

## The land-use change from agricultural to non-agricultural related to the legality of establishing settlements in Boyolali regency, central Java, Indonesia

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### Abstract

This study aimed to identify the land-use changes from agricultural to non-agriculture, which led to illegal settlements. In terms of nature, this study was a descriptive study conducted to help strengthen old theories or develop new theories. This study was located in the Regional Planning, Research and Development (BP3D) Boyolali Regency and Investment and One-Stop Integrated Service Office (DPMPSTP) Boyolali Regency. The data collection was carried out by interview and literature study. The data analysis technique was done by data reduction, data display and conclusion drawing. The results showed that the development of settlements on agricultural land would occur when land problems due to the conversion of agricultural land into settlements cannot be avoided, or it was necessary to find solutions to these pressing problems, namely by assessing the impact of the problem and conducting socialization to the community on the impact and resolution. When land started to shrink, domestic food needs would decrease because population growth cannot be avoided every year. For this reason, special handling was needed immediately, such as direct counseling to the community because it would be dangerous if land changes were carried out continuously and the form of severe sanctions if misuse of agricultural land to be used as a settlement, namely forced demolition of the building. Moreover, the development of the latest technology was needed to manage land so that fertility did not rapidly decline and reduce land productivity. Another thing was replacing agricultural land used as an alternative to handling the problem of changing agricultural land to get clarity on the legality of land change or conversion.

**Keywords:** agricultural to non-agricultural, boyolali regency, Indonesia

### Introduction

Various effects of industrial activities have made Boyolali Regency as a center for collecting production from its hinterland and vice versa, namely distributing goods needed by its hinterland. This development requires the fulfilment of various facilities to support activities, ranging from settlements to areas. The establishment of these industrial centers has attracted residents from other regions, especially those from rural areas, to look for jobs in new places and create disequilibrium. This imbalance is the result of inequality in economic growth and employment opportunities, which are always accompanied by striking demographic changes<sup>[1]</sup>.

The increase in population occurs due to an increase in the need for space and infrastructure that fills space to support the urban population's socio-economic activities. The surrounding land automatically changes its function. Starting with Iwan Kustiwan's terminology, the land conversion is a function of land conversion which is generally related to the change of land resource allocation from one use to another.

The value of the area's function and available land is the main prerequisites for urbanization that drives the socio-economic goals of the people's desires. Economic incentives are the main motive for forming land-use structures in cities with the emergence of strategic business centers. Apart from business motives, there are also political motives, the city's physical form, such as topography, drainage, and the like.

Urban growth will move dynamically according to human needs, potentials, and culture, where the development starts from the existence of activity centers as the embryonic centers of growth<sup>[2]</sup>. The existence of built-up land consists of residential, industrial, office and commercial services activities that run smoothly (urban sprawl) in accordance with the potential of the transportation network due to accessibility which forms a network pattern between growth centers that naturally takes into account the existing land conditions.

The changes that occur due to socio-economic transformation pressure, especially in the city center, bring efficiency and inefficiency in space utilization. Economic incentives are the main motive for forming land-use structures in cities with the emergence of strategic business centers. Apart from business motives, there are also political motives, the city's physical form, such as topography, drainage, and the like. Urban growth will move dynamically according to human needs, potentials, and culture. This development starts from the existence of activity centers as the embryo of limited growth centers and affects city management. In practice, irregularities in spatial and regional layout often occur. Other facts also show that various business forms without business permits and location permits can operate without sanctions by local governments. Therefore, the economic-oriented phenomenon that has not been regulated by the government in its implementation still rests on public awareness to

<sup>1</sup> Rochimin, Dahuri *et al.*, 2004. *Pembangunan Wilayah: Perspektif Ekonomi, Sosial and Lingkungan*. Jakarta: LP3ES. P. 220

<sup>2</sup> Koestoer, 2001 Koestoer, Raldi Hendro. 1995. *Perspektif Lingkungan Desa Kota: Teori and Kasus*. Jakarta: UI. Press. P.32

complement the emergence of strategic business centers. In addition to business motives, there are also political motives, the city's physical form, such as topography, drainage, and the like. Urban growth will move dynamically according to human needs, potentials, and culture, where development starts from the existence of activity centers as the embryo of growth centers.

Some indications that trigger land-use change in Boyolali Regency are:

1. The total population of Boyolali Regency in 2017 was 974,579 people. According to 2016 BPS data, there are 963,690 people with a growth rate of 0.54% per year. Judging from the population growth rate, it can be indicated that socio-economic activities are developing to meet the need for housing and other urban service facilities.
2. The number of heavy and capital-intensive industries increased from 98 units in 2017 to 109 industries in 2017. This is related to an increase in population migration to meet labor needs.
3. The use of settlements lands from the 2012 - 2017 condition data from 4,400.97 Ha to 6,233.38 Ha. This indicates a decline in agricultural land and turned into a settlement
4. From the GRDP of Boyolali Regency in 2012-2017, the trade, hotel and restaurant sector grew from 3.95% to 8.53%. This indicates significant economic and spatial growth

Regional Spatial Planning (RTRW) Boyolali Regency as regulated in Regional Regulation Number 9 of 2011 after obtaining substantive approval from the Ministry of ATR/BPN. In addition, the Governor of Central Java has also officially evaluated so that it is promulgated today. Evaluation and review conduct every five years.

The evaluation is carried out to follow the dynamics of strategic environmental developments, the latest regulations, and the alignment of various national strategic policy plans related to spatial use. The revision of the Regional Regulation on RTRW plays an important meaning in encouraging progress in Boyolali Regency through investment growth, which is expected to impact regional economic growth and increase community welfare positively. Spatial planning is the key to unlocking investment before the next licensing process.

"The goal of spatial planning in Boyolali Regency is to realize integrated equitable development in all regencies based on agriculture and the development of various environmentally-friendly industries," explained the Head of the Regional Development Planning, Research and Development Agency (BP3D) Boyolali Regency", Nur Kamdani when met in his office on Wednesday (17/7/2019). Moreover, according to Nur Khamdani, in Boyolali Regency, thousands of hectares have been prepared to support Susu City's industry. "To support this investment, Industrial allotment (KPI) has been prepared in an area of 2,130 hectares spread over 19 regencies", he explained.

Based on the background description above, the researcher is interested in further examining the study entitled "The Land Use Change from Agricultural to Non-Agricultural Related to the Legality of Establishing Settlements in Boyolali Regency, Central Java, Indonesia". This study aims to identify the legality of settlements that stand on agricultural land.

Following the dynamic development of the strategic environment, the latest regulations and the alignment of various national strategic policy plans related to spatial use. The revision of the Regional Regulation on RTRW plays an essential meaning in encouraging progress in Boyolali Regency through investment growth, which is expected to impact regional economic growth and increase community welfare positively. Spatial planning is the key to unlocking investment before the next licensing process.

## Literature Review

### A Review of Spatial Planning and Territorial

The compilation of city spatial planning refers to the National Spatial Planning and the Provincial Spatial Planning and guidelines for implementing long-term spatial planning and regional development planning. The compilation of urban spatial planning must pay attention to developments in district problems and the results of studies on the implications of urban spatial planning, efforts to equalize urban development and economic growth, harmonize urban development aspirations, support and accommodate the environment, long-term regional development planning, urban border area spatial planning, and urban spatial strategic planning. The urban spatial planning contains objectives, policies and strategies for urban spatial planning, urban spatial planning which includes urban systems in areas related to rural areas and urban area network infrastructure systems, urban area spatial planning that includes urban protected areas and urban cultivation areas, determination of strategic urban areas, directions for the use of the urban regions that contain indications of the medium-term five-year main program, and provisions for controlling the use of city space which contain general provisions on zoning regulations, licensing provisions, incentives and disincentives provisions, and sanctions directives. The urban spatial planning serves as a guideline for the preparation of long-term regional development plans, preparation of regional medium-term development planning, spatial use and control of urban spatial planning, realizing integration, linkage and balance between sectors, determining the location and function of space for investment and spatial planning city strategic area. In addition to the limited land available, the problem of spatial planning is more complicated because the current condition of Indonesia's economy is increasingly fast. Space is the physical appearance of an area in geographic and geometric dimensions which is a place for humans to live their lives in a decent quality of life. The form of spatial planning structure is the arrangement of the elements forming the natural environment, social environment, artificial environment in a hierarchical relationship with one another<sup>[3]</sup>.

The term spatial planning is an objective reality. Structural forms and patterns of spatial use can be orderly and harmonious, or chaotic. It must be understood that structural forms occur due to social, economic, technological, political and administrative processes. The benefits and functions must also mean above the surface, below the surface, and on the surface of earth permanent. It can be in the form of buildings, rice fields, forests and others on the surface of the

<sup>3</sup> Ridwan and Sodik. 2016. Hukum Tata Ruang dalam Konsep and kebijakan Otonomi Daerah. Cetakan Ke 3. Bandung: Penerbit Nuansa. P. 22.

earth and it can also be in the form of mines, boreholes, aquifers, etc., below the surface and flight paths, air transport, rain carriers, and others above the earth's surface [4].

### A Review of the Land Conversion from Agricultural to Non-Agricultural

Population growth in an area is related to increased land-use change. The increase in population adds to the need for developed land. Demand for land increases (demand side), while land availability does not change (supply-side). The condition of limited land resources, while high population growth causes land values to increase every year. This condition results in competition for land values between sectors. For example, the value of land for agriculture compared to the land value for property/housing/industry.

The value of land for industry and housing is much higher than the value of land for agriculture, especially rice fields. This is because the direct benefits received by agricultural land are smaller, land change will be easier [5]. In the agricultural process, it goes through several stages in the process of managing agricultural resources. The first stage of the agricultural process is land management (Pandapotan, 2019).

The process of land change cannot be avoided in every region. The developing areas usually have fairly high population growth, followed by an increase in the need for land for settlements and other public facilities, including industry. The land change process usually begins with the release of land mainly due to the land sale process [6].

The conversion of agricultural land is the process of transferring the function of agricultural land from other uses to agricultural uses, on part or all of the land which generally has a negative impact on the environment and on the potential of the land.

### A Review of Government Control Functions

The process of land change is inevitable in any developing region. Developed areas usually have high population growth, followed by an increase in land for settlements and other public facilities, including industry. The process of land change usually begins with the release of land mainly due to the process of selling land [7].

Urban growth that raises land prices can also trigger land release. In general, the conversion of agricultural land from farmers is influenced by three things. First, the external factor is the dynamics of regional, demographic, and economic growth. Second, the internal factor is the socio-economic conditions of the families of land users. Third, the policy factor is statutory regulations and implementation of regulations.

A better understanding of the nature of public policy as an action that leads to a goal, if we can break down

government policy into several categories, namely: [8]

1. Demands policy
2. Policy decisions
3. Policy statement
4. Policy outputs
5. The end result of the policy

By entering the current economic recovery period, the government through neglected land-use policies is trying to encourage owners and small farmers to cultivate their land with food crop commodities jointly. This effort is only temporary. By increasing investment capacity, developers who have controlled agricultural land (rice fields) will continue to strive to carry out non-agricultural activities (services, industry, and housing) on land.

This increasingly raises new problems in line with the implementation of regional autonomy. This problem is increasingly complex in the field because the direction of national policies in terms of controlling the conversion of agricultural land often clash with local government policies that prioritize local interests and regional policies. Although the application of land tenure policies is still considered quite effective in limiting the use of lowland land for non-agricultural activities (such as the location permit mechanism and the implementation of the Spatial Planning), it turns out that there are still many "land speculators" that are not covered by the implementation of the policy.

1. Many cases where agricultural landowners deliberately change the land's function to make it easier to sell without going through the licensing mechanism or violating the existing Spatial Planning. Economic deregulation, encouraging foreign investment or domestic investment and encouraging non-oil and gas development (industry and property) have resulted in very real economic growth. But on the other hand, as a consequence of the process of changing the economic structure (from agriculture to non-agriculture), apart from changes in demographic aspects (rural to urban), these changes have a special impact on the survival of agricultural land (including irrigated rice fields).
2. In the development of Java Island, the number of families or households living from the non-agricultural sector reaches 100%. Several important factors that influence changes in the pattern of agricultural land use in Java Island are the factor of privatization of industrial estate development, large-scale residential development and new cities, and deregulation of investment facilities and permits.
3. Three national policies that directly affect the conversion of agricultural land to non-agricultural are the changes in land use can be caused by changes in regional spatial plans, the direction of development policies, and market mechanisms. In the past, it was mainly due to two reasons, due to a lack of understanding of the community and government officials about spatial planning, or regional spatial planning that was difficult to realize. In line with development policies that emphasize the aspect of growth through the ease of investment facilities, both for local and foreign investors in the provision of land, changes in land use from agriculture to non-agriculture

<sup>4</sup> Wirasaputri. Proses Penyusunan Rencana Tata Ruang dalam Kaitan Kelestarian Fungsi Lingkungan Hidup. *Kanun Jurnal Ilmu Hukum*. No. 62, Th. XVI (April, 2014), pp. 129-146. P.135

<sup>5</sup> Kusumastuti *et al.* 2018. Faktor Yang Mempengaruhi Alih Fungsi Lahan Pertanian Pangan Di Kabupaten Pandeglang. *Jurnal Sodality: Jurnal Sosiologi Pedesaan* | Vol 6 No 2 Agustus 2018, P. 131-136 | 135

<sup>6</sup> R. Janah, B. T. Eddy and T. Dalmyatun. Alih fungsi lahan pertanian dan dampaknya terhadap Kehidupan penduduk di kecamatan Sayung Kabupaten Demak. *Agrisociomics Jurnal Sosial Ekonomi Pertanian*. ISSN 2580-0566. 1(1):1-10, Mei 2017

<sup>7</sup> Ibid, R. Janah, B. T. Eddy and T. Dalmyatun

<sup>8</sup> Taufiqurokman. 2014. Kebijakan Publik. Fakultas Ilmu Sosial And Ilmu Politik

have occurred widely.

4. Recognizing this problem, the government has established several provisions in the policy to limit and/or prevent the conversion of arable agricultural land for non-agricultural uses, such as:
  - a. Presidential Decree Number 53 of 1989 concerning Industrial Estates and Presidential Decree Number 33 of 1990 concerning Land Use for Industrial Estate Development have prohibited the development of Industrial Estates as well as granting or location permits and land acquisition on fertile land.
  - b. Letter of the State Minister for National Development Planning/Head of Bappenas Number 5334/MK/9/1994 on September 29 1994 concerning the Changes in the Use of Technically Irrigated Rice for Non-Agricultural Land Use.
  - c. Letter of the State Minister for National Development Planning/Head of Bappenas to the Minister of Home Affairs Number 5335/MK/9/1994 on September 29 1994 regarding the Preparation of the Second Regional Spatial Planning.
  - d. In implementing PAKTO-23, the State Minister for Agrarian Affairs/Head of the National Land Agency sP.l is given to the Head of the National Land Agency Regional Office and Head of Regency/City Land Office Offices throughout Indonesia. Number 460-3346 on October 31, 1994, concerning Changes in the Use of Technically Irrigated Rice for Non-Agricultural Land Use. This circular prohibits Land Officers in the area from granting location permits on irrigated land for non-agricultural purposes, whereas according to the Regional Spatial Planning, it is intended for non-agricultural activities.

### A Review of Licensing

Law is a means which contains values or concepts about justice, truth, social benefits and so on. The content of the law is abstract. Law enforcement is basically the enforcement of ideas or concepts abstract. Law enforcement itself is an effort to realize these ideas<sup>[9]</sup>. Conceptually, law enforcement's essence and meaning lie in the activity of harmonizing the relationship of values contained in solid and materialized rules and attitudes of action as a series of elaboration of the final stage of values, creating, maintaining and maintaining social peace. A concept that has a philosophical foundation requires further explanation to make it look more concrete<sup>[10]</sup>.

Initially, law enforcement activities were aimed at improving law order and legal certainty in society. In the framework of this effort, a system of coordination and harmonization of tasks will be established between law enforcement agencies. Law enforcement efforts also include activities to increase public trust in the law and its enforcers<sup>[11]</sup>. The government uses a permit as a juridical tool to control the behavior of citizens. According to Spelled and Ten Berge, permission is an approval from the authorities based on statutory regulations, in certain circumstances deviating from the provisions of the prohibition of the law. Meanwhile, Ridwan HR summarized a series of opinions

<sup>9</sup> Ridwan HR, *Hukum Administrasi Negara*, UII Press, Cetakan Kedua, Yogyakarta, 2003, P.229

<sup>10</sup> Soerjono Soekanto, *Faktor-faktor Yang Mempengaruhi Penegakkan Hukum*, Raja Grafindo Persada, Jakarta, 2007, P.2

<sup>11</sup> Soerjono Soekanto, P.3

from experts and concluded that a permit is a unilateral government action based on laws and regulations to be applied to concrete events according to certain procedures and requirements. Based on this definition, the elements in a license include juridical instruments, laws and regulations, government organs, concrete events, procedures and requirements.

As a decision issued by the government, permits can be used for certain purposes in the form of the desire to direct or control certain activities, prevent harm to the environment, the desire to protect certain objects, wish to share small objects, and can also be shown directions, by selecting certain people and activities<sup>[12]</sup>.

For example, it is known that from such a large area, with a large population, the area is expanded. As a consequence of decentralization, various government affairs were transferred to the regions to become regional affairs. The transfer of authority in the framework of decentralization is intended to bridge the need for efficiency and effectiveness of problem handling, optimization of regional roles, and regional diversity accommodation. Through this fact, handling licensing problems is one of the divisions, not only under the authority of the central government but also the authority of the regional governments.

### A Review of Legal Compliance

Based on legal experts' definition, it can be concluded that basically, the law is all the rules that contain rules that must be obeyed by everyone and there are strict sanctions in it for those who violate. This is not caused by strict sanctions or the presence of state officials, such as the police. Compliance is an attitude that arises from your encouragement of responsibility as a good citizen.

Legal compliance is the awareness of legal benefits that creates a form of community "loyalty" to legal values enforced in living together. This is manifested in the form of behavior that is actually obedient to the values of the law itself and can be seen and felt by fellow members of society<sup>[13]</sup>.

Actually, legal awareness is awareness or values that exist in humans about existing laws or about laws that are expected to exist. In fact, what is emphasized are the values about the function of the law and not a legal basis for concrete events in the society concerned<sup>[14]</sup>.

### Research methods

This research method is a descriptive study conducted to help strengthen old theories or develop new theories. Exploratory research is not intended to test certain hypotheses. The locations to support the success of this study are in the Regional Planning, Research and Development (BP3D) Boyolali Regency and Investment and One-Stop Integrated Service Office (DPMPTSP) Boyolali

### Regency

1. The data source in this study was direct data. Regional

<sup>12</sup> Ateng Syafrudin, 1994. *Butir-butir Bahan Telaahan Tentang Asas-asas Umum Pemerintahan Yang layak Untuk Indonesia*, dalam Paulus Efendi Lotulung, *Himpunan Makalah Asas-asas Umum Pemerintahan Yang Baik*. Citra Aditya Bhakti, Bandung, P.64

<sup>13</sup> S.Maronie, *Kesadaran dan Kepatuhan Hukum*. Dalam <https://www.zriefmaronie.blogspot.com>. Diakses pada tanggal 20 Mei 2019.

<sup>14</sup> Soerjono Soekanto, 1982. *Kesadaran Hukum dan Kepatuhan Hukum*, Edisi Pertama, CV.Rajawali, Jakarta, Hal.152



Planning, Research and Development (BP3D) Boyolali Regency and Investment and One Stop Integrated Service Office (DPMPTSP) Boyolali Regency (Primary). Primary legal materials included:

- a. Article 33 of the 1945 Constitution.
  - b. Law Number 26 of 2007 concerning Spatial Planning.
  - c. Law Number 41 of 2009 concerning Protection of Sustainable Food Agricultural Land.
  - d. Law Number 1 of 2011 concerning Housing and Settlement Areas.
  - e. Central Java Provincial Regulation Number 6 of 2010 concerning Regional Spatial Planning of Central Java Province for 2009-2029.
  - f. Regional Regulation Boyolali Regency Number 9 of 2011 concerning Spatial Planning Boyolali Regency for 2011-2031.
2. There were three 3 main data components, including:<sup>[15]</sup>
- a. Data reduction is a form of making abbreviations, coding, focusing themes, creating problem boundaries, writing memos.
  - b. Data display is a collection of information organization that allows research conclusions to be carried out.
  - c. Conclusion data

The researcher must begin to understand the meaning of the things found by noting the pattern rules, statements, possible configurations, Cause and effect directions from the initial data collection. Moreover, the proposition that competent researchers hold on these matters is not strong, meaning that they remain open.

### Discussion

The law on spatial planning based on Law Number 26 of 2007 concerning Spatial Planning which is dominated by a "planning system" - "a top-down spatial planning system", which causes unexpected losses and misery (economic, non-economic, non-economic-ecological, social) because it ignores the principle of side by side starting from the bottom up spatial planning, namely from the Village Spatial Planning to the Village Spatial Planning, as a planning system in spatial planning so that spatial planning "only" is an improvement of the existing spatial planning for emergency purposes, for example, priorities for environmental safety from floods and landslides. The principle of spatial planning basically requires the implementation of regional planning (sectoral planning), money (investment) and time.

Spatial planning is the result of a government formed at the will of the government. This is known as top-down, not on the will of the community or bottoms up. The problem is that because formed by the government, while the root of the problem is that Indonesia does not yet have a single base map, both national and regional.

From this condition, it illustrates that the arrangement of the spatial system with the provisions, the community must follow the direction of the government and implements it.

In the case of housing construction that stands on agricultural land, it occurs after issuing a letter recommending spatial planning information and does not allow it to change the status of agricultural land use to non-

agricultural. Still, the applicant is about to build a settlement on that land. This happens because there is no monitoring of the recommendation results of each request for spatial information requested by the community to change the designation of agricultural land to non-agricultural by the regional government of Boyolali Regency, thus providing an opportunity for violations of regional regulations regarding Spatial Planning Boyolali Regency by the community.

### Conclusion

The development of settlements on agricultural land will occur when land problems due to the conversion of agricultural land into settlements cannot be avoided or it is necessary to find solutions to these pressing problems, namely by assessing the impact of the problem and conducting socialization to the community on the impact and resolution. When land starts to shrink, domestic food needs will decrease because population growth cannot be avoided every year. It is necessary to divert agricultural land that has turned into a settlement even though there is no legality for the building. The establishment of settlements on agricultural land creates new problems in Boyolali Regency. This is due to the lack of public awareness and compliance with the law regarding the recommendation for permits to change agricultural land design to non-agricultural land they own. In addition, there is no monitoring of recommendations for spatial planning information issued by the Boyolali Regency government that has been given to applicants or landowners about applications for changes in the designation of agricultural land to non-agricultural.

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<sup>15</sup> Setiono, *op.cit.*, P. 30-32

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