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**Spatial management in Indonesia : from planning to implementation :
cases from West Java and Bandung : a socio-legal study**

Moeliono, T.P.

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APPENDIX I

LIST OF REGULATIONS

1851

Circular Letter of Ministry of Agraria/Head of NLA 410-1851 & 460-3346 of 1994 (prohibition to convert irrigated rice fields).

1854

The Dutch Indies constitution (*Regerings Reglement of 1854: reglement op het beleid der regering van Ned-Indie*).

Wet Houdende Decentralisatie van het Bestuur in Nederlands-Indie (Law on the decentralization of the government of Netherlands-Indies, dated 23 July 1903)

1932

The Provinciaal Blad van West Java (provincial gazette) on 29 February 1932 no. 2.

1940

Nuisance Ordinance Permit (*UU Izin Gangguan*) S.1926: 226 as amended by S 1940: 14

1945

The 1945 Constitution

1948

SVO, “Besluit van de Luitenant-Gouverneur-Generaal van 23 July 1948 no. 13”.

1950

Law 11/1950 (establishment of the Province of West Java)

1960

Law 19/1960 and Government Regulation 27/1968 (PT. Permina taken over by the state)

Law 37/Prp/1960 on Mining

Law 44/Prp/1960 on natural oil and gas

Law 56/Prp/1960 on the Limit to Agricultural Land (*penetapan luas tanah pertanian*).

1961

Law 20/1961 on the revocation of property rights on land and other objects on land (expropriation law)

Temporary PCA Decree 4 /1965 (*banting stir untuk berdiri di atas kaki sendiri di bidang ekonomi dan pembangunan*);

Agraria) 17/Insp.P/1961.

1963

GR 13 of 1963 (development of new buildings along the road between Jakarta – Bogor – Puncak – Cianjur).

Law 1/1967 on foreign investment (as amended by Law 11/1970; *Perusahaan Modal Asing*)

Presidential Regulation 13/1963 (*tentang ketertiban pembangunan baru disepanjang jalan antar Jakarta-Bogor-Puncak-Cianjur*)

1965

Temporary PCA Decree 5/1965 (*Amanat Politik Presiden/Pemimpin Besar Revolusi/Mandataris MPRS yang Berjudul “Berdikari” sebagai Penegasan Revolusi Indonesia dalam Bidang Politik, Pedoman Pelaksanaan Manipol dan Landasan Program Perjuangan Rakyat Indonesia*)

Temporary PCA Decree 6/1965 (*Banting Stir untuk Berdiri di Atas Kaki Sendiri di Bidang Ekonomi dan Pembangunan*).

1966

Temporary PCA Decree 21/1966 (*pemberian otonomi seluas-luasnya kepada daerah*)

Temporary PCA Decree 22/1966, on the hierarchical system of Indonesian legislation

Temporary PCA Decree 23//1966 and Temporary PCA Decree 33/1967 (*pencabutan mandataris MPRS dari Presiden Soekarno*).

1967

Law No. 1/1967 as amended by No. 11/1970 on foreign Investment

The Basic Forestry Law (5/1967)

The Basic Mining Law (11/1967)

1968

GR 27/1968 (fusion of PT. Permina and PT. Pertamina).

Law No. 6/1968 as amended by No. 12/1970 on Domestic Investment

1969

RGL 6/1969

1970

GR 21/1970 on logging concession and forest collecting rights in production forest (*tentang perusahaan hutan dan pemungutan hasil hutan pada hutan produksi*).

GR 33/1970 on forest planning (*perencanaan hutan*).

Law 14/1970 as amended by Law 4/2004 on Judicial Powers.

Presidential Decree 65/1970 on Batam's spatial and development planning.

1971

Bandung Municipal Parliament Decree (Surat Keputusan DPRD) 8939 of 1971.

1972

GR 15/1972 as amended by, and GR 30/2003 (establishment of Perum Perhutani)

GR 21/1972 (establishment of PT. Inhutani I-IV)

The Stockholm Declaration of 1972

Ministry of Home Affairs Regulation 6/1972;

Ministry of Home Affairs Regulation 6/1972 on the delegation of the authority to grant land rights (*pelimpahan wewenang pemberian hak atas tanah*).

Ministry of Home Affairs Regulation 6/1972 on the delegation of the authority to grant land rights (*pelimpahan wewenang pemberian hak atas tanah*).

1973

GR 39/1973 on the procedure for the determination of compensation by the High Court in the case of revocation of property right on land and other objects on land (*acara penetapan ganti-kerugian oleh pengadilan tinggi sehubungan dengan pencabutan hak-hak atas tanah dan benda-benda yang ada di atasnya*) is a further elaboration of Art. 8 of Law 20/1961.

Presidential instruction (Instruksi Presiden RI) 9/1973 on the implementation (and procedure) to disposes land owners (*pelaksanaan pencabutan hak-hak atas tanah dan benda-benda yang ada di atasnya*).

MHAR 3/1973 (establishment of ad hoc committee for land acquisition)

Governor of West Java Decree 293/AI/2/T.Pra/75 dated 26 September 1975, amended 1981-2000

Ministry of Home Affairs Regulation 5/1973.

1974

Law 11/1974 on Irrigation (*pengairan*)

Ministry of Home Affairs Regulation (MHAR) 5/1974 regulating land reservation/allocation for private companies (*ketentuan-ketentuan mengenai penyediaan dan pemberian tanah untuk keperluan perusahaan*).

Decree of the Directorate General of Forestry 85/Kpts/DJ/I/1974; 102/Kpts/DJ/1983 as amended by Ministry of Forestry Decree 399/Kpts-II/1990 and Decree 634/Kpts-II/1996 (procedure for the determination of forest land (*pedoman pengukuhan hutan*)).

Ministry of Home Affairs Regulation 5/1974 on the reservation and granting of land for private companies (*ketentuan-ketentuan mengenai penyediaan dan pemberian tanah untuk keperluan perusahaan*).

Ministry of Home Affairs Regulation 5/1974 (permit for land allocation for development purposes (*izin pencadangan tanah/prinsip dalam rangka penanaman modal*))

Bandung District Regulation 11/PD/1974 dated 7 October 1974

Regional Government Law (RGL) 5/1974 (*tentang Pokok-Pokok Pemerintahan Di Daerah*)

1975

MHAR 15/1975 on the procedure of land acquisition (*ketentuan-ketentuan mengenai tata cara pembebasan tanah*).

Ministry of Home Affairs Regulation (MHAR) 15/1975 on land acquisition procedure

Letter dated 21 April 1975 (6156/75 no. 11).

1976

Presidential instruction 1/1976 guidance on how to synchronize agrarian management tasks with tasks delegated to the forestry, Mining, transmigration and public works. (*pedoman tentang sinkronisasi tugas keagrariaan dengan bidang tugas kehutanan, pertambangan, transmigrasi dan pekerjaan umum*).

Ministry of Home Affairs Regulation 2/1976 (allowing private enterprises to use procedure for land appropriation by the state).

1977

Bandung DR 18/PD/1977 (the eleventh amendment to the *Bouwverordening van Bandoeng*)

1978

GR 2/1978

Presidential Decree 41/1978 as renewed by Presidential Decree 94/1998 (determination of Batam as industrial zone).

1979

Village Government Law 5/1979

1980

Law 13/1980 (public roads),

Presidential Decree (PD) 54/1980 (rice field),

Decree 54/1980 (prohibition to convert fertile agricultural or irrigated land/rice fields)

Ministry of Home Affairs Regulation (MHAR-*Permendagri*) 4/1980 on directives for urban planning (*Pedoman Penyusunan Rencana Induk Kota*)

1981

Law 8/1981 (Code of Criminal Procedural Law)

181.1/SK1267-Pem.Um/1981 dated 16 September 1981

1982

GR 23/1982 (on irrigation).

Ministry of Home Affairs Instruction (*Instruksi Menteri Dalam Negeri*) 650-1223/1982 on the procedure for the formulation of urban planning (*Tata Kerja Penyusunan Rencana Kota*).

West Java Governor letter 181./SK.1624-Bapp/1982 dated 5 November 1982 (designation of north bandung area as conservationd area

Governor of West Java Decree 161.1/SK.1624-Bapp/1982 (*peruntukan lahan di wilayah inti bandung raya bagian utara*).

Governor of West Java decree (no 181.1 / SK.1624-Bapp / 1982 date 5 November 1982 regulating land use of KBU, designating Punclut as a protected area closed for development);

1983

PCA Decree 2/1983 Broad Guidelines on State Policy

PCA Decree 5/1983 (on the honorary title of Bapak Pembangunan bestowed on Soeharto).

Presidential Decree 48/1983 (*tentang Penanganan Khusus Penataan Ruang dan Penertiban serta Pengendalian Pembangunan pada Kawasan Pariwisata Puncak dan Wilayah Jalur Jalan Jakarta-Bogor-Puncak-Cianjur*),

Government Regulation 34/1983 (establishment of Batam as kota administratif)

PD 15/1983 (tourism)

PD 48/1983 (special arrangement for the spatial planning of and the control and ordering of the development of the tourism area of Puncak and the road connecting Jakarta – Bogor – Puncak – Cianjur outside the administrative territory of the capital city, Jakarta, the town of Bogor, the administrative town of Depok, the town of Cianjur and the town of Cibinong)

1984

Law No. 5/1984 (industry),

MHAR 1984 on the procedure and granting of rights to foreign and domestic investment companies (*tata cara penyediaan tanah dan pemberian hak atas tanah, pemberian izin bangunan serta izin undang-undang gangguan bagi perusahaan yang mengadakan penanaman modal menurut undang-undang 1/1967 dan undang-undang 6/1968*).

Ministry of Home Affairs Regulation 3/1984 on the procedure to reserve land and the granting of land rights, building permits and nuisance permits for foreign and domestic investment companies (*tata cara penyediaan tanah dan pemberian hak atas tanah, pemberian izin bangunan serta izin gangguan bagi perusahaan-perusahaan yang mengadakan penanaman modal menurut undang-undang no. 1/1967 dan undang-undang no. 6/1968*).

District Head of Sumedang Decree 590/SK.7-Ag/1984 and 590/SK.45/Ag/1985 on the value estimation of land held in possession by land owners and Decree 604/SK.186-PUK/1984 on the value estimation of buildings.

1985

GR 26/1985 on (the construction of) public roads;

Law 14/1985 on the Supreme Court as amended by Law 5/2004

Presidential Decree 79/1985 (spatial planning in the Puncak Area)

Presidential Decree 79/1985 tentang *Penetapan Rencana Umum Tata Ruang Kawasan Puncak*

Joint Decree (*surat keputusan bersama*) Ministry of Home Affairs and Ministry of Public Works (650-1595; 503/KPTS/1985) on the tasks and responsibilities with regard to town planning (*tugas-tugas dan tanggungjawab perencanaan kota*).

PD 8/1985 (housing)

PD 79/1985 (General Spatial Planning of the Puncak Area)

Municipality of Cirebon (DR) 3/1985 (RTRW Cirebon)

1986

GR 36/1986

Ministry of Public Works decree 640/KPTS/1986 (town planning)

Ministry of Forestry Regulation 137/1986 (THGK)

Ministry of Public Works Decree 640/1986 on town planning (*perencanaan tata ruang kota*)

Daerah tingkat II Bandung Regulation (PR) 3/1986 on the Master Plan of Bandung 1985-2005, as authorized and certified by the Ministry of Home Affairs by virtue of a letter 650-1056 dated 11 July 1986.

1987

GR 14/1987 on the delegation of parts of central government authority in public works to the regions (*tentang penyerahan sebagian urusan pemerintahan di bidang pekerjaan umum kepada daerah*).

GR.16/1987 (adjustment to the administrative borders of the municipality of Bandung and the Bandung district)

Ministry of Forestry Decree 46/Kpts-II/1987 on Consensus Forest Land Use Plan (*tata guna hutan kesepakatan*)

Presidential Decree 26/1988 on the National Land Agency (*Badan Pertanahan Negara*) as amended by Presidential Regulation 10/2006 on the NLA

Ministry of Home Affairs Regulation 2/1987 on directives for city planning (*pedoman penyusunan rencana kota*)

Ministry of Home Affairs Regulation 2/1987 on guidance or directive for town planning (*pedoman penyusunan rencana kota*).

Ministry of Home Affairs Regulation 3/1987 allocation and granting of land rights for house construction companies (*penyediaan dan pemberian hak atas tanah untuk keperluan perusahaan perumahan*) was relevant.

1988

PCA 2/1988 (Broad Guidelines of State Policies 1988)

Presidential Decree 53/1989 (on *kawasan industri*) as amended by 41/1996.

Presidential Decree 53/1989 (*on kawasan industri*) as amended by 41/1996.

Ministry of Home Affairs decree 22/1989 (*Tata Laksana Penertiban dan pengendalian pembangunan di Kawasan Puncak*).

Ministry of Industry's Decree 291/M/SK/10/1989 as amended by 230/M/SK/10/1993 (*tata cara perizinan dan standar teknis kawasan industri*).

West Java Provincial Regulation 8/1988 development planning of the West Java Province: *pola dasar pembangunan daerah propinsi daerah tingkat I jawa barat*

Peraturan Daerah tingkat II Bandung Regulation (DR) 1/1989 (development planning of the Bandung municipality: *pola dasar pembangunan daerah tingkat II Kotamadya Bandung*).

West Java Provincial Regulation 14/1989 on the management of roads and irrigation works (*garis sempadan jalan dan pengairan*);

1989

Presidential Decree 53/1989 on Industrial Estates (amended by Decree 98/1993 and 41/1996)

Ministry of Industry's Decree 291/M/SK/10/1989 as amended by 230/M/SK/10/1993 (*tata cara perizinan dan standar teknis kawasan industri*).

Bandung Municipal Regulation (DR 2/1992 (general city planning of Bandung)

Bandung Municipal Regulation (DR) 2/1996 (detailed spatial planning of Bandung).

1990

GR 8/1990 (construction and management of toll roads);

GR 35/1991 (management of rivers);

Presidential Decree 32/1990 on the management of conservation areas.

Presidential Decree 33/1990 (prohibition to convert fertile agricultural or irrigated land/rice fields)

Ministry of Forestry 399/Kpts-II/1990 (jo. 634/Kpts-II/1996) on forest determination directive (*Pedoman Pengukuhan Hutan*).

Bandung District Regulation (DR) 12/1990 (RUTRK Soreang; 1989-2009);

Bandung District Regulation (DR) 13/1990 (RUTRK Soreang; 1989 -2009);

Bandung District Regulation (DR) 19/1990 (RUTRK Soreang);

Bandung District Regulation (DR) 47/1990 (RUTRK Padalarang; 1995-2004);

Karawang DR 17/1991 (RTRW Karawang)

Circular Letter of NLA 508.2-5568-D.III dated 6 December 1990 on the establishment of a committee to supervise and monitor land release performed by private entities (*tim pengawasan dan pengendalian pembebasan tanah untuk keperluan swasta*)

1992

Presidential Decree 33/1992 (revoking 54/1977) on investment (*tata cara penanaman modal*).

SPL 24/1992.

Ministry of Agraria/NLA Head Regulation 3/1992 (*tentang tata cara bagi perusahaan untuk memperoleh pencadangan tanah, izin lokasi, pemberian, perpanjangan dan pembaharuan hak atas tanah serta penerbitan sertifikatnya*)

Ministry of Agraria/Head of NLA's Regulation No. 3 of 1992 as added and amended by No. 2 of 1993 (procedure to obtain site permit and right on land for companies established in relation to (foreign/domestic) investment).

Peraturan Kotamadya Daerah Tingkat II Bandung Regulation (DR) 2/1992 on the Master Plan of Bandung (RUTRK

Peraturan Kotamadya Daerah Tingkat II Bandung 1991-2001) as endorsed and legalized by the Ministry of Home Affairs by virtue of a decree 76/1994.

Central Java PR 8/1992 (Provincial Spatial Planning-RTRW Propinsi)

District of Bandung Regulation (PD) 5/1992 as amended by 2/2001 (*izin pemanfaatan tanah di kabupaten Bandung*).

1993

GR 41/1993 (public transportation);

GR 43/1993 (traffic infrastructure);

Presidential Decree 55/1993 concerning the procedure to acquire land for development projects in the public interest (*pengadaan tanah bagi pelaksanaan pembangunan untuk kepentingan umum*). The Ministry of Agraria/Head of the National Land Agency issued an implementing regulation: MAR 1/1994.

Public Works Ministerial Regulation 63/PRT/1993 on the management of river basins (*sempadan sungai, daerah manfaat sungai, daerah penguasaan sungai dan bekas sungai*)

The October 23, 1993 policy package (*Pakto 1993*),

Ministry of Agraria/Head of NLA Regulation 2/1993 on the procedure for acquiring site permits and land rights for foreign/domestic investment companies (*tentang tata cara memperoleh izin lokasi dan hak atas tanah bagi perusahaan dalam rangka penanaman modal*)

Ministry of Agraria/Head of NLA Decision 22/1993 on the directives for the implementation of the Ministry of Agraria/Head of NLA Regulation 2/1993 (*tentang Petunjuk Pelaksanaan Pemberian izin Lokasi dalam Rangka Pelaksanaan Peraturan Menteri Agraria/ Kepala Pertanahan Nasional Nomor 2 Tahun 1993*).

Ministry of Industry Letter no. 5000-3302.A. dated 1 November 1993 (concerning government policy package of 23 October 1993).

Ministry of Industry Letter no. 5000-3302.A. dated 1 November 1993 (concerning government policy package of 23 October 1993).

Bogor District Regulation 5/1993 (district spatial planning-RTRW Kabupaten)

South Kalimantan PR 3/1993 (Provincial Spatial Planning-RTRW Propinsi)

Letter of Ministry Agraria/Head of NLA no. 22/1993 dated 4 December 1993.

1994

Law 12/1994 (property tax law: *undang-undang tentang pajak bumi bangunan*)

NLA Letter 460-3346, dated 31 October 1994) addressed to regional land offices with the request to pay attention to the conversion of irrigated rice fields to other purposes.

Ministry of Agraria/Head of NLA (Peraturan Menteri Agraria/Kepala BPN) 1/1994,

Ministry of Agraria/Head of the National Land Agency Regulation (MAR) 1/1994 (implementing regulation of the procedure to acquire land for development projects in the public interest (*pengadaan tanah bagi pelaksanaan pembangunan untuk kepentingan umum*)).

Bappenas Letter 5334/MU/9/1994 dated 19 September 1994.

Sulawesi PR 2/1994 (Provincial Spatial Planning-RTRW Propinsi)

Kuningan DR 6/1994 (RTRW Kuningan)

Majalengka DR 6/1994 (RTRW Majalengka)

West Java PR 3/1994 (Provincial Spatial Planning-RTRW Propinsi)

Site Permit Decree to PT. DUSP 460.02-809-94 (29 April 1994) for the development of “kawasan wisata terpadu bukit dago raya”.

1995

GR 13/1995 (industrial permits),

Minister of Agraria/Head of NLA Regulation 1/1995 as amended by 3/1995 on Systematic Land Titling.

Ministerial Regulation (of industry) 150/1995 (procedure).

West Java PR 20/1995 on the management of springs (*garis sempadan sumber air*)

Letter issued by the Governor of West Java No. 660/5009/BLH dated 29 December 1995 on the evaluation of the environmental impact assessment and management (RKL/RPL) for the development of the integrated tourism area of Bukit Dago Raya.

Bandung District Regulation (DR) 48/1995 (RUTK administrasi Cimahi; 1995-2004);

Bandung District Regulation (DR) 49/1995 (RUTRK Lembang; 1995-2004).

1996

GR 69/1996 on the implementation of the public's right and obligation, form and mechanism to participate in spatial planning (*pelaksanaan hak dan kewajiban, serta bentuk dan tata cara peran serta masyarakat dalam penataan ruang*)

Ministry of Forestry Decree 173/Kpts-II/1996 (TGHK).

Ministry of Home Affairs Decree 19/1996 *tentang pedoman koordinasi penataan ruang daerah tingkat I dan tingkat II* as amended by 147/2004 (*pedoman koordinasi penataan ruang daerah*).

West Java PR 2/1996 on protected areas (*kawasan lindung*)

East Java PR 4/1996 (Provincial Spatial Planning-RTRW Propinsi)

Purwakarta DR 47/1996 (RTRW Purwakarta)

Subang DR 28/1996 (RTRW Subang)

Bandung District Regulation (DR) 4/1996 on land use planning permit (*izin perencanaan penggunaan lahan*).

Cirebon DR 13/1996 (RTRW Cirebon)

1997

The Environmental Management Act (23/1997)

GR 6/1997 as amended by GR 3/2008 (*tata hutan dan penyusunan rencana pengelolaan hutan serta pemanfaatan hutan*)

GR 24/1997 on land registration.

GR 47/1997 (on the national spatial planning (*rencana tata ruang wilayah nasional*))
The Environmental Management Act (23/1997)

Ministry of Agraria/Head of NLA Decree 19-VIII-1997 dated 4 September 1997 on the revocation of the letter issued by the Head of the Agrarian Inspectorate of West Java Decree of 1961 regarding the granting of land under an ownership title covering an area of 84.21 hectares (the total area awarded to those ex-soldiers).

PD 3/1997 (on the determination of Jonggol as Indonesian's future capital)

West Java PR 12/1997 on the construction of building on riversides and around springs (*pembangunan di pinggir sungai dan sumber air*)

Indramayu DR 1/1997 (RTRW Indramayu)

Cianjur DR 7/1997 (RTRW Cianjur)

1998

People's Consultative Assembly (PCA) Decree 2/1998 (Broad Guidelines of State Policies).

PCA 11/1998 on the recommendation of policy direction to the removal and prevention of KKN (corruption-collusion-nepotism).

PCA Decree 17/1998 on Human Right

GR 68/1998 (management of nature conservation areas).

Presidential Instruction 22/1998 (*tentang penghapusan kewajiban memiliki rekomendasi instansi teknis dalam permohonan persetujuan penanaman modal*)

Presidential Instruction 23/1998 (*tentang penghapusan ketentuan kewajiban memiliki surat persetujuan prinsip dalam pelaksanaan realisasi penanaman modal di daerah*).

State Minister of Environment/Head of the Environmental Impact Monitoring Board Decree Kep-35/MenLH/12/1998: approval of the Environmental Impact Assessment, Regional Environment Management Development Plans (*Persetujuan Analisis Dampak Lingkungan, Rencana Pengelolaan Lingkungan Regional Pembangunan Kawasan Bandung utara Kabupaten Bandung dan Kotamadya Bandung. Propinsi Jawa Barat oleh Gubernur/Kepala Daerah Tingkat I selaku Koordinator Pemrakarsa*).

The Ministry of Environment Decree. Kep-35/MenLH/12/1998) containing general guidance on how to develop the Puncut area.

The Ministry of Environment Decree/Head of the Environment Impact Monitoring Board (Kep-35/MenLH/12/1998) on the approval of the environment impact analysis, regional environment management and monitoring plan for the development of the North Bandung Area.

The Ministry of Home Affairs Decree 9/1998 on public participation in spatial planning

Bandung DR 14/1998 on the construction of buildings in Bandung (*Bangunan di Wilayah Kotamadya Bandung*).

Bandung DR 25/1998 on land use determination permit (*izin peruntukan penggunaan tanah*)

Bandung Municipal Regulation (DR) 31/1998 as amended by 5/2002 on retribution for the use of the district's assets and performing cut and fill operation (*retribusi pemakaian kekayaan daerah dan pematangan tanah*)

Cianjur District Regulation 5/1998 (district spatial planning-RTRW Kabupaten)

1999

PCA Decree 4/1999 (Broad Guidelines of State Policies 1999-2004)

Law 28/1999 on the Management of the State free from Corruption, Collusion and Nepotism (*Penyelenggara Negara yang Bersih dari Korupsi, Kolusi dan Nepotisme*)

Law 39/1999 on Human Rights (*Hak Asasi Manusia*).

Forestry Law 41/1999

GR 27/1999 on the Environmental Impact Assesment (analisis mengenai dampak lingkungan)

GR 30/1999 on *Kawasan Siap Bangun* (area prepared for construction) and *Lingkungan Siap Bangun* (environment prepared for construction).

GR 80/1999 on ready to use residential areas or environment (*Kawasan Siap Bangun dan Lingkungan Siap Bangun yang Berdiri Sendiri*).

PD 114 of 1999 (Spatial Planning of Bogor-Puncak-Cianjur (Bopunjur) area).

Ministerial Regulation (Peraturan Menteri Agraria/Kepala BPN 5/1999 concerning guidelines to resolve problems of ulayat rights of adat communities/*pedoman penyelesaian masalah hak ulayat masyarakat hukum adat*)

Minister of Agraria/head of the NLA attachment letter dated 10 February 1999 to Regulation 2/1999.

Ministry of Agraria/Head of NLA Regulation 9/1999 on the procedure for the granting and cancellation of rights on state land and the right to manage (*tata cara pemberian dan pembatalan hak atas tanah Negara dan Hak Pengelolaan*)

Ministry of Agraria/Head of NLA Regulation 2/1999 (*tentang Izin Lokasi*).

Peraturan Menteri Agraria/Kepala BPN No. 2 tahun 1999 tentang izin lokasi)

Ministry of Agraria/Head of NLA Regulation 2/1999 on site permits

Ministry of Agraria/Head of the NLA Regulation No. 2/1999 (on site permit).

District of Sukabumi (DR) 10/1999 (RTRW Sukabumi)

District of Tasikmalaya (DR) 8/1999 (RTRW Tasikmalaya)

Supreme Court Regulation (*peraturan MA*) 1/1993 jo. 1/1999.

Mayor of Bandung Decree 170/1999 on the procedure to process site permit applications.

Mayor of Bandung Decree 170/1999 on the procedure to obtain site permit as implementation of Ministry of Agraria/Head of NLA Regulation 2/1999 on site permit (*tata cara pemberian izin lokasi dalam rangka pelaksanaan*

Mayoral Decree (Keputusan Walikotaamadya Kepala Daerah Tingkat II Bandung) 170/1999 (on the process of issuing site permit to implement Ministry of Agraria/Head of BPN regulation 2/1999 on the procedure to obtain a site permit (*tatacara pemberian izin lokasi dalam rangka pelaksanaan PerMenAg/kepala BPN.2/1999*).

2000

PCA Decree 3/2000 on the Formal Legal Sources and Hierarchy of Law (*TAP MPR III/MPR/2000 tentang Sumber Hukum dan Tata*)

Law 23/2000 (establishment of the Province of Banten).

Law 25/2000 on the national development program (*program pembangunan nasional/propenas*)

GR 25/2000 on the scope of authorities of the central government and the province as autonomous region (*PP 25/2000 tentang Kewenangan Pemerintah dan Kewenangan Propinsi sebagai Daerah Otonom*).

GR 84/2000 on the directives on the establishment of regional government services and offices (*pedoman organisasi perangkat daerah*).

GR 129/2000 on the requirement to establish and criteria for the establishment, abolition and the joining of regions (*persyaratan pembentukan dan criteria pemekaran, penghapusan, dan penggabungan daerah*)

Presidential Decree No. 64 of 2000.

Presidential Decree 96/2000 as amended by 118 (2000): foreign investment negative list (*daftar investasi negative*).

Presidential Decree 98-118 of 2000 (amended list for investment) and other implementing regulations as elaborated by the Investment Coordinating Board at the central and regional levels.

Presidential Decree 4/2000 on recommendations for the implementation of regional autonomy

Bandung Major's Decree 593.82/SK.225-Yantap/2000 regarding the award of *izin lokasi* for the development of an integrated tourism area "Bukit Dago Raya" to PT. DUSP, dated 18 March 2000.

Bandung Municipality Regulation (DR) 5/2000 *tentang Pola Dasar Pembangunan Daerah Kota Bandung 2000-2004*,

Bogor District Regulation 17/2000 (RTRW Kabupaten Bogor)

Recommendation Letter 660.1/13A-Bapedalda (dated 8 February 2000).

Recommendation Letter 643/317.4-Bappeda (dated 4 March 2000)

Supreme Court Decision 512 K/TUN/2000; Administrative High Court Decision (22/B/1999/PT.TUN-Jakarta, 17 December 1999); Administrative Court in the first instance (05/G/1998/P.TUN. Bdg (13 August 1998) (with judges: Paulus E. Lotulung; Widayatno Sastroharjono and Titi Nurmala Siagian).

Supreme Court Decision 92 K/TUN/2000 (with judges: Hj. Asma Samik Ibrahim; Benjamin Mangkoedilaga and Laica Marzuki).

2001

The People's Consultative Assembly's (PCA) Decree 9/2001 (9 November 2001) re. Agrarian Reform and Management of Natural Resources (*Pembaruan Agraria dan Pengelolaan Sumber Daya Alam*).

Presidential Decree 10/2001 (implementation of regional autonomy in the field of land policy/law)

Presidential Decree 62/2001;

Presidential Decree 103/2001);

Presidential Decree 127/2001 on economic activities reserved for small-middle scale businesses (*bidang-bidang yang dicadangkan untuk UKM*) and business activities declared open for middle large-scale business with the obligation to form partnerships with small scale businesses (*bidang yang terbuka untuk usaha menengah dan besar dengan kewajiban bermitra*).

Decree 5/2001 on implementing the recognition of municipal/district attributed or delegated authorities (*tentang Pelaksanaan Pengakuan Kewenangan Kabupaten/Kota*).

Bandung District Regulation (DR) 1/2001 (RTRW; 2001-2010).

Bandung DR 9/2001 *tentang Program Pembangunan Daerah (Propeda) Kota Bandung 2000-2004*.

Bandung Mayoral decree (*Surat keputusan Walikotamadya Kepala Daerah Tingkat II Bandung*) 2/2001.

Bandung municipal regulation (*Peraturan Daerah Kota Bandung*) 2/2001 on the authorities the Bandung municipality possesses as an autonomous region (*tentang Kewenangan Daerah Kota Bandung sebagai Daerah Otonom* (7 March 2001).

District of Bandung Regulation (DR) 12/2001 (RTRW Kabupaten Bandung)

District of Bandung Regulation (DR) 1/2001 (RTRW Kabupaten Bandung).

Mayor of Bandung Decree 593/Kep. 434-BagHuk/2001 (determination of the area designated for land consolidation at the sub-district of Cidadap, Ciumbuleuit) dated 6 August 2001).

2002

PCA Decree 6/2002

Law 28/2002 on the Construction of Buildings

GR 34/2002 on forest planning, exploitation and use (*tata hutan dan penyusunan rencana pengelolaan hutan, pemanfaatan hutan dan penggunaan kawasan hutan*).

Ministry of Public Work Decree (KepMenKimpraswil) 327/Kpts/M/2002 on 6 guiding principles for spatial management (*penetapan enam pedoman bidang penataan ruang*).

Bandung DR 4/2002 (amendment to DR 25/1998 on land use determination permit)

Mayor of Bandung Decree 593/Kep.1068-Huk/2002; establishment of land consolidation team for Puncut/Ciumbuleuit Area).

Municipality of Bandung Regulation (Perda Kota Bandung) 27/2002 on the Nuisance Permit and Business Permit (*izin gangguan dan izin tempat usaha*).

2003

PCA Decree 5/2003

Law 12/2003 (general election for parliament members and regional representatives);

Law 22/2003 (on the status and position of the People's Consultative Assembly, Parliament, Regional Representative Body (*dewan perwakilan daerah*) and regional parliaments);

Law 23/2003 (general election to choose president and vice president).

Law 24/2003 (the Constitutional Court)

GR 8/2003 (amendment to GR 84/2000 on the directives on the establishment of regional government services and offices) PCA Decree 5/2003 (recommendations to State Organs)

GR 30/2003

Presidential Regulation 34/2003 on national policy in the land sector (*kebijakan nasional di bidang pertanahan*)

Presidential Decree 34/2003 (distribution of land authorities between the NLA and the Districts).

Presidential Decree 34/2003 (national policy on land policy/law).

Head of the NLA's Decision 2/2003 on norms and standard mechanisms for the performance of delegated land authorities to the districts (*tentang Norma dan Standar Mekanisme Ketatalaksanaan Kewenangan Pemerintah di Bidang Pertanahan yang Dilaksanakan oleh Pemerintah Kabupaten/Kota*).

West Java Provincial Regulation 2 of 2003 on Regional Spatial Planning)

Decree of the Head of the NLA 2/2003 on the norms and standard mechanisms for the implementation of the central government's authority in land affairs as performed by (*yang dilaksanakan oleh*) the regional governments.

District of Cimahi Regulation (DR) 23/2003 (RTRW Kota Cimahi).

Mayor of Bandung Decree No. 595.82/Jep.1132-Huk/2003 on the site permit granted to PT. Bumi Antapani Mas (*pemberian izin lokasi untuk keperluan pembangunan perumahan atas nama Pt. Bumi Antapani Mas beralamat di Jl. Cicalengka Raya no. 27 Bandung seluas $\pm 55/000 m^2$ (± 5.5 ha) terletak di Kelurahan Antapani, Kecamatan Cicadas Kota Bandung*).

Municipal Regulation (MR-Semarang) 16/2003 (RTBL Semarang).

Agreement made by governors in Indonesia at a national workshop organized by the National Spatial Planning Coordinating Board (*keepakatan Gubernur seluruh Indonesia pada Rapat Kerja Nasional Badan Koordinasi Tata Ruang Nasional*), (Surabaya 14 July 2003).

2004

The People's Consultative Assembly's Decree 4/1999 (Broad Guidelines on State Policy 2004-2009).

Law 10/2004 on Law-making (*UU 10/2004 tentang Pembentukan Peraturan Perundang-Undangan*).

Law 9/2004 (amending Law 5/1986) on the Administrative Court (PTUN)

Law 10/2004 on the process of law making (*pembentukan undang-undang*).

Law 14/2008 on transparency of public information (*keterbukaan informasi publik*)

Law 25/2004 concerning the national development planning system (*sistem perencanaan pembangunan nasional*).

Law 32/2004 as amended by Law 8/2005.

Government Regulation 16/2004 on land use (*penatagunaan tanah*).

GR 16/2004 on land use management (*penatagunaan tanah*).

GR on land use (16/2004; *penatagunaan tanah*).

Ministry of Culture and Tourism Decree KM.51/2004 and Ministry of Culture and Tourism Regulation PM.34/2008 on the protection of important national cultural objects or heritage (*pengamanan objek vital nasional di bidang kebudayaan dan pariwisata*).

Bandung Municipality Regulation (DR) 2/2004 on spatial planning of the city of Bandung (*rencana tata ruang wilayah kota Bandung*)

Joint declaration (Surat Kesepakatan Bersama) 31/2004; 23/2004, 21/2004; 650/Kep.521-Bappeda/2004; 23 of 2004) re. cooperation with regard to infrastructure management and development of the Bandung Metropolitan Area.

Perda No. 2/2004 on spatial planning of the city of Bandung (*rencana tata ruang wilayah kota Bandung*) dated 10 February 2004). In 2005, an effort to amend this Perda had already begun. In 2006, the municipal government issued Perda No.3/2006 on the amendment of Perda No. 2/2004.

The Memorandum of Understanding of 26 July 2004 by the Governor and the Mayor and District Head of respectively the municipalities of Bandung and Cimahi and the districts Bandung and Sumedang.

2005

Presidential Regulation (PerPres) 36/2005 (amended by PerPres 65/2006) on land acquisition for development in the public interest.

Presidential Regulation 7/2005 on middle term development plan 2004-2009 (*rencana pembangunan jangka menengah 2004-2009*).

Presidential Decree 36/2005 (amended by PD 65/2006)

Forestry Ministerial Regulation P.13/Menhut-2/2005, concerning the Organization and Management of the Forestry Planning Agency

PT. DUSP SIPPT as issued by the Bandung City Planning Service (*Dinas Tata Kota*) (503.640/3095/DTK/XII/2005 dated 8 December 2005).

Mayor of Bandung Permit (*Surat Izin Walikota Bandung*) 593/01-DBM/2005 allowing Fandam Darmawan to cut and fill land acquired by PT. DUSP (*Izin Pematangan Tanah/Lahan a.n. Fandam Darmawan*) (13 January 2005).

Ministry of Home Affairs Circular Letter 050/2020/SJ dated August 11, 2005 addressed to Governors, Heads of the Provincial Parliaments, Mayors and District Heads and local parliaments.

Bandung Permit (Surat Izin Walikota Bandung) 620/06-DBM/2005 dated 13 January 2005.

Bandung Mayoral Decree no. 640/Kep 641-Huk/2005, dated 12 August 2005 on the environmental feasibility of the development of an integrated tourism area as a new form of environmental impact assessment (*kelayakakan lingkungan pembangunan kawasan wisata dan wisata terpadu punclut sebagai bentuk izin amdal baru*).

2006

Presidential Regulation 10/2006 on the National Land Agency (*Badan Pertanahan Negara*).

Pursuant to Ministry of Public Works Regulation (MPWR) 11A/2006.

Bandung Municipality Regulation 3/2006 on the amendment of Bandung DR 2/2004

Governor of West Java Decree No. 611.1/kep.124-sarek/2006

Mayor of Bandung decree No. 593.82/Kep.158-Huk/2006 (*persetujuan penetapan lokasi pengadaan tanah untuk kepentingan pengembangan sarana olahraga terbuka di lingkungan kampus politeknik manufaktur Bandung*)

Mayoral Regulation (*Peraturan Walikota*) 981/2006 on the detailed spatial planning of the development area of Cibeunying (*Rencana Detail Tata Ruang Kota (RDTRK) Wilayah Pengembangan Cibeunying*)

Mayoral Regulation 685/2006 on the detailed planning for the development area of Gedebage (RDTRK *Wilayah Pengembangan Gedebage*).

2007

PCA decree “*tentang penyelenggaraan Otonomi Daerah; Pengaturan, Pembagian, dan Pemanfaatan Sumberdaya Nasional yang Berkeadilan; serta Perimbangan Keuangan Pusat dan Daerah dalam Kerangka Negara Kesatuan Republik Indonesia*”.

Law 12/2007 on the establishment of the West Bandung District (*pembentukan Kabupaten Bandung Barat*).

Law 17/2007 (*Rencana Pembangunan Jangka Panjang/RPJP* (Long Term Development Planning) of 2005-2025

GR 78/2007 (on the procedure for establishment, abolition and joining of regions (*tentang tata cara pembentukan, penghapusan dan penggabungan daerah*))

Decree of the President of the Supreme Court of the Rep. of Indonesia, 019/KMA/SK/II/2007 dated 19 February 2007 concerning the appointment of a research team to conduct evaluation on law making through Jurisprudence (*penunjukan tim penelitian pembentukan hukum melalui yurisprudensi*).

Joint Circular letter (Ministry of Home Affairs & Bappenas/State Ministry of National Development Planning) 0008/M.PPN/01/2007 – 050/264/A/SJ concerning technical directives to perform *musrenbang* in 2007 (*teknik penyelenggaraan musrenbang tahun 2007*).

Ministry of Home Affair Decree 050-187/Kep/Bangda/2007 concerning the guidance to evaluate the implementation of the development planning consensus (*pedoman penilaian dan evaluasi pelaksanaan penyelenggaraan musyawarah perencanaan pembangunan*).

Ministry of Home Affair Regulation 1/2007 on urban-open green area planning and management (*penataan ruang terbuka hijau kawasan perkotaan*)

Ministry of Public Works Decree 390/Kpts/M/2007

MAR 3/2007 on the implementation of PR 36/2005 as amended by PR 65/2006.

SPL 26/2007

2008

GR 2/2008: “non tax tariff stemming from the use of forested areas for non-forestry use” (*jenis dan tarif atas jenis penerimaan negara bukan pajak yang berasal dari penggunaan kawasan hutan untuk kepentingan pembangunan di luar kegiatan kehutanan yang berlaku pada departemen kehutanan*).

GR 26/2008 (the national spatial plan)

President Regulation 54/2008 on the management of Jakarta, Bogor, Depok, Tangerang, Bekasi, Puncak and

Ministry of Home Affair Regulation 1/2008 on directives for urban planning (*pedoman perencanaan kawasan perkotaan*).

Ministry of Home Affair’s Regulation 28/2008 on the procedure to evaluate draft regulations on provincial and district spatial planning (*tentang tata cara evaluasi rancangan peraturan daerah tentang rencana tata ruang daerah*)

Letter nos. S.314/Menhut-VII/2008 and 182/044.2/Kum/Din (perhutani) concerning the dispensation granted to use forest land to start construction work of the Jatigede dam (*dispensasi pemanfaatan kawasan hutan untuk dimulainya pelaksanaan pembangunan waduk jatigede*).

Peraturan Daerah Provinsi Jawa Barat No. 1/2008 tentang Pengendalian Pemanfaatan Ruang Kawasan Bandung Utara (control over land use of the North Bandung Region).

West Java Governoral Regulation 21/2009 on the technical guidance on the implementation of Provincial Regulation 1/2008.

West Java Provincial Regulation 1/2008 on the Monitoring of Land Use in the North Bandung region (*Pengendalian Pemanfaatan Ruang Kawasan Bandung Utara no. 1/2008*)

District of Bandung Regulation (DR) 3/2008 (RTRW Kabupaten Bandung)

Cianjur (*penataan kawasan Jakarta, Bogor, Depok, Tangerang, Bekasi, Puncak and Cianjur*).

Decree of the Head of the Sumedang District 503.PL/SK.015-PTPSP/2008 on the determination of location for resettlement.

2009

Law 25/2009 on public service (*pelayanan publik*).

Public Works Regulation 11/ppt/m/2009 pertaining to directives addressed to provinces and districts on how to formulate their respective general and detailed spatial plans (*tentang pedoman persetujuan substansi dalam penetapan rancangan peraturan daerah tentang rencana tata ruang provinsi dan rencana tata ruang kabupaten/kota beserta rencana rincinya*).

APPENDIX II

LIST OF INTERVIEWS/PERSONAL COMMUNICATIONS

Agus Setiawan (Setra Duta Regency), August-September 2004.

Adrian, working at the estate/town management of Kota Baru Bumi Parahyangan, 20 April 2005.

Agustinus Pohan, resident of Dago Resor Pakar, 25 July 2006.

Ani Widayani from the West Java Provincial Development Planning Board, 2 November 2004.

Ariadi Suryo Ringoringo, from the Poor People's Association/Serikat Rakyat Miskin Indonesia, 28 January 2009.

Asep Warlan Yusuf, 8 October 2005; 27 August 2005, 20 August 2006.

Djamhari, former Head of Bekasi District (1995-1999), 25 May 2005; 10 August 2005.

Dondy, a technical consultant (planner) for PT. Inaka Mulya, 12 January 2010.

Eric, The head of the legal service of the Bandung municipality, 23 May 2010.

Ibu Roros, long-time Kampong Cipicung resident, 20-21 June 2004.

Joshua Wahyudi, 30 July 2005.

Koerniatmanto, a professor in law at Unpar, 20 August, 2006.

Mrs. Sumi from sub section of planning, city planning service, 17 August 2005.

Nandang, from the Dinas Tata Kota Pemkot Cimahi, 25 February 2004.

Neneng, working at the Bappeda Bandung, 20 July 2004.

Reny SH, notary public, working in Bandung, 1 August 2005.

Rosiman Karmono, from the city planning service, Bandung, 10 August 2004.

Rudy Gandakusuma, Legal Officer at the West Java Provincial Government, 10 August 2005.

Setiawan, Bandung, 2 September 2005.

Soemardjito, NLA Jakarta, 17 February 2009; 25 March 2009.

Suharsono, West Java Provincial Bapedalda (Environmental Impact Monitoring Board), 15 August 2005; 15 September 2004.

Taufan Suratno, DPKLTS, 20 August 2004; 8 August 2007.

Teddy Kardin, 22 June 2005.

Tigor Sinaga, the vice head of West Java branch of Real-Estate Indonesia, 25 May 2005.

Tita Pathi, from the Directorate of Public Works for the West Java Province, 16 May 2005.

Wisandana, Environmental service of the West Java Province, 2 September 2005