article 2 paragraph (2) Basic

[1]A.M. Yunus Wahid, *Pengantar Hukum Tata Ruang*. Jakarta. Prenadamedia Group. 2014. P.,15.
[2] A.M. Yunus Wahid, *Pengantar Hukum Tata Ruang*. Jakarta. Prenadamedia Group. 2014 P., 58.
[3] *Ibid., 58*

Agrarian Law that is Law No. 5 of 1960 which includes:

1. Organize the operation of the designation, use, inventory and maintenance of space (in the sense of three dimensions: earth, water and air) and the natural wealth contained therein.
2. Organize and define the relationship between people and space.
3. Determine and regulate the relationship between people and the making of the law regarding space.

Spatial with the emphasis on "space" is a place in three dimensions: Earth, water and air above it in an integrated manner, so that the designation, utilization, and management reach, an optimal level for the welfare of Indonesian[1]. certainly, with the understanding that the spatial arrangement has been made in such a way as to accommodate the various interests associated with the utilization of space in the region for the purposes of spatial use in the region, both for short-term and long-term interests.

Spatial planning formulates efforts to attempt to formulate optimum spatial land use and efficient spatial planning for human business in its area, which is sectoral, local, private, and community development that wants and can be achieved within a certain period of time.

Without the arrangement of space / land planning to follow the rules of spatial planning as a system development effort resulted in inefficient and ineffective and can widen the gap between developed regions and regions lagging behind. Strictly speaking without good regional spatial planning results in economic and social losses.

Integration can only be done if development efforts are actually done in relation to supporting and considering the aspects of location and region simultaneously in a unified system[2].

This means that alignment can be realized if supported by an adequate spatial plan at all levels, because all the activities undertaken take place in a certain space. These economic and social losses can be in the form of unproductive use of space as a container due to a conflict of interest in the utilization. Therefore, allotment needs to be emphasized through When it comes to the arrangement of the spatial plan, it appears that many of the rules contained in the spatial regulation are meaningless and have not been based on ecological sustainability.

Some unclear or obscure UUPR Norms are the norms concerning the review of the Provincial RTRW and Regency / Municipal RTRW which specify a period of 20 years each, which is reviewed once in five years, which under certain conditions more than once within Five years, as affirmed in Article 20 paragraph (4) and paragraph (5), UUPR for Provincial RTRW and Article 26 paragraph (5) and (6) UUPR RTRW regency/city.

The above provisions contain at least 2 (two) weaknesses in the RTRW itself, namely: (1) Reduce or eliminate legal certainty in the relevant RTRW, and (2) Provide an opportunity to the policy makers at the time and the region concerned to adjust the RTRW with the interest Personal or group, both on the National Spatial Plan (RTRWN) stipulated by Government Regulation as well as (and especially) on spatial arrangement in Provincial and Regency / Municipality areas stipulated by Regional Regulation which is determined by the political power.[3]

Other norms that are unclear or vague are the provisions of Article 33 paragraph (1) and paragraph (2) of the UPRPR, which are raised in the phrase "other natural resources:" which, according to Maria SW. Sumardjono had an impact on: first, the impossibility of drawing up the Government Regulation on the stewardship of other natural resources because UUPR does not contain authentic interpretation of "Other Natural Resources". Second, the relevant natural resource law legislation, its existence is still far from the principle of "cohesiveness, system approach" to certainty and justice "as proclaimed by UUPR.

The difficulties arise because there is no assertion about what is meant by "other Natural Resources”in the Body and Explanation UUPR. As a result, through the results of normative research conducted by Maria S.W. Sumardjono, et al. Horizontal inconsistencies are found 12 The laws governing natural resources are shared through 7 (seven) criteria: Orientation, Sustainability, management, protection of human rights, good governance arrangements, relationships between people and natural resources, and state and natural resources.[4]

The twelve laws referred to above are Law Number 5 of 1960 concerning Basic Regulations of Agrarian Principles, Law Number 11 Year 1967 concerning Mining Basic Provisions, Law Number 5 of 1990 concerning Resource Conservation Biodiversity and Ecosystem, Law No. 41 of 1999 on Forestry, Law Number 22 Year 2001 on Oil and Natural Gas, Law No. 21 of 2014 on Geothermal, Law Number 26 Year 2007 on Spatial Planning, Law Number 27 Year 2007 on the Management of Coastal Areas and Small Islands, Law Number 18 Year 2008 on Waste Management, Law Number 32 Year 2009 on the Protection and Management of the Environment.

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[1] *Ibid., 59*

[2] Article 2 and 3 of Law Number 26 Year 2007 on Spatial Planning which among others affirms that "spatial arrangement is organized based on the principle of integration" spatial planning aims to realize the national territory space that is safe, comfortable and productive "

[3] A.M. Yunus Wahid. *Pengantar Hukum Tata Ruang*. Kencana Prenada Media Group. Jakarta. 2014. P., 156

[4] Maria .S.W. Sumardjono, et al. *Pengaturan Sumber Daya Alam di Indonesia Antara yang Tersurat dan Tersirat Kajian Krisis Undang-undang Terkait Penataan Ruang dan Sumber Daya Alam*. Faculty of Law University of Gajah Mada Cooperate with Gajah Mada University Press. Yogyakarta. 2011. P., 1.

Thus, the mandate of Article 33 Paragraph (1) of the UUPR, which emphasizes the importance of "coherence", "system approach" and "legal certainty" and "justice", is difficult to implement because each sector of the natural resource management regulates itself through Law Sectoral sector that makes itself as a separate system and not as a subsystem in the overall regulatory system on natural resource management[1].

Explanation of Article 33 Paragraph (2) of UUPR also raises a problem when stating that the activities of preparing the balance of land stewardship, water balance, air balance and other natural resources accounting balance sheets include: a) presentation of balance of changes in the use and utilization of land, water resources, Air and other natural resources on the spatial plan of the territory; B). Presentation of the balance of conformity of use and utilization of land, water resources, air and other natural resources in the Spatial Plan. The problem is, what if it turns out that the preparation of the balance sheet for the stewardship of various natural resources based on their respective sectoral laws that are not always compatible is not in accordance with the RTRW; which laws are more dominant when sectoral laws are against the UUPR? Rationally-academic, spatial arrangement in the broad sense should be the reference, it is in accordance with the position UUPR, as a provision of umbrella (Umbrella act) which serves as a protector, but operationally sectoral laws can be more dominantly faced with UUPR, if UUPR Seen as the penetration of space in the narrow sense .[2]

Law Number 26 Year 2007 on Spatial Planning (UUPR) which is valid as the foundation of spatial law since its enactment through its placement in the State Gazette of the Republic of Indonesia Year 2007 Number 68, is a positive law that must be made by all stakeholders in the arrangement of spatial in Indonesia. UUPR is a law that implements the Constitution of the Republic of Indonesia 1945, especially Article 33 paragraph (3). As a law, UUPR is not yet fully implemented because the norms contained are still general and require implementation rules.

The blurring of the norm also in the provision of the role of society in spatial planning, as affirmed in Article 65 paragraph (1) of the UUPR. That, the implementation of spatial arrangement is done by the government by involving the role of the community. Its vagueness lies in the unclear position of the community's role, whether as "rights or obligations"

This blurring of norms when associated with the arrangement of spatial plans that have not been based on Ecological Sustainability can be described as follows that in Article 65 Paragraph (1) of the UUPR essentially regulates community participation in Spatial Planning as referred to in paragraph (2) Community in spatial planning is done through: a). Participation in spatial planning; B) participation in the utilization of space; C) participation in the control of space utilization, which in paragraph (3) states that the follow-up is regulated in a Government Regulation.

It turns out that after being traced in a subsequent article Article 66 of the UUPR states that people who are harmed as a result of the spatial arrangements may file a lawsuit by courts paragraph (1) of Article 66 of the UUPR and in paragraph (2) of the UPRPR also stated that in the case of the community filing a lawsuit as referred to in paragraph (1) the defendant can prove that there is no deviation in the implementation of spatial arrangement, there is no article that regulates about: the role of society in spatial arrangement both in the preparation, utilization and control of space utilization in Article 66 UUPR because in Article 66 paragraph (1) and paragraph (2) of the UUPR are all articles only regulating the role and participation of the public in the field of law, both on compensation and ordinance of prosecution which all merely contain legal aspects so that this is suspected tends to ignore the Ecological Sustainability, both inside Government regulations Number 26 of 2008 on the Regulation of Spatial Planning of National and Marine Regions, Articles 60 to 66 does not include provisions on the role and participation of the community in the protection and management of the environment.

Furthermore, in Article 3 of Law Number 26 Year 2007 on Spatial Planning, describe that:

The implementation of spatial planning aims to create a safe, comfortable and productive and sustainable national territory, based on the insight of the archipelago and national resilience with point (6) states:

"The realization of integration in the use of natural resources and artificial resources with regard to human resources"

The meaning in the formulation of this Article according to the researcher can be stated not yet based on ecological sustainability but still using the concept of sustainable development. The concept of sustainable development has long been a concern of experts. But the term sustainability (sustainability) has only emerged in the last few decades.

Sustainable development is a human effort to improve the quality of life by staying trying not to go beyond the ecosystem that supports life. Sustainable development is essentially aimed at achieving present and future.

2. Methodology

The type of this research is Normative research is research by doing assessment steps as follows:

[1] *Ibid*. P., 4.
[2] *Ibid*. P., 5-6

A. Identify legal facts and eliminate irrelevant matters to establish legal issues to be determined
B. Collecting of legal materials and if it is considered relevant also non-legal materials.
C. Review the legal issues raised based on the materials that have been collected.
D. Drawing conclusions in the form of arguments that address legal issues.
E. Provide prescriptions based on arguments and conclusions

3. Result And Discussion

The lack of clarity of the norm or meaninglessness contained in the spatial arrangement can certainly lead to legal implications both philosophically, theoretically and socio economic.

In terms of philosophy, meaninglessness can lead to the emergence of legal uncertainty, where legal certainty is a question that can only be answered normatively rather than socially.

Normative legal certainty is when a rule is created and enacted as it is clearly defined and logical. Obviously in the sense that there is no doubt or multi interpretation and logical in the sense that it becomes a norm system with other norms in harmony so as not to cause a conflict of norms. The resulting norm conflicts and rule uncertainties may take the form of norm conformance, norm reduction or norm distortion. Legal certainty implies a clear, permanent and consistent and consistent application of the law whose implementation can not be influenced by circumstances of a subjective nature.[1]

The importance of legal certainty in accordance with the provisions of Article 28D Paragraph 1 of the 1945 Constitution, that:

"Everyone is entitled to the regulation, guarantee of protection and legal certainty of justice and equal treatment before the law".

The principle of legal certainty has clearly been mandated by the constitution and must be legally required to be applied to every formulation of legislation.

The tradition of lawyers requires the law to have a high degree of certainty. It is very important to them because it is closely related to their work. The jurists can not work or perform uncertainly. For them, the law has been described as a stethoscope of doctors.

Their need encourages the emergence of a typical and esoteric "world of legalists". The social realities that surround them are reorganized, redefined, reduced by making concepts, entities, principles, and doctrines, as well as the unique logic of thinking. In addition to human beings as real creatures are created "legal entities" (rechtspersoon). The legal entity is an artificial construction that reduces human beings as a scheme and represents the perpetrators in the law.

Many things that have become common knowledge without having to learn in advance, such as buying, buying, leasing, theft, maltreatment, and others organized and reformulated by law, as stated in various books of law. People have to learn again to recognize "theft-in-new" and so on.

The traditions and culture of these jurists gain legitimacy from the flow of legal positivism.2

In the positivist paradigm, the definition of the law should prohibit all rules that are similar to the law but are not of a sovereign command of authority. Legal certainty must always be upheld whatever the consequences and there is no reason not to uphold it because in paradigm the positive law is the only law. From this, it appears that for the positivistic is the legal certainty guaranteed by the authorities. The legal certainty in question is a law that is officially promulgated and implemented with certainty by the state. Legal certainty means that everyone can demand that the law be enforced and it must be fulfilled.

Furthermore, from a philosophical point of view, unclear norms and norms can also lead to injustice. Justice is one of the most discussed legal goals throughout the course of the history of legal philosophy. Just as much is echoed in legal learning, that learning law is not just learning about the Law but learning law is learning about justice.

Justice is the ultimate goal of the creation of the law. Therefore, the establishment of a legal norm must adhere to the principle of justice. Talking about the law is talking about relationships between people. Talking about relationships between people is talking about justice.

With the existence of justice, the goal of the law is to create a just and prosperous society, just in prosperity and prosperity in justice.

Aristotle states that "just" contains more than one meaning. Fair can mean according to the law and what is comparable is the right one.3

Justice is a political policy whose rules are the basis of state regulation and these rules are a measure of what rights and rights are not. Furthermore, according to Aristotle in the concept of a state law that governs the state is not human, but a fair mind while the real rulers are only law and balance only.

In relation to justice, Jeremy Bentham gave rise to a theory of benefit (utility) that is individualistic. The

[1] Maria.S.W. SUmardjono,, Puspita Rangkuti. *Aneka Masalah Hukum Agraria*. Andi Offset. Yogyakarta, 2001 P., 4.
[2] Rachmad Safa'at, *Ilmu Hukum di Tengah Arus Perubahan*. Surya Pena Gemilang. 2016. P., 32
[3] Aristotle in Darji Darmodiharjo*Pokok-pokok Filsafat Hukum*, PT. Gramedia Pustaka Utama. Jakarta. 2006. P., 156.

law must bring happiness to the individual and must be suitable for the benefit of society. Basically, the law should be benefit-based for human life. That is why Justice and Utility Theory is the embodiment of the law that must be implemented.1

Bentham always taught that: "The Greatest Happiness for the Greatest Number" which means the greatest happiness for as many human beings as possible.

Talking about the law, it is not enough just to come to its form as a formal building, but also to link it as an expression and ideals of community justice.

In terms of spatial arrangement which in many of its regulations there is some vagueness of meaning or unclear norms and even if those meanings and rules are obvious but have not been able to realize a national development based on ecological sustainability.

Because if a legislation is created with a blurring of meaning will be multiple interpretations, so it can not realize legal certainty that can result in the law can be interpreted in accordance with the wishes of each party based on their respective interests, so when associated with unclear norms in the rules -the arrangements contained in spatial arrangements are seen once inequality when access to the mastery of spatial arrangements can only be accessed by rich people who are closer to the authorities and policy makers, so in this case created an injustice which of course can not provide benefits for wide community.

Should be in order to improve the quality and optimization of space utilization actually need not be accompanied by the eviction of the population, even should prioritize local residents to enjoy the added value of spatial arrangement in the location concerned.

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The meaning in the formulation of this Article according to the researcher can be stated not yet based on ecological sustainability but still using the concept of sustainable development. The concept of sustainable development has long been a concern of experts. But the term sustainability (sustainability) has only emerged in the last few decades.

Sustainable development is a human effort to improve the quality of life by staying trying not to go beyond the ecosystem that supports life. Sustainable development is essentially aimed at achieving present and future.

According to the authors of the concept of Sustainable Development can not be said to be successful because it is still very anthropocentrism. While anthropocentrism itself is the environmental ethics theory that views human as the center of the system of the universe. Humans and their interests are deemed to be the most decisive in the ecosystem order and in policies adopted in relation to nature, either directly or indirectly. The highest value is human and its importance. Only people who have value and get attention. Everything else in the universe will only get value and attention to the extent of supporting and for the benefit of humans. Therefore, nature is seen only as objects, tools, and means for the fulfillment of human needs and interests. Nature is only a tool for the attainment of human goals. Nature has no value to itself. Anthropocentrism is also seen as a philosophical theory that values and moral principles apply only to humans and that human needs and interests are of the highest and most important value. For the theory of anthropocentrism, ethics only applies to humans. So any demands on the need for human moral obligations and responsibilities to the environment are regarded as excessive, irrelevant, and out of place demands. Even if such demands make sense, it is only in an indirect sense, that is, as the fulfillment of human moral obligations and responsibilities to others. That is human moral obligations and responsibilities to the environment solely in order to meet the interests of fellow human beings. Obligations and responsibilities of nature are merely the manifestation of moral obligations and responsibilities to human beings. It is not a manifestation of human moral obligations and responsibilities to nature itself.

Even if Anthropocentrism inspires people to save the environment, it is based on the reason that the environment and the universe are needed by humans to satisfy their interests. So that anthropocentrism understanding is not suitable if associated with the concept of conservation and environmental protection.

In the concept of sustainable development policy collisions that may occur between excavating natural resources to fight poverty and the need to prevent environmental degradation should be avoided as far as possible, in order to walk balanced. The development of sustainable development concepts needs to take into consideration socially and culturally appropriate needs, spreading the values that create different standards of consumption within the limits of environmental capability and reasonably everyone is able to aspire to it.

However, there is a tendency that the fulfillment of these needs depends on the need to realize economic growth or production needs on a maximum scale.

[1] Suhariningsih. *Tanah Terlantar, asas dan pembaharuan konsep menuju penertiban*, Achievement of Publisher Library. Jakarta. 2009. P., 43.

Sustainable development clearly requires economic growth by emphasizing the aspects of growth, equity, and stability that success in achievement is often measured by economic variables that can be measured and converted in terms of value and money. However, the fact that high production activity can occur together with widespread evenness and this condition can endanger the environment. So sustainable development requires people to meet their needs by increasing their production potential and ensuring equal opportunities for everyone.

Then environmentalists begin to realize that the sustainable development paradigm is less successful if it can not be said to fail. The main disadvantages of sustainable development are as follows:[1]

1. Absence of a clear and measurable time frame of sustainable development targets
2. The assumption is more emphasis on narrow anthropocentrism.
3. Humans are believed to be able to determine the carrying capacity of local and regional ecosystems.
4. Making materialism ideology is taken for granted as the right thing.

The concerns and awareness of the world community about environmental issues and the future of life on planet earth have been growing lately. Blur portraits of damage and environmental destruction due to industrial activity, mass consumption, modern lifestyles, and human greed have fueled these ecological concerns and awareness.

The global community is now given a greater and more serious role and responsibility to address the environmental issues faced in preventing further damage and environmental damage. It is now increasingly believed that the importance of sustainable development that considers and considers environmental aspects for the sustainability of planet earth, human life, animals, plants and other species.

Currently, there has been a number of terminology and concepts for various fields related to environmental awareness. There are terminologies and concepts called Green Economy, Green Technology, Green Entrepreneurship, Green Innovation and others, which in essence emphasize the importance of adopting the environmental aspects (Green) in those fields.

But there is a terminology and concept of Green that seems to have not been widely disseminated and understood as the term Green Constitution. The terminology and concept of the Green Constitution is a new phenomenon among practitioners and actors who follow environmental issues, including among lawyers and the Constitution.

Is Prof. Jimmly Asshiddiqie who tried to familiarize the Indonesian public with the terminology and the concept of the Green Constitution.

In principle, the Green Constitution is to constitutionalize the norms of environmental law into the constitution by raising the degree of environmental protection norms to the constitutional level. Thus the importance of the principle of sustainable development to the environment has a strong foothold in the legislation. On that basis, Green Constitution then introduces terminology and concept called Ecocracy (Ecocracy) which emphasizes the importance of environmental sovereignty.

In the context of Indonesia Green Constitution and Ecocracyt reflected in the idea of power and human rights as well as the concept of economic democracy as affirmed by the Law of the Republic of Indonesia Year 1945, Article 28 H paragraph (1) and Article 33 paragraph (4) which provides a constitutional basis for Green Constitution.

Thus the norm of environmental protection in Indonesia actually now has a stronger footing. But still not many public policy makers and the wider community in the homeland who know and understand about the Green Constitution or the Green Constitution.

3.1 Principles Of Ecological Sustainability

The paradigm of sustainable Ecological development requires changes in the nature and behavior of humans who inhabit this earth. If previously human beings are viewed as the center of the universe and what is in nature used to satisfy human interests than human nature and behavior must be changed towards ecocentrism that is man not only seen as a social creature, because man must first be understood as a biological creature , And ecological beings, humans can only live and thrive as human beings for and full not only in the social community but also in the ecological community of beings whose lives depend on and are closely related to all other life in the universe.

Ecological sustainability will be achieved if there is a fundamental change in the political economic policy of the government, hence it takes a cultural approach to education, counseling, environmental campaigns, and others and through cultural approaches (political path). Most environmental defenders tend to move to campuses, laboratories, and the field. Very few of those who enter the political path, whereas the political area is very decisive where the policy direction is determined.

Communities need to be encouraged to develop economic-based economic activities to provide a viable livelihood. This is a gradual and targeted internal capital and potential, technological capabilities, the

[1] A. Sonny Keraf. *Etika Lingkungan Hidup*. PT. Kompas Media Nusantara. Jakarta. Year 2010. P., 47.

development of technical skills of cultivation and the skills of the domestic market community to market the products of the people and management and information to support the economic power of the people.

The success of this paradigm is not based on material indicators but on the quality of life achieved by ensuring a proportional ecological, social and cultural life. The lifestyle built is no longer a lifestyle based on excessive production and consumption but on what Arne Naess calls "Simple in means, but rich in ends" rather than "having more" but "being more".

According to Arne Naess, the current environmental crisis can only be overcome by changing the way people view and human behavior towards nature in a fundamental and radical. It takes a new lifestyle or lifestyle that not only concerns the individual, but also the culture of society as a whole. It means that an Environmental Ethics is required that human beings interact in a new way with the universe.

This ecologically sustainable development paradigm also requires changes in the nature and behavior of humans who inhabit the earth. If previously human beings are viewed as the center of the universe and what is in nature is used to satisfy human interests than human nature and behavior must change towards Ecocentrism that is man not only seen as a social being, for man must first be understood as a biological being And ecological creatures, humans can only live and thrive as full and full human beings, not only in the social community but also in the ecological community of a being whose life depends on and is closely related to all other life in the universe.

Thus all the moral demands that apply to human social communities, now also apply to the biotic community and the ecological community. This means that human moral obligations and responsibilities are no longer limited only to human beings, humans are also required to have moral obligations and responsibilities to all life in the universe.

In this case, Ecological Sustainability is a prerequisite for the development and sustainability of life.To ensure Ecological Sustainability efforts should be pursued as:

A. Maintaining the integrity of the environmental order so that life support systems on earth are ensured with productivity, adaptability, soil recovery, water, air and all sustainable livelihood systems.
B. Three aspects that must be considered to maintain the integrity, especially the environment that is the carrying capacity, assimilative power, and the sustainability of the utilization of recoverable resources
C. Maintaining biodiversity on the diversity of life that determines the sustainability of ecological processes. The process that makes the service chain in humans today and the future.

There are three aspects of biodiversity, namely genetic diversity, species and environmental order to convert the biodiversity need the following things:

"Maintaining natural ecosystems and representative areas of biodiversity uniqueness to be unmodified, maintaining the widest possible ecosystem areas modified for the diversity and sustainability of species diversity"

To improve and gain a better quality of life in the future requires the movement of all elements. Not only the government but also the participation and involvement of all elements of society. It is the time we are committed to preserving the environment from damage and moving forward to ensure Ecological Sustainability.

3.2 Setting Of Spatial Area Plan Based On Ecological Construction In National Development

The steps taken in deciding the ideal spatial policy-making components based on Ecological Sustainability is to implement 3 (three) main principles underlying the Good Policy:

1. Relational Principle and Collectivity

This principle is important to be applied in the process of formulating a policy of the spatial law, where Relational in policy making process is interpreted as "human relations" meaning the relationship between people or stakeholders in making policy in general including the policy in spatial arrangement. Such a Relational Characteristic of Law will obviously lead to aspects of "compromise" because in that relationship there is a diversity of understanding about many things, especially about justice in the community. This compromise characteristic according to Binawan should not always be interpreted negatively because in the law of policy each related subject will bring their own concepts and interests to be met with the concepts and interests of others.

Therefore the law is basically the result of compromise, it can be understood that the concept of law (Policy) generated is minimalist and this may be viewed as an intrinsic limitation of the law. Therefore, to minimize the limitations of the results obtained in the relation, the policy-making process must also be based on the principle of togetherness (collectivity).

Characteristics of Relational Law is more emphasis on aspects of inter subjectively but the most important to note in the context is the reality of togetherness that is created in the relationship.

In the legislation process, the reality of togetherness should not be forgotten as it is the central pillar of the Law. If each of the parties involved in the legislative process is concerned only with its own interests and the built reality is ignored then the fragile is a legal product in realizing justice.

To realize the aspect of togetherness in the legislation process, inevitably the established relationship to realize the compromise between the subject must fulfill some of the main requirements as stated by Jhon Raws, the main prerequisites are:

A. The principle of equality is based on the personal "dignity" of everyone involved in the legislation process.
B. The principle of "Social and Economic Inequality" should be regulated in such a way that:
   - Relatively expected to benefit everyone
   - All positions and positions are open to everyone

Experience in the formulation of spatial planning policy and of course in policy formulation generally shows that the relationships built by all components of policymakers tend to dominate each other to impose their will. Such a tendency, in reality, leads to an imbalance that makes the goal of National

Therefore the Relational Principle in an atmosphere of togetherness should be further developed so that among the policy makers component can jointly seek the birth of a spatial policy that can protect all related interests.

2. Principles of Responsive Participatory

The good spatial policy-making process is strongly encouraged to cultivate Responsive Participatory principles, especially community participation in the legislation process. Participation is defined as community involvement in a development process driven by Determination and awareness of the meaning of its involvement. If what comes up is only an element of involvement and is not driven by determination and awareness then it is not included in the category of participation but rather called mobilization.

While the "Responsive" Legal Principle as for the first time initiated by Nonet and Selznick is meant as a principle that enables a legal order to survive and able to capture the demands and desires of society which mean diverted in certain social life. Some of the main conditions for encouraging the development of modern law towards a Responsive order are:

A. The dynamics of legal development increase the authority of purpose in legal considerations.
B. The purpose of making legal obligations increasingly problematic so as to loosen the legal claims of compliance and open the possibility for a conception of the public order is increasingly rigid and increasingly civil.
C. Because the law has openness and flexibility, legal advocacy enters a political dimension which then increases the forces that can help correct and change legal institutions but can also threaten to weaken institutional integrity
D. The continuing authority of the legal objectives and the integrity of the legal order depends on the model of a competent legal institution.

The tendency that has been shown by the determinants of spatial planning policy is less fostering the spirit of community participation. Community participation is sometimes just politicized to fight for other interests that are even further away from the expectations of society because public participation is not too concerned then it is not surprising that the resulting decisions are "Top Down" is then get resistance from the community because they judge That their interests are neglected. A good policy-making process is indispensable for community participation, and therefore the community must be involved from the beginning of the process, they need to be heard and talked to in an unstressed environment. In principle, the policies/regulations issued by the government including the development should be beneficial to the community.

Public participation in spatial planning is an important factor in eliminating, at least reducing the potential for conflict of interest in the utilization of space. Moreover, the result of spatial arrangement both RTRW and RTR area, in the end, is for the benefit of all layers of society. According to Hardjasoemantri, if actions are taken for the benefit of society and if the community is expected to accept and adhere to such actions then the community should be given the opportunity to develop and express their opinions. In other words, community participation is needed.

Lothar Gunding (1980) in Harjasoemantri put forward four (4) basic for community participation that is:[1]

1. Giving information to the government
2. Increase public awareness to accept the decision
3. Assist the protection of the law
4. Democratize the decision making

With the active participation of the community in the decision-making process, it is expected that all rights and interests related to spatial planning can be considered carefully.

3. Principle of Morality

Principle of morality is needed in the process of making ideal spatial law policy, it is necessary to color the mindset and pattern of behavior of policy makers in formulating and planning spatial law policy. This principle

[1] Koesnadi Hardjosoemantri. *Hukum Perlindungan Lingkungan Konservasi Sumber Daya Alam Hayati dan Ekosistemnya*. Yogyakarta: Gajah Mada University Press. 1991

becomes very important as a filter of the whole substance of spatial planning policy that does not favor larger interests. Because moral judgments lack the proper attention so that many spatial planning policies are morally very damaging to society but still legalized to enforce. This moral consideration becomes very important in every policy-making, because it must be fully realized that every policy that is made is always closely related to the human aspect which in this case joined in a community group. Such a view requires that legislation or process of law-making be intended to bring about justice and truth, happiness, the benefit of the human race.

These good living habits are then standardized in terms of rules, rules or norms that are disseminated, known, understood and taught orally into society. These rules and norms contain an element of morality that contains the values and principles of morale which should be used in view of human behavior in utilizing the natural resources that exist in every national development activities.

4. Conclusion

The lack of clarity of the norm or meaninglessness contained in the spatial arrangement can certainly lead to legal implications both philosophically, theoretically and socioeconomically.

Furthermore, from a philosophical point of view, unclear norms and norms can also lead to injustice. Justice is one of the most discussed legal goals throughout the course of the history of legal philosophy. Just as much is echoed in legal learning, that learning law is not just learning about the Law but learning law is learning about justice.

In terms of spatial arrangement which in many of its regulations there is some vagueness of meaning or unclear norms and even if those meanings and rules are obvious but have not been able to realize a national development based on ecological sustainability.

Because if a legislation is created with a blurring of meaning will be multiple interpretations, so it can not realize legal certainty that can result in the law can be interpreted in accordance with the wishes of each party based on their respective interests, so when associated with unclear norms in the rules -the arrangements contained in spatial arrangements are seen once inequality when access to the mastery of spatial arrangements can only be accessed by rich people who are closer to the authorities and policy makers, so in this case created an injustice which of course can not provide benefits for wide community.

Wise exploitation of natural resources is key in managing the harvest and utilization to avoid environmental damage. In the contexts of state control over natural resources "inherent in them" the obligation of states to protect, preserve and restore the environment as a whole and comprehensive. This means that development activities that are generally nuanced in the utilization of natural resources in particular, should be directed within the framework of current and future interests.

The current environmental crisis can only be overcome by implementing a fundamental and radical change in the way people view and human behavior towards nature. It takes a new lifestyle or lifestyle that not only concerns the individual, but also the culture of society as a whole. It means that an environmental ethic is required that guides humans interact in a new way with the universe.

That the global environmental crisis we are experiencing today is actually rooted in a philosophical fundamental mistake in the understanding or way of looking at the man about himself, nature and the place of man in the whole ecosystem.

This mistake, in turn, leads to wrong behavior toward nature. Humans mistakenly view nature and mistakenly place themselves in the context of the universe in its entirety and this is the beginning of all the environmental catastrophes we are experiencing now, therefore its reversal must also concern the reform of the worldview and human behavior in interacting with both nature and with other human beings in The entire ecosystem.

Indeed, humans not only view as a social creature but also as biological creatures and ecological creatures. Humans can only live and thrive as full and full human beings not only in the social community but also in the ecological community, the being whose life depends and is closely related to all other life in the universe.

This means that human moral obligations and responsibilities are no longer limited only to human beings but are also required to have moral obligations and responsibilities to all life in the universe.

In this context, the concept of natural rights is not strange and unreasonable. This concept is a logical consequence of the acceptance that the biological community is also a moral community. Biologically and ecologically all life on earth has the same moral status, and therefore must be respected and protected in equal right.

To overcome the Ecological Crisis, there needs to be a paradigm shift in science that is no longer mechanistic Reductionistic, but also holistic and ecological. In this holistic worldview, there is no longer a strict separation between the subject and the object. Science and technology along with all its developments and impacts can not but be judged also morally including in relation to the impact of science and technology on the environment.

In this case, the moral commitment of the government is also required when issuing a Policy or Regulation

related to National Development which must apply 3 (three) main principles of good policy that is: a. Collational Relational Principle, b. Participatory-Responsive Principles, c. Principles of Morality.

References

Journal Article

Akib, Muhammad. *Wewenang Kelembagaan PengelolaanLingkungan Hidup di Era Otonomi Daerah*. Jurnal Media Hukum. Volume 19 Nomor 2 Desember 2012

Faisal, Achmad. *Hukum Lingkungan, Pengaturan Limbah dan Paradigma Industri Hijau*. Yogyakarta. Pustaka Yustisia. 2016

Hardjosoemantri, Koesnadi. *Hukum Perlindungan Lingkungan Konservasi Sumber Daya Alam Hayati dan Ekosistemnya*. Yogyakarta : Gajah Mada University Press. 1991

Keraf, A. Sonny. *Etika Lingkungan Hidup*. Jakarta. Penerbit Buku Kompas, PT. Kompas Media Nusantara.2010

Koewahyono, Imam. *Hukum Penatagunaan Tanah dan Penataan Ruang di Indonesia*. Malang. UB Press.2012.

Marzuki, Peter Mahmud. *Penelitian Hukum*. Jakarta. PT. Prenada Media Group. 2013

Mina, Risno. *Desentralisasi Perlindungan Dan Pengelolaan Lingkungan Hidup Sebagai Alternatif Menyaksikan Permasalahan Lingkungan Hidup"*. Jurnal Arena Hukum. Volume 9Nomor 2(Agustus 2016)

Muliawan, Jarot Widya. *Pengadaaan Tanah untuk Pembangunan*. Yogyakarta. Buku Litera Yogyakarta. 2016

Nazarudin, T. *Legal Political of Aceh Sustainable Spatial Reconstruction Based on Local Wisdom of Mukim Custromary Legal Community*.Jurnal of law, Policy and Globalization. IISTE. Volume 56 Tahun 2016.

Ridwan, Juniarso dan Achmad Sodik. *Hukum Tata Ruang dalam Konsep Kebijakan Otonomi Daerah*, Bandung. Penerbit NUANSA ,(2008)

Safa'at, Rachmad. I Nyoman Nurjaya, Imam Koeswahyono, Eddy Susilo, Saafruedin Bahar dalam *Relasi Negara dan Masyarakat Adat (Perebutan Kuasa atas Hak Pengelolaan Sumber Daya Alam)*. Malang. Surya Rena Gemilang. Tahun 2016.

Sinamo, Nomensen. *Ilmu Perundang Undangan*. Jakarta. Jala Permata Aksara. 2016

Tabloid DETAK (Tabloid Oloh Kalteng) Opini Edisi 172. Http, Tabloid Minggi Detak. Blogs at.com/*Tumpang Tindih Peraturan Kawasan Hutan Kalimantan Tengah*.

Wahid, A.M. Yunus. *Pengantar Hukum tata Ruang*. Jakarta. PT. Fajar Interpratama Mandiri. 2014