

Implementation of Detailed Spatial Planning in Business Licensing in The Singaraja Urban Area

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Abstract

This study analyzes the implementation of a detailed spatial plan integrated with the business licensing system in the urban area of Singaraja, which is now run through the Online Single Submission Risk Based Approach (OSS RBA) system. The purpose of this study is to analyze the mechanism for implementing business licensing and examine the legal consequences for business actors who do not comply with the provisions of the RDTR. The method used is empirical legal research with a legislative, sociological, and analytical approach. Data were obtained through interviews, observations, and document studies at the Investment and One-Stop Integrated Service Office, the Public Works and Spatial Planning Office of Buleleng Regency and several business actors in the urban area of Singaraja. The results of the study show that normatively and administratively, the implementation of Buleleng Regent Regulation Number 5 of 2021 has increased licensing efficiency and service transparency. However, its implementation has not been fully effective, as seen from the ongoing violations of the RDTR, weak law enforcement, and incomplete integration of the RDTR with the KBLI in the Online Single Submission Risk Based Approach (OSS RBA). Violations of the provisions of the RDTR can result in legal consequences in the form of administrative sanctions. However, the sanctions have not been implemented effectively because they are still under review.

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Introduction

Space is a means to support community activities or life which is a gift from God Almighty. Based on Article 1 number 1 of Law Number 26 of 2007 concerning Spatial Planning, hereinafter referred to as UUPR:

Space is a container that includes land space, sea space, air space, including space within the earth as a single territorial unit, where humans and other creatures live, carry out activities, and maintain their survival.

Space can bring benefits and prosperity to the lives of the Indonesian people. Therefore, space must be managed by the state appropriately, systematically and sustainably in accordance with the mandate of Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia (hereinafter abbreviated as the 1945 Constitution of the Republic of Indonesia), which reads:

"The earth, water and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people."

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The role of spatial planning is very necessary to create a balanced and sustainable condition between needs and availability that covers all aspects of community life towards the desired goals. Planning has the meaning to realize better conditions in the future by considering the tendencies and dynamics of developments that exist in the past and present. Spatial planning is a form of spatial planning that contains spatial planning, spatial utilization and control of spatial utilization should be used as a reference for development policies in each sector, cross-sector, and region so that spatial utilization can be implemented synergistically, harmoniously and sustainably. Spatial planning is the process of spatial planning, spatial utilization, and spatial control. (Urip Santoso,2012) Spatial planning aims to create regional space that meets development needs while always being environmentally aware, efficient in investment allocation patterns that are synergistic and can be used as a reference in compiling development programs to achieve community welfare.

Previous research also shows that spatial planning and business licensing issues are real issues that continue to receive attention. Fatmawati et al. (2024) found that weak law enforcement and conflicts of interest were the main obstacles to controlling spatial use in Kendari City. Safitri, Aulia, and Hendrayady (2023) emphasized the importance of integrating the RDTR with the OSS-RBA in ensuring legal certainty for MSME licensing in Bintan. Meanwhile, Risni (2024) showed that although digitalization of licensing through the OSS increases transparency, business actors' understanding remains a barrier to implementation. These findings reinforce the urgency of research on the implementation of the RDTR in business licensing in the Singaraja Urban Area.

The urban area of Singaraja has quite rapid development dynamics, with an increasing number of business actors contributing to regional economic growth. This rapid development has driven the need to regulate and manage urban space in a more structured and sustainable manner. One of the efforts taken by the local government to address this is by issuing Buleleng Regent Regulation Number 5 of 2021 concerning the Detailed Spatial Plan for the Singaraja Urban Area for 2021-2041. This regulation is part of the government's efforts to provide more detailed direction on the use of space in urban areas, which includes land use, zoning, and allocation of spatial functions for various activities, including for commercial businesses, housing, and green open areas. Singaraja City, which is the center of economy and government in Buleleng Regency, faces challenges related to the management of increasingly limited space along with population growth and the development of the economic sector. Therefore, the existence of a Detailed Spatial Plan (hereinafter abbreviated as RDTR), which regulates various aspects of land use in this urban area, is very important, because the RDTR aims to create more organized spatial management, avoid land misuse, and facilitate sustainable development. In addition, this RDTR also aims to improve the quality of life of the community by regulating the balanced distribution of spatial functions, so that it can support economic development without ignoring environmental aspects. However, the existence of this RDTR not only functions as a guideline for the government in planning city development, but also plays an important role in the aspect of business licensing. One of the main implications of the existence of the RDTR is the need to adjust the business licensing system in Singaraja City, which was previously more general and administrative, to be more specific and focused on the suitability between business locations and zoning provisions, road boundaries and buildings, in the spatial planning that has been determined. In this case, Buleleng Regent Regulation Number 5 of 2021 (hereinafter abbreviated as Buleleng Regent Regulation No. 5 of 2021) is the legal basis that regulates how business licensing in the Singaraja urban area is implemented.

Based on the provisions of Buleleng Regent Regulation No. 5 of 2021, every business actor who wants to carry out business activities in the Singaraja urban area is required to adjust the type and location of their business to the zoning provisions stipulated in the RDTR. The implementation of a business licensing system based on the RDTR has a direct impact on the sustainability and smoothness of business operations, including for business actors who already have permits before these provisions are enforced. In some cases, one of the businesses that previously operated legally is now facing zoning discrepancies, for example when their business location is in an area that has changed function to a residential or conservation area. This discrepancy can lead to restrictions or even prohibitions on certain types of businesses in the area. The implementation of business licensing after the enactment of Buleleng Regent Regulation No. 5 of 2021 also has an impact on more structured and transparent licensing procedures. The local government has implemented an electronic-based licensing system, the Online Single Submission – Risk-Based Approach (hereinafter abbreviated as OSS RBA). which allows the

licensing process to be faster and more easily accessible to business actors. However, the transition to a more modern licensing system does not necessarily run smoothly. Some challenges that may be faced are infrastructure readiness, limited understanding of business actors about new procedures, and potential technical obstacles in using the Online Single Submission Risk Based Approach (OSS RBA) system. Therefore, intensive socialization is needed to ensure that business actors can optimally utilize the new licensing system. In 2024 in the Singaraja urban area there are 6,826 businesses that have a Business Identification Number (NIB). In this context, the implementation of business licensing based on the RDTR requires business actors to follow the provisions set out in the regulation. This includes a clear understanding of zoning, land use and buildings that are permitted for certain businesses. Business actors must ensure that their business location is in an area that complies with existing provisions, adjust their type of business, and ensure the suitability of buildings, road boundaries and others so as not to conflict with applicable regulations.

Meanwhile, business actors who already have permits to operate in the Singaraja Area must still pay attention to the new provisions imposed in the RDTR. Although the business being run does not comply with the new provisions, to date there have been no administrative sanctions such as freezing of permits or closing of businesses. Instead, the authorities are more focused on coaching and efforts to help business actors adjust to existing provisions. However, it is important for business actors to understand the applicable provisions and make adjustments to their permits and business operations, in order to avoid potential legal problems in the future.

Table 1. Data on Spatial Utilization Control Development Activities in the Singaraja Urban Area in 2024

No	Address	Description	Types of Violations
1	Dewi Sartika Selatan Street No. 22, Kali-untu Subdistrict	Indomaret Store Building	Public Service Facilities (SPU) Sports Zone at Sub-district Level, so it does not comply with Spatial Planning Designation.
2	Mayor Metra Street Liligundi Subdistrict	LPD Building Not equipped with PBG	Tourism Zone Sub-Zone for Cultural Tourism, so it does not comply with Spatial Planning Designation.
3	Banyuasri Subdistrict	Playground Building and culinary	The building does not comply with Building Boundary Regulations.
4	Ratna Street Banyuasri Subdistrict	Campus Buildings	The building does not comply with Building Boundary Regulations and Building Height.
5	Sambangan Village	Health clinic building	The building does not comply with Building Boundary
6	A. Yani Street Kali-	Cooperative Building	The building does not comply with Building Boundary
7	A. Yani Street No. 167 E Singaraja, Kel.	Shophouse building for rent	The building does not comply with Building Boundary Regulations.
8	Udayana Street	Coffee Shop Building.	The building does not comply with Building Boundary
9	Beratan Subdistrict	Shophouse Building	The building does not comply with Building Boundary
10	Panji Village	Shop Building	The building does not comply with Building Boundary

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11	Ki Barak Panji Road, Panji Village	Pharmacy Shop Building	The border of the building to the road does not comply with the provisions
12	Komodo Island Street No. 19X, Ex. Banyuning	Private Clinic Activities	The border of the building to the road does not comply with the provisions
13	Sri Madia Street BTN Multi Banyuning Lestari, Banyuning	Boarding House Building	The building does not comply with Building Boundary Regulations.
14	Durian Street Number 2 B, Banjar Bali Subdistrict	Drug Store Building	Building borders on roads and Basic Building Coefficient does not comply with the provisions
15	Pantai Indah Street Gang Pantai Indah II, Baktiseraga	Boarding House Building	Building borders on roads and Basic Building Coefficient does not comply with the provisions
16	Kumbakarna Street No. 28 LC 10, Baktiseraga	Boarding House Building	The building does not comply with Building Boundary Regulations.
17	Setiabudi Street No. 71, Ex. Banyuning	Optical Equipment Shop Building	The border of the building to the road does not comply with the provisions
18	Ahmad Yani Street No. 100 Singaraja, Kel. Kali-	National Savings Cooperative Building	The border of the building to the road does not comply with the provisions

Data source: Public Works and Spatial Planning Agency (DPUTR) of Buleleng Regency 2024.

In the 2024 spatial utilization control development activities in the Singaraja Urban Area, business actors were still found operating in locations that did not comply with the provisions as stipulated in the Detailed Spatial Plan (RDTR). Based on data on spatial utilization control development activities carried out by the Public Works and Spatial Planning Agency (DPUTR) of Buleleng Regency throughout 2024, it was recorded that there were eighteen (18) business buildings that were declared not to comply with the provisions of the RDTR. This number, although not quantitatively significant when compared to the total number of business actors in the area, still shows challenges in terms of supervision and enforcement of spatial planning regulations. The lack of assertiveness in controlling these violations can lead to inequality in law enforcement and create uncertainty for other business actors who have tried to adjust to applicable regulations. Therefore, business actors who are aware of any inconsistencies should immediately make adjustments, such as moving their business location or adjusting their type of business activities. If adjustments are not made, the risk of legal problems remains open, although the approach currently taken by the local government is still in the form of guidance rather than imposing strict administrative sanctions. The local government also needs to ensure that the socialization of the RDTR provisions is carried out comprehensively and provide adequate assistance, and gradually increase the firmness in the implementation and enforcement of the provisions in order to create legal certainty and a fair and orderly business climate in the Singaraja area. There needs to be intensive and structured socialization and assistance to business actors so that they can understand and comply with the RDTR provisions, especially in the context of integration with the OSS RBA system, to ensure the success of implementation and its benefits for all stakeholders. This study will critically analyze these challenges and their impact on business licensing, and provide policy recommendations to overcome these challenges and increase the effectiveness of RDTR implementation.

This study also needs to evaluate the legal consequences that may arise for business actors who do not comply with the provisions of the RDTR, both in the form of administrative sanctions, such as freezing of permits, revocation of business permits, and fines; or in the form of civil sanctions if losses arise for third parties due to the violation. In addition, serious violations of spatial planning provisions that cause environmental damage or threaten public safety can have implications for criminal sanctions in accordance with applicable laws and regulations. The potential for lawsuits from the community or other stakeholders also cannot be ignored. With this study, it is hoped that a more complete understanding can be obtained regarding the effectiveness of spatial planning policies in supporting an orderly, fair, and sustainable business climate in urban areas. Therefore, it is important to study further and the author is interested in discussing and taking the research title "Implementation of Detailed Spatial Planning in

Business Licensing in the Singaraja Urban Area".

Based on the background presented, the problems that will be discussed in this paper are: How is the implementation of business licensing based on the Detailed Spatial Plan in the Singaraja Urban Area? and What are the legal consequences for business actors who do not comply with the provisions of the Detailed Spatial Plan?

Method

This study employs a juridical-empirical legal research method using a mixed approach that combines normative (doctrinal) and empirical (field-based) research, thereby allowing an analysis of the correspondence between written legal norms and their practical implementation. The normative approach was carried out by examining relevant statutory regulations, including Law Number 26 of 2007 on Spatial Planning, Government Regulation Number 5 of 2021 on Risk-Based Business Licensing, Government Regulation Number 16 of 2021 on Buildings, and Buleleng Regent Regulation Number 5 of 2021 on the Detailed Spatial Plan (RDTR) of the Singaraja Urban Area. Meanwhile, the empirical approach was employed to assess the practice of implementing risk-based business licensing through the OSS-RBA system and its application to zoning provisions within the RDTR. The research data consisted of primary data obtained through interviews with officials of the Department of Public Works and Spatial Planning (DPUTR), the Investment and One-Stop Integrated Services Office (DPMPTSP) of Buleleng Regency, as well as business actors selected purposively based on their involvement in the licensing mechanism or zoning violations; and secondary data consisting of statutory regulations, RDTR documents, DPUTR supervision reports for 2024, and relevant legal literature. Data collection techniques included document studies, semi-structured interviews, and field observations of business locations identified as violating zoning provisions. All collected data were qualitatively analyzed using an interpretative approach, involving the coding and categorization of empirical findings which were then integrated with the results of normative analysis, and employing the theoretical frameworks of legal certainty, legal effectiveness, and legal utility to draw comprehensive conclusions regarding the implementation of business licensing based on the RDTR in the Singaraja Urban Area.

Results and Discussion

Implementation of Business Licensing Based on Detailed Spatial Planning in the Singaraja Urban Area

The general definition of a permit is an approval from the authorities based on laws or government regulations in certain circumstances that may deviate from several provisions of the prohibition of legislation. Licensing is the granting of legality to a person or business actor or certain activity, either in the form of a permit or a business registration certificate. A permit is one of the most widely used instruments in administrative law, to direct the behavior of citizens (Philipus M. Hadjon, 1993). Licensing is an important function of the government in regulating and controlling community activities, whether in the form of business, development, or other activities. Permits act as a tool of order so that there is no conflict of interest in the use of space, and as a regulator so that every activity is in accordance with the provisions of the allocation of space. As a legal instrument, permits are also a tool of government control to create an orderly, directed, and just society, so that their implementation must be based on legitimate legal authority.

The implementation of the business licensing system in Singaraja City has gone through a long journey, starting from a complex manual system before the reform, to a more efficient digital transformation. In the past, business actors had to take care of many permits to various different agencies, which caused complexity and legal uncertainty. The reform brought about changes with the establishment of a one-stop service institution such as DPMPTSP to simplify the licensing process. Digitalization efforts began to be implemented between 2011–2017, although they were not yet fully integrated, especially in terms of spatial planning. A big leap occurred in 2018 with the presence of the Online Single Submission (OSS) system which introduced the NIB (Business Identification Number) and commitment-based licensing. This system provides convenience, but still faces technical obstacles and low digital literacy among MSME actors. Licensing reform reached its peak with the enactment of the

Job Creation Law and the OSS RBA system, which emphasizes the importance of the suitability of spatial utilization activities (KKPR) as the main requirement for permits. In response to this policy, Buleleng Regency issued Perbup No. 5 of 2021 concerning the Singaraja Urban Area RDTR, which is the legal basis for determining suitable zones for business activities. This RDTR has been integrated into the GISTARU system, so that zoning confirmation can be carried out automatically in the OSS RBA, accelerating the licensing process and increasing legal certainty. The implementation of the RDTR provides real benefits for business actors, including easy access to zoning information, more targeted business planning, and development control to align with spatial plans. However, challenges still exist, especially the lack of understanding from business actors and village officials regarding the role of the KKPR and the importance of the RDTR. Many still view licensing as merely an administrative matter, not part of spatial policy. Therefore, the success of implementing spatial-based licensing is highly dependent on the legal certainty provided by regulations. The Theory of Legal Certainty is relevant here, because clear, consistent, and publicly accessible regulations will provide a sense of security and stability for business actors in planning their activities legally and sustainably.

Regent Regulation No. 5 of 2021 concerning the RDTR of the Singaraja Urban Area for 2021-2041 brings quite fundamental changes to the procedures for business licensing in the Singaraja urban area. One of the main changes is the adjustment of permit requirements which are now more structured and adjusted to the applicable spatial zoning. This means that business actors must ensure that the type of business being run is in accordance with the spatial designation that has been determined in the RDTR. The licensing procedure is also made simpler and more efficient by integrating the entire process into the OSS RBA system, which allows business actors to apply for permits online without having to come directly to the office. In addition, this regulation differentiates the licensing process based on the level of business risk, so that businesses with low risk can automatically obtain permits if they meet the provisions of the RDTR. The period for issuing permits has also become shorter and more measurable, providing convenience and certainty of time for business actors. Licensing costs are also made more transparent and adjusted to business classifications, so that there are no more hidden costs that burden business actors. The issuance of permits by the Regional Government is an implementation of the concept of regional autonomy related to the division of authority between the Central Government and the Regional Government. This is intended to ensure effective and efficient governance. In the last few decades, the main problems faced by business actors in starting a business in Indonesia are the difficulty of managing permits to do business, business actors are faced with complicated business licensing procedures, the many types and numbers of permits that must be owned, the long time it takes to process permits, and the high costs of starting and running a business in Indonesia. This condition is exacerbated by the low quality and consistency of regulations and rampant corruption which results in high costs to obtain business permits.

The enactment of the Job Creation Law and its implementing Government Regulations as stated in the dictum of Government Regulation Number 6 of 2021 (hereinafter abbreviated as PP No. 6 of 2021), the implementation of business licensing aims to provide legal certainty in doing business, improve the investment ecosystem and business activities and maintain the quality of licensing that can be accounted for, it is necessary to support the implementation of business licensing in regions that are fast, easy, integrated, transparent, efficient, effective, and accountable. The implementation of business licensing is carried out in an integrated manner electronically based on the NSPK stipulated by the central government. The implementation of business licensing is regulated in PP no. 5 of 2021 and PP No. 6 of 2021. Based on the provisions of these laws and regulations, business activity licensing is carried out based on the level of risk which will later determine the type of Business Licensing. The implementation of risk-based business licensing is carried out through the OSS RBA System. The determination of the type of business and the level of business risk has also been regulated in Attachment I of PP No. 5 of 2021. The types of business permits and forms of business permits regulated in Article 12, Article 13, Article 14 and Article 15 include:

Article 12

(1) Business Licensing for business activities with a low risk level as referred to in Article 10 paragraph (1) letter a is in the form of a NIB which is the identity of the Business Actor as well as the legality to carry out business activities.

Article 13

(1). Business Licensing for business activities with a medium to low risk level as referred to in Article 10 paragraph (2) letter a is in the form of:

- a.NIB; and
- b. Standard Certificate

Article 14

(1). Business Licensing for business activities with medium to high risk levels referred to in Article 10 paragraph (2) letter a in the form of:

a s

- a.NIB; and
- b. Standard Certificate

Article 15

(1). Business Licensing for business activities with a high level of risk as referred to in Article 10 paragraph (1) letter c is in the form of

- a.NIB; and
- b. Permission.

Based on the provisions of the Article, the types of business permits determined based on the level of risk consist of NIB, Standard Certificates and Permits. In addition to fulfilling business permits, business actors are required to meet the basic requirements for Business Permits. The basic requirements for business permits are stated in Article 5 of PP No. 5 of 2021, including:

KKPR, Regulations regarding KKPR are regulated in Government Regulation Number 21 of 2021 concerning Spatial Planning. The definition of KKPR as regulated is the conformity of spatial utilization with the spatial plan. So the location of a business that wishes to obtain a business license must be in accordance with the spatial plan of a region. The KKPR regulations that are regulated are KKPR for business activities, KKPR for non-business activities and KKPR for National Strategic Areas. Regarding risk-based business licensing, the KKPR that must be fulfilled by the community or business actors is the KKPR for business activities. KKPR for Non-UMK is obtained through the OSS RBA system with the Confirmation of Conformity of Spatial Utilization Activities (hereinafter abbreviated as KKKPR) mechanism if in the area for which the KKKPR RDTR is requested it has been integrated with the OSS RBA system. If in an area the RDTR has not been integrated with the OSS RBA system, the KKPR is issued in the form of a Spatial Utilization Activity Approval (hereinafter abbreviated as PKKPR). The PKKPR in question is again divided into two, namely (Anindita Dinar Susanti, 2021):

PKKPR for business activities issued without going through an assessment of the proposed spatial utilization activity documents if they fall within the criteria stipulated in Article 181 Paragraph 1 of PP No. 5 of 2021 which is also stipulated in Article 13 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning / Head of BPN Number 13 of 2021 concerning the Implementation of Suitability of Spatial Utilization Activities and Synchronization of Spatial Utilization Programs.

PKKPR for business activities issued through assessment stages, consisting of registration stages, assessment of proposed documents for spatial utilization activities against RTR, RZ KSNT and RZ KAW issued by PKKPR.

Environmental approval is regulated in Government Regulation Number 22 of 2021 (hereinafter abbreviated as PP No. 22 of 2021) concerning the Implementation of Environmental Protection and Management. The definition of environmental approval as regulated in Article 1 number 4 of PP No. 22 of 2021 concerning the Implementation of Environmental Protection and Management is an Environmental Feasibility Decision or Statement of Commitment to Environmental Management that has received approval from the Central Government or Regional Government. Environmental approval can be interpreted as a decision on feasibility or can also be interpreted as a statement of commitment to environmental management with the requirement to obtain approval from the Central Government or Regional Government in accordance with their authority. (Cipta Indralestari Rachman dan Endra Wijaya, 2023).

Building Construction Approval and Certificate of Functional Suitability

Building Construction Approval (hereinafter referred to as PBG) and Certificate of Functional

Suitability (hereinafter referred to as SLF) are the basic requirements for Business Licensing. PBG and SLF are regulated in Government Regulation Number 16 of 2021 (hereinafter abbreviated as PP No. 16 of 2021) concerning the Implementing Regulations of Law Number 28 of 2002 concerning Buildings. In its regulation, it is stated that PBG is a permit given to the owner of a Building to build a new, change, expand, reduce, and/or maintain a Building in accordance with the technical standards of the Building while SLF is a certificate given by the Regional Government to state the functional suitability of a Building before it can be used. The PBG application process involves the building owner who must attach technical documents such as site plans, architecture, structure, mechanical, and electrical. The regional government then evaluates and gives approval if all requirements are met while the SLF issuance process begins with the fulfillment of all technical standards for the building, starting from the structure, fire protection system to sanitation, lighting, and ventilation aspects (Roman Situngkir, 2021). After construction is completed, the building owner is required to submit an SLF application accompanied by the results of technical tests conducted by competent experts. The local government will then conduct a direct inspection of the building to ensure its eligibility. If all requirements are met, the SLF will be issued (Agun Pradika, M. Miftahul.dkk,2024)

The requirements needed to access the OSS RBA System are the Population Identification Number (hereinafter abbreviated as NIK) and an active email address/whatsapp number. The stages of applying for a business license through the OSS RBA System are:

- 1). Business actors access the website <https://oss.go.id/> after previously preparing their NIK and email address/WhatsApp number;
- 2). The business actor clicks the “Register” button;
- 3).Business actors register an account and select the Business Scale, namely UMK or Non UMK Scale;
- 4). Fill out the Business Actor Type, NIK and email/WhatsApp number form;
- 5). After that, the business actor will register the OTP code that is sent to the email and/or WhatsApp as previously entered for verification;
- 6). Once verified, the business actor will have an account and access rights to apply for a business license;
- 7). Business actors log in to their existing accounts and submit a business permit application via the “new application” submenu by filling in data including:
 - a. Indonesian Standard Classification Code for Business Fields (hereinafter abbreviated as KBLI) to be submitted;
 - b. Business Name;
 - c. Area of business land;
 - d. NPWP (if you have a NPWP);
 - e. Business Address according to the place and position of the business;
 - f. Number of workers;
 - g. Estimated Annual Turnover.
- 8) If the data has been filled in, the business actor can continue the submission process by clicking the "Business Licensing Process" button which is continued by making an agreement by checking the independent statement that has been provided by the OSS RBA System, namely:
 1. Independent Statement of Willingness to Meet Business Standards stating willingness to meet the requirements and/or obligations of Business Licensing:
 - a. In carrying out cooperation on the supply of goods, it is mandatory to involve micro, small and

medium business actors;

b. O'clockOperations must comply with operational hour provisions in accordance with statutory regulations;

c. Have partnerships with micro or small businesses;

d. Responsible for its merchandise has complied with the provisions of laws and regulations in the field of intellectual property; Fostering the development of its own products and brands for merchandise for Micro, Small, and Medium Enterprises.

e. Establishment in accordance with the provisions of laws and regulations;

f. Submitting reports to the Central Government every semester in the form of: Number of outlets owned; Number of partnered MSMEs; Number of workers absorbed.

g. Willing to follow the coaching carried out in order to fulfill the provisions related to the implementation of the business activities.

h. Willing to accept sanctions for violations of the fulfillment of these obligations.

2. Statement of Micro Enterprises or Small Enterprises Regarding Spatial Planning, namely:

a. Our business activities and business locations are in accordance with the spatial planning, and

b. ScaleOur business is a Micro Business or Small Business in accordance with the total amount of business capital which is not more than IDR 5,000,000,000.00 (five billion rupiah), excluding land and buildings for business premises, and in accordance with Government Regulation Number 7 of 2021.

3. Letter of Statement of Commitment to Environmental Management and Monitoring which contains:

a. Comply with and carry out business and/or activities at locations that are in accordance with the spatial planning designation,

b. Comply with and carry out business and/or activities in accordance with the provisions of laws and regulations in the field of environmental protection and management,

c. Comply with the provisions of environmental quality standard parameter fulfillment requirements in accordance with the activities carried out and the waste produced,

d. Comply with the provisions and provide temporary waste and domestic waste storage facilities in accordance with the activities and waste and garbage produced,

e. Comply with the provisions and provide liquid waste management facilities for businesses and/or activities carried out in accordance with the amount of waste produced and the number of workers,

f.. Willing to comply with the regulation and management of the impact of business and/or activities on transportation aspects,

g. Willing to carry out inspections/supervision of businesses and/or activities carried out to ensure fulfillment of environmental requirements in accordance with the provisions of laws and regulations in the field of environmental protection and management,

h. Willing to process environmental approval in terms of providing facilities and infrastructure by preparing environmental documents in accordance with the obligations in the regulations governing the list of businesses and/or activities that require AMDAL, UKL-UPL and SPPL, and

i. Willing to have its business and/or activities stopped and to be processed legally in accordance with statutory regulations if it violates or does not fulfill the provisions of the requirements set out in points 1 to 8.

4. Statement of Willingness to Follow the Halal Certification Process stating that they are willing to fulfill the requirements for fulfilling Halal Certification and to follow the Halal Product Process (PPH) assistance from the Government, Islamic community organizations or Islamic religious institutions with legal status, universities, and/or business entities in accordance with the provisions of applicable norms, standards, procedures, and criteria (hereinafter abbreviated as NSPK).

9) Once approved, the NIB will be issued automatically with the electronic signature of the Minister of Investment/Head of the Investment Coordinating Board.

In addition to NIB, business actors are required to fulfill the basic requirements for business licensing. The three basic requirements for business licensing that business actors must have are:

1.KKPR obtained by business actors when approving an independent statement regarding spatial planning before the NIB is issued. This is as reaffirmed in the provisions of Article 115 paragraph (1), namely that Spatial Utilization Activities carried out by Business Actors included in the UMK group as referred to in Article 101 paragraph (1) letter b, do not go through the process of issuing Conformity of Spatial Utilization Activities.

2.Environmental approval in the form of a NIB as regulated in Article 194 paragraph (2), namely the NIB as referred to in paragraph (1) applies as legality for carrying out business activities and also as an SPPL.

3.PBG and SLF which also is a basic requirement for business licensing, however, PBG and SLF applications are submitted through the Building Management Information System which is separate from the OSS RBA System.

The Theory of Legal Effectiveness can be used to evaluate the extent to which the mechanism for implementing business licensing in Singaraja is effective and achieves its objectives. Legal effectiveness measures the extent to which regulations can be implemented in daily practice, and whether the regulations succeed in producing the desired results. In this case, the implementation of Buleleng Regent Regulation No. 5 of 2021 must be assessed based on how efficient and integrated the licensing process is. The OSS RBA system that has been implemented simplifies the licensing process by integrating various licensing services in one platform, thereby accelerating permit applications and minimizing convoluted bureaucracy. In addition, effectiveness can also be measured by the level of compliance of business actors with existing regulations. If business actors can easily follow the established procedures, it shows that the business licensing mechanism is running effectively. However, effectiveness also depends on the ability of government officials to supervise the implementation of licensing and enforce regulations. Strict supervision will ensure that regulations are complied with and can prevent potential deviations or misuse of business licenses that are not in accordance with applicable provisions.

Although Buleleng Regent Regulation Number 5 of 2021 has become the legal basis for controlling the use of space in the Singaraja Urban Area, the effectiveness of its implementation still needs to be evaluated comprehensively. Based on data on spatial utilization guidance activities carried out by the Public Works and Spatial Planning Agency (DPUTR) of Buleleng Regency in 2024, it was recorded that there were 18 business buildings that did not comply with the provisions of the RDTR. This finding indicates that there are still business actors who have not fully adjusted their business activities to the provisions of the Regent Regulation. Therefore, an evaluation of the effectiveness of the implementation of this regulation is important to determine the extent to which the policy has succeeded in creating orderly spatial planning and supporting sustainable economic development.

From the perspective of the theory of legal effectiveness, a regulation is declared effective if it is able to encourage a high level of compliance, is implemented consistently, and has a real impact on the social and economic order. The effectiveness of the implementation of Buleleng Regent Regulation No. 5 of 2021 can be viewed from two sides: first, from the number of business actors who already have a Business Identification Number (NIB) of 6,826 businesses, only 18 violations were found, which in terms of percentage is very small (around 0.26%). This shows that administratively, the level of compliance is relatively high. Second, in terms of substance and implementation, weaknesses are still found, especially in the aspects of supervision, coordination between agencies, and the suboptimal

application of sanctions for violations of spatial planning.

By considering both aspects, it can be concluded that the implementation of Buleleng Regent Regulation No. 5 of 2021 has been quite effective from a normative and administrative perspective. However, substantive and implementative effectiveness still needs to be improved through strengthening law enforcement, more massive socialization to business actors, and ongoing institutional synergy between related agencies.

Legal Consequences for Business Actors Who Do Not Comply with the Provisions of the Detailed Spatial Planning Plan

The legal impact on business actors who do not comply with the provisions of the Buleleng Regent Regulation Number 5 of 2021 concerning the Detailed Spatial Planning Plan (RDTR) for the Singaraja Urban Area reflects the importance of order in the use of space. This regulation was drafted to direct the use of space in a structured, sustainable manner, and in accordance with the function of the area. However, in practice, a number of business actors are still found who establish or carry out business activities without paying attention to the technical and zoning provisions that have been set, thus causing chaos in the spatial structure and potentially hindering the goal of orderly and competitive city development. The most dominant forms of violations include two main categories, namely violations of the spatial allocation zone, for example the construction of minimarkets in public service zones or workshops in residential areas and violations of building boundaries, such as violating road boundaries, river boundaries, or maximum building height limits. One example is the construction of a campus building that exceeds the maximum height limit in a certain zone, which is legally a violation of the spatial and technical provisions of the building as stated in the RDTR zoning map.

Legal consequences are the consequences given by law for a legal event or action of a legal subject (Marwan Mas, 2003). Legal consequences are the legal consequences that arise from a legal event that is regulated in the provisions of laws and regulations. Legal consequences arise because of a legal relationship in which there are rights and obligations (Soedjono Dirdjosisworo, 2010). In the legal context, violation of the provisions of the RDTR gives rise to legal consequences as a juridical consequence of the actions of the legal subject who violates it. These legal consequences arise because of the legal relationship between the permit giver and the permit recipient, where there are mutually binding rights and obligations. The theory of legal responsibility emphasizes that every legal subject, both individuals and business entities, is obliged to obey the applicable legal norms, and violations of them can be justified to be subject to sanctions. Not only that, from the perspective of the theory of legal benefits, spatial planning regulations are not merely a matter of administrative compliance, but also concern collective social benefits, including environmental, economic, and sustainable development aspects. When violations are left without action, there will be a degradation of the quality of space and weaken the effectiveness of the law as a social instrument, the application of sanctions against violations of spatial planning must be based on the principles of legality and legal certainty so that they do not only become administrative threats, but also function as a driver of orderly spatial behavior.

The implementation of RDTR through Perbup No. 5 of 2021 aims to realize the orderliness of spatial utilization and ensure that business activities run within a clear legal corridor. This regulation also serves as a legal basis for the process of business legalization, supervision, and law enforcement in the field of spatial planning. In this case, every recipient of a business permit is obliged to comply with the applicable provisions for spatial utilization. The government has an important role as a supervisor, to ensure that the permits granted are not misused and remain in accordance with the established spatial plan. Legal consequences arise from the legal relationship between the grantor and recipient of the permit. When a permit is violated, legal consequences arise in the form of sanctions. However, until now, the Buleleng Regency Government has not effectively imposed administrative sanctions for violations of RDTR because it is still in the technical study stage. In fact, based on Law Number 26 of 2007 concerning Spatial Planning, administrative sanctions that can be imposed include warnings, termination of activities, and demolition of buildings. The absence of firm action makes supervision weak, and spatial order is difficult to achieve. Meanwhile, for business actors who have obtained permits before Perbup No. 5 of 2021 is enforced, not subject to direct legal sanctions because it is protected by the principle of non-retroactivity. However, for new business actors or those who commit violations after this regulation

comes into effect, they should be subject to legal consequences according to applicable norms. To ensure legal certainty and regulatory effectiveness, the existence of an early warning system, spatial utilization audits, and community-based violation reporting needs to be further developed.

The local government has a legal obligation to develop and disseminate the RDTR geospatial information system as mandated in Article 14 paragraph (2) of Law Number 26 of 2007 on Spatial Planning, which emphasizes the importance of public access to spatial planning information. The availability of transparent and accurate information systems will eliminate any justification by business actors for being unaware of the conformity of their business locations with applicable zoning regulations. Furthermore, the effectiveness of law enforcement must be understood within the framework of the theory of legal certainty, whereby the consistency and fairness in the application of administrative sanctions—as regulated in Article 37 of Government Regulation Number 21 of 2021 on the Implementation of Spatial Planning—serve as instruments to foster a healthy and competitive investment climate. In other words, legal certainty for business actors not only guarantees the protection of individual rights but also ensures order in urban spatial utilization. Therefore, strategic measures are required, including the preparation of comprehensive technical instruments for sanction enforcement, strengthening cross-institutional coordination, and integrating OSS-RBA-based supervision with RDTR zoning provisions. This analysis demonstrates that the effectiveness of the RDTR as a legal instrument is determined not only by the clarity of written norms but also by the consistency and firmness of law enforcement practices oriented toward creating an orderly and sustainable urban spatial order in Singaraja.

Conclusion

Based on the research discussion, it can be concluded that: The implementation of business licensing based on the Detailed Spatial Plan in the Singaraja Urban Area shows progress in the governance of urban spatial utilization. The integration of the Detailed Spatial Plan document with the Online Single Submission Risk Based Approach system is a strategic step in digitizing and simplifying the licensing process, providing legal certainty, and encouraging efficiency in public services. The Detailed Spatial Plan has functioned as a legal and technical reference in determining the suitability of a business location, as well as an instrument for controlling sustainable development. However, there are still challenges that need to be overcome, such as the suboptimal integration of all Indonesian Standard Classifications of Business Fields into the system, limited understanding of business actors regarding spatial planning aspects, and less than optimal coordination between sectors. Therefore, the effectiveness of the implementation of the Detailed Spatial Plan in this area has been running quite well normatively and administratively, but in terms of substantive implementation it still requires strengthening, including through updating the Detailed Spatial Plan document, increasing the capacity of the apparatus, and ongoing counseling to the community and business actors.

The legal consequences for business actors who do not comply with the provisions of the Detailed Spatial Plan (RDTR) in the Singaraja Urban Area are in the form of administrative sanctions. The types of violations found include inconsistencies between business activities and spatial allocation zones such as establishing a business in a zone that is not designated for commercial activities and violations of technical provisions on building boundaries, such as constructing buildings exceeding the height limit or building right on the land boundary without leaving a boundary distance according to the provisions. Based on the provisions in the Detailed Spatial Plan (RDTR), administrative sanctions that can be imposed on business actors include verbal warnings, written warnings, temporary or permanent suspension of business activities, demolition of buildings that violate, restoration of spatial functions, and revocation of business licenses. However, at the implementation level, these sanctions have not been implemented effectively because the Buleleng Regency Government is still in a transition period and is currently conducting a study on the mechanism for enforcing sanctions. This study was conducted to ensure that the implementation of sanctions is carried out fairly, proportionally, and based on strong legal evidence, in order to avoid potential disputes and maintain the legitimacy of law enforcement in the field of spatial planning. Thus, the enforcement of these regulations is expected to create orderly use of space that supports sustainable development and community welfare.

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