



# Controlling Space Utilization in Tourism Areas Perspective of Law Number 6 of 2023 About Job Creation

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## Abstract

The research explores the relationship between spatial utilization control in tourism areas and Law Number 6 of 2023, focusing on Job Creation. It juxtaposes the decentralized approach of the Spatial Planning Law (UUPR) with the centralized framework of Law Number 6 of 2023, highlighting their conflicting priorities-community interests versus business convenience in spatial management. Employing normative legal research, the study analyzes various legal approaches to understand spatial planning strategies and their consequences. It aims to ascertain the alignment of space utilization control in tourism areas with local wisdom under the Job Creation Law. Examining the regulatory framework, the study emphasizes the UUPR's goals of balancing natural and built environments, resource integration, and mitigating environmental impacts. It outlines the roles of provincial and district governments in spatial planning, stressing community engagement in the process. Key elements of spatial planning include zoning regulations, permits, incentives, and fines to ensure organized spatial order. Recognizing indigenous knowledge and community rights is crucial in regulating space utilization in tourist destinations, alongside addressing environmental concerns through preventive and repressive policy strategies. The study concludes by acknowledging Law Number 6 of 2023's aim to drive investment and economic growth, though potentially overlooking environmental considerations. It proposes integrating principles of justice and local wisdom in controlling space utilization, emphasizing adherence, incentives, local values, and sanctions to benefit community welfare. In essence, the research advocates for a balanced approach that harmonizes economic interests with environmental conservation and community wel-

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fare in managing space within tourism areas. It stresses the need to bridge policy priorities and sustainable development goals for effective spatial regulation.

**Keywords:** Spatial Utilization Control, Law Number 6 of 2023, Tourism Areas

## 1 Introduction

The exponential growth of the tourism industry has made significant contributions in terms of employment opportunities and financial investments. However, it has also led to a substantial influx of individuals migrating to regions heavily reliant on tourism [1]. The growth of tourism has led to advancements in multiple domains, but it has also given rise to several developmental challenges that directly impact spatial carrying capacity. These challenges include heightened land demand for both residential and tourism purposes, accelerated conversion of agricultural land, diminished regional vegetation coverage, intensified traffic congestion due to increased centrality, expanded critical land areas, declining quality of regional facilities and infrastructure, social issues related to population and employment, and the erosion of cultural values as a symbol of community identity [2].

If you pay attention between UUPR and Law Number 6 of 2023, in terms of management, UUPR is decentralized and Law Number 6 of 2023 is centralized. Viewed from the policy aspect, the UUPR prioritizes the interests of the community, that land, sea, including in the earth, as part of the environmental context that must be maintained, protected, and maintained the quality of its functions, while Law Number 6 of 2023 prioritizes convenience for business actors. And when viewed from the aspect of orientation, the UUPR prioritizes environmental sustainability, while Law Number 6 of 2023 prioritizes and favors entrepreneurs.

Ontologically the law of spatial planning, at the philosophical level, is essentially to control space starting from the level of planning, utilization and control of space use. Etymologically, the procedure for maintaining the preservation of environmental or natural functions or space uses the concept of sustainable development. Meanwhile, axiologically, achieving sustainable development requires the support of legal certainty in spatial planning [3].

Therefore, in order to achieve a harmonious outcome, it is imperative to address the issue through the application of spatial planning strategies. Specifically, regulations pertaining to the management of spatial utilisation must be established to facilitate organised spatial planning. This approach aims to strike a delicate equilibrium between the preservation of the environment and the advantageous outcomes it offers for the well-being of the community.

Based on the background of the above problems, the problems to be studied are as follows: How are the arrangements for controlling space use in tourism areas with local wisdom in the perspective of the Job Creation Law?

## 2 Research Methods

This study employs a normative legal research approach, which is a scientific methodology used to ascertain truth through the use of legal scientific reasoning from a normative perspective [4]. In this particular scenario, the concept of law is regarded as a constructive standard that is applicable within a specific temporal context, and is formulated as a result of a particular political authority that possesses legitimacy. This legal research employs several methodologies, including the statute approach, conceptual approach, legal history approach, philosophical approach, and comparative approach. Normative research often relies on many types of legal materials, including primary legal materials, secondary legal materials, and non-legal materials.

## 3 Results and Discussion

### 3.1 Regulation of Space Utilization Control in Tourism Areas Based on Local Wisdom

The alignment between the implementation of spatial planning and the aims of spatial planning is crucial. Article 3 of the UUPR delineates the objectives of spatial planning, which seek to actualize a national territory that is secure, pleasant, efficient, and sustainable, in accordance with the Nusantara Vision and National Resilience. These objectives are achieved through:

1. The achievement of a harmonious coexistence between the natural environment and the constructed environment;
2. The implementation of integration in the utilisation of natural and artificial resources, while considering the involvement of human resources; and
3. The achievement of safeguarding space operations and mitigating adverse environmental consequences resulting from space use.

The provincial government possesses the authority to carry out spatial planning in accordance with the UUPR, Article 10 paragraph (1) letter a. This authority encompasses the regulation, guidance, and supervision of both provincial and district/city spatial planning. Additionally, the provincial government is responsible for overseeing the implementation of spatial planning in strategic areas at both the provincial and district/city levels [3].

According to Article 11, paragraph (1), point an of the UUPR, the district/city local government possesses the jurisdiction to regulate, provide guidance, and supervise the execution of district/city spatial planning, as well as oversee district/city strategic areas [5]. According to Article 11, paragraph (2), the district/city regional administration is required to get authorization for the implementation of district spatial planning. This encompasses several aspects such as district spatial planning, district area space utilisation, and the regulation of district area space utilisation.

The methodology for formulating a spatial plan for the district spatial plan include the following step: 1) The procedural framework for developing the district spatial plan. 2) The engagement of the community in the district-level formulation of spatial plans. The stakeholders at the district level engaged in a discourse over the draught district spatial plan [6].

The primary objective of spatial organisation is to optimise the utilisation of space [7]. The fundamental components of spatial planning activities encompass three interconnected activities: spatial planning, space utilisation, and the regulation of space utilisation. Spatial planning encompasses various levels of planning, including National Spatial Planning, Provincial Spatial Planning, District Spatial Planning, and City Spatial Planning [8]. According to the stipulations outlined in Article 35 of the UUPR, the management of space utilisation is facilitated by the implementation of zoning regulations, permits, the provision of incentives and disincentives, as well as the imposition of fines. This statement indicates that spatial utilisation control is implemented as a means to achieve spatial order in alignment with the regulations outlined in the spatial plan. The objective is to minimise discrepancies in space utilisation and ensure that the appropriateness of space utilisation is upheld in accordance with the designated spatial functions established by the spatial plan. The primary objective of space use regulation is to establish harmonious alignment between spatial planning and the utilisation of space. This include the preparation of zoning determinations and permits, as well as the implementation of incentives, disincentives, and fines. Therefore, it can be inferred that the structure of space management systems in tourist destinations, which are equitable and rooted in indigenous knowledge, manifests as a framework that considers the interests and requirements of the government, business entities, and local communities. This framework takes into account the prevailing societal values and their evolution.

inside this particular context, the utilisation of community land inside tourism regions is executed with the fundamental objective of ensuring the provision of advantages that contribute to the overall well-being, fairness, equality, and proportionality of the populace. Regulation of space utilization in the development of tourist areas is important to seriously consider the analysis of spatial functions, spatial characteristics, space carrying capacity as well as spatial tolerance and adaptation to impacts. The use of space for tourism should also seriously consider the traditional spatial concepts that exist in the region, and consider religious, cultural, social aspects of the community and human rights aspects [9].

Attention to the existence of the environment is the actualization of recognition of civil society values. Policy strategies on environmental aspects can be preventive and repressive by involving all stakeholders from tourism [10]. Preventively, it is carried out by making a blueprint (blue print) of environmental standardization that prioritizes protection or conservation of the environment. Repressive efforts can be administrative, namely warning, coercion, and the removal of permission from the government, and for serious violations of the law are subject to criminal sanctions [11].

Thus, it can be proposed that spatial use control arrangements in tourism areas based on justice and local wisdom in realizing community welfare, namely; Control

of space utilization is carried out through; terms of conformity of space utilization activities; provision of incentives and disincentives; based on local wisdom values; and the imposition of sanctions.

## 4 Conclusion

From the description stated above, it can be concluded that the reason for the establishment of Law Number 6 of 2023 is to facilitate and simplify in the field of licensing so that investment can enter, especially in the field of tourism in order to open job opportunities and increase economic growth of the community, with a slight neglect of aspects of alignment with the environment.

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