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Mechanism for Spatial Utilization Activity Compliance in Mining Business Licensing and Its Implications for Environmental Preservation

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Abstract: Indonesia's abundant natural resources, including the mining sector which contributes significantly to the country's economy, must be utilized carefully to preserve the environment. One of the main requirements for obtaining a business license is the Spatial Utilization Conformity Instrument (KKPR). The KKPR ensures that all business activities, including mining, can only be carried out in areas that are legally, ecologically, and spatially declared through digital verification of the RTRW and RDTR in the OSS system. This study aims to analyze the mechanism of spatial utilization activity compliance in mining business permits. This study uses a normative juridical approach, examining the rules, principles, and norms of positive law related to environmental preservation and the Mechanism of Spatial Utilization Activity Compliance (KKPR) in mining business licensing. Based on the results of the study, the KKPR mechanism in mining business permits is normatively designed as a spatial planning-based preventive instrument, but after the Job Creation Law, it tends to shift to an administrative instrument that depends on OSS and the availability of RDTR, thereby weakening its substantive control function. Furthermore, the implications of KKPR for environmental conservation have not been effective because assessments often ignore the carrying capacity and capacity of the environment, as reflected in the cases of mining on Sangihe Island and Trenggalek.

Keywords: KKPR, Mining Business Permit, RDTR.

INTRODUCTION

Indonesia is known for its abundant biodiversity and rich natural resources, including both living and non-living resources. One form of natural wealth found in Indonesia is various minerals such as coal, gold, silver, nickel, tin, bauxite, and copper. Indonesia ranks sixth as the world's largest gold producer, contributing significantly as one of the global suppliers of gold. In addition, Indonesia's gold reserves account for 5% of the world's total gold reserves, placing it among the top ten countries (Kementerian Energi dan Sumber Daya Mineral Republik Indonesia, 2020.) Thus, management efforts must be improved in a prudent, efficient, and

effective manner with reference to spatial planning standards. The goal is to maintain the sustainability of national spatial quality for public welfare and social justice in accordance with constitutional principles. This is in line with Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that "The land, water, and natural resources contained therein shall be controlled by the state and used for the greatest prosperity of the people."

The state bears the constitutional responsibility to protect, preserve, and restore the environment within the limits of its control over natural resources. Therefore, to ensure that every development activity does not cause ecological damage, prudent spatial planning is the primary tool. Good spatial planning must be able to direct the optimal use of natural resources without neglecting the principles of environmental protection (Hario Danang Pambudhi, 2022). In this context, the law must serve as a driver of fair modernization. In other words, the law must be created to realize social justice for all Indonesians, as promised by the constitution.

When law is understood as a set of binding commands and prohibitions originating from the authorities or as a binding system, it can be concluded that spatial planning law encompasses all principles and regulations governing the processes of spatial planning, spatial utilization, and control of spatial utilization related to geographical dimensions associated with economic, social, cultural, and ecological policies (Imamulhadi, 2021). Planning is designed so that space utilization can be carried out in a controlled manner without causing damage to the ecology. Planning must be designed to ensure that space utilization takes place in an orderly manner, without causing damage to the environment. The rules governing spatial utilization planning should be based on a framework of optimal, sustainable, and environmentally friendly utilization. In order to achieve the objectives of optimal, sustainable, and environmentally friendly utilization, these rules need to provide appropriate sanctions to encourage all relevant parties to plan and implement environmentally friendly use of space, while also being sustainable from an economic and social perspective.

Environmental protection and management are systematic and integrated efforts to preserve environmental functions and prevent pollution and damage through planning, utilization, control, maintenance, supervision, and law enforcement. These efforts require the application of objective, scientific, and universal standards to ensure that environmental quality can be maintained sustainably. Environmental management must be supported by a legal framework that provides protection for all parties and is consistently enforced from the central to the regional levels. In the utilization of natural resources, the principles of harmony, compatibility, and balance with ecological functions must be upheld so as not to cause long-term damage. Therefore, the principles of sustainable development and environmental conservation must be the main foundation of every national development policy, plan, and program.

Rapid development in various sectors, both urban and rural, requires careful planning in order to be effective, efficient, and sustainable. Spatial planning is an effort to determine the best way to utilize space and land. Development activities that are not in accordance with spatial planning (RTRW) cause many complex problems, such as overlapping land use, land conversion, conflicts of interest between sectors (forestry, mining, environment, regional infrastructure, etc.), conflicts between the central and regional governments, conflicts between regions, and environmental damage. Therefore, effective spatial and land planning is needed for human activities in the surrounding area to prevent economic and social losses, in the form of disparities between developed and underdeveloped regions..

In line with this, the Indonesian government has established strategic measures to increase job creation and expansion through increased investment, encouraging the development and improvement of the quality of cooperatives and micro, small, and medium

enterprises by simplifying business licensing procedures in order to accelerate the business licensing process by reducing licensing requirements and procedures.

Law Number 11 of 2020 concerning Job Creation, which has now been revoked by Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation, aims to simplify complicated investment procedures so as not to disrupt the investment climate in Indonesia. Currently, business activities no longer depend on permits, but rather on a risk-based approach, where business permits are adjusted to the level of risk involved in the activity. In order to support the implementation of licensing, the government has made changes to the licensing system in accordance with the applicable provisions, which are implemented simultaneously by land offices throughout Indonesia, where the business licensing process is carried out through the Online Single Submission (OSS) system.

Permit requirements related to spatial planning refer to the Detailed Spatial Plan (RDTR) for areas that already have such documents. Meanwhile, for areas that do not yet have an RDTR, the reference is the Spatial Plan (RTR). With the new regulations, all regions, whether regencies, cities, or provinces, are required to formulate regulations related to spatial planning. This aims to create a clear separation between residential areas and business areas.

Regarding business licensing after the Job Creation Law was issued, spatial utilization permits and location permits were converted into Spatial Utilization Activity Conformity (KKPR) to support the implementation of licensing (Arnowo, 2023). Before the Job Creation Law was issued, spatial utilization permits and location permits for business activities still had to comply with spatial planning even if they did not use the Spatial Utilization Activity Conformity (KKPR) mechanism. However, after the Job Creation Law was enacted, Spatial Utilization Activity Conformity (KKPR) became only a formal requirement that must be met before the issuance of a Mining Business Permit (IUP). For business actors who already had a location permit that was still valid before the Job Creation Law, that location permit could still be used. Therefore, if the IUP was issued before the Job Creation Law, it may need to be adjusted to comply with the new regulations, especially if there are changes in spatial planning policies.

Before obtaining a permit, business operators must meet several basic requirements, including spatial utilization compliance, environmental approval, building permits, and certificates of occupancy. Spatial Utilization Compliance (KKPR) refers to the alignment between the spatial utilization plan and the Spatial Plan (RTR). For business activities located on land, the form of Spatial Utilization Activity Compliance (KKPR) referred to is the Spatial Utilization Activity Compliance Confirmation (KKPR) as a document that confirms the compatibility between the spatial use plan and the Spatial Plan (RTR). In addition, there is also the Spatial Utilization Activity Conformity Approval (KKPR), which is a document stating the conformity of the spatial use plan with the Spatial Plan (RTR) other than the Detailed Spatial Plan (RDTR).

Based on this, business operators must first obtain a Spatial Utilization Activity Compliance Certificate (KKPR). With reference to Government Regulation No. 21 of 2021 concerning spatial utilization activities, every business in Indonesia is required to comply. This regulation covers the spatial utilization compliance for business activities, spatial utilization compliance for non-business activities, and spatial utilization compliance for activities of a national strategic nature.

The main objectives of KKPR are twofold: first, to serve as a reference for efficient use of space, and second, to serve as a reference for effective land administration. The KKPR serves as an alternative to location permits in the field of land administration, thereby providing better guarantees for business actors. The evaluation of the implementation of the KKPR serves as an important tool to ensure the compliance of business entities with the regulations set forth in the

KKPR document, which is formulated in line with the Spatial Plan. Furthermore, the KPR serves as the basis for applicants to obtain Spatial Utilization Activity Conformity Approval (PKKPR) before continuing with the business licensing process or other permits. The PKKPR ensures spatial planning conformity in a spatial utilization activity.

Permit requirements related to spatial planning refer to the Detailed Spatial Plan (RDTR) for areas that already have such documents. Meanwhile, for areas that do not yet have an RDTR, the reference is the Spatial Plan (RTR). With the new regulations, all regions, whether regencies, cities, or provinces, are required to formulate regulations related to spatial planning. This aims to create a clear separation between residential areas and business areas.

However, in reality, KKPR in the mining sector faces many challenges. First, spatial planning and mining policies are not aligned with each other. After Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Mineral and Coal Mining, the central government does not always consider compliance with regional spatial planning (RTRW) when granting mining permits. Second, the integrated licensing system through Online Single Submission (OSS) still requires substantive verification of spatial plans. Third, there is a lack of RDTR availability in regencies/cities in Indonesia (Deni Santo, 2024). The lack of availability of Detailed Spatial Plans (RDTR) in Indonesia has a direct impact on the process of issuing Spatial Utilization Conformity Certificates (KKPR), making it a crucial issue that directly affects the speed and certainty of KKPR issuance. Thus, the principle of spatial conformity is often overlooked in the certainty of contracts. Furthermore, when viewed from the perspective of authority, the issue becomes even more complex. The central government has the authority to regulate and issue mining permits, while local governments have the authority to establish RTRW and implement spatial utilization controls. Due to this difference in authority, KKPR is ineffective as a legal instrument for spatial utilization control.

One instrument that can be used as an effort to enforce environmental law is licensing. This is because licenses serve to prevent and address environmental issues, as all types of businesses and industries require licenses to be established. However, what if these licenses conflict with existing regulations? Therefore, the author is interested in examining this issue in greater depth.

There are two major cases that provide a better understanding of the complexity of implementing KKPR in the mining sector, namely the Work Contract on Sangihe Island and the Mining Business Permit in Trenggalek Regency. These cases highlight issues that are not yet fully aligned between mining policy and spatial planning. Although KKPR has not yet been implemented, the concept of spatial suitability remains a key measure after the implementation of the new regulation. KKPR should be a means of assessing whether existing and active permits are in accordance with spatial zoning after the implementation of the KKPR mechanism through Permen ATR/BPN No. 13/2021, which replaces the old location permit and becomes a mandatory requirement for all business activities related to spatial planning, including in the mining sector.

Based on the description in the background, the problems identified are: What is the mechanism for granting mining business permits in environmental management? And what are the implications of the suitability of spatial utilization activities for environmental sustainability?

METHOD

This study uses a normative juridical method, focusing on the analysis of norms, principles, and laws and regulations governing the implementation of spatial utilization activities. This method emphasizes the study of primary legal materials, including laws and regulations such as Law No. 26 of 2007 concerning Spatial Planning; Law No. 4 of 2009 concerning Mining and Minerals and Coal, Law No. 32 of 2009 concerning Environmental

Protection and Management. Secondary legal materials, such as academic literature, legal journals, expert opinions, and comparative legal studies, are also used to provide theoretical support and interpretive insights. Tertiary legal materials, including legal dictionaries and encyclopedias, help clarify key legal terms and concepts. The research methods used in this study are the statute approach and the conceptual approach. The statute approach is a method that examines all regulations and statutes related to the legal issues being studied. Meanwhile, the conceptual approach is used to examine the views and doctrines that have developed in legal science (Muhaimin, 2020, p. hlm. 56-57). This study aims to produce data that can illustrate the perspective of environmental sustainability on the granting of spatial utilization suitability approval in mining business permits. In addition, this study will also describe the concept of spatial utilization suitability approval as applied in the practice of mining business licensing.

RESULTS AND DISCUSSION

KKPR Mechanism in Mining Licensing

Indonesia's abundant natural resources, including its mineral and coal mining potential, provide enormous benefits to the community and the country. However, mining also has many negative effects, including environmental pollution and disruption to community life. Local governments are given autonomy to manage natural resources in their regions with the aim of increasing local revenue and equitable community welfare. As a result, regional heads are required to actively participate in ensuring that mining management, including small-scale mining, is carried out with careful spatial planning, clear regulations, and environmental sustainability principles. Therefore, the utilization of natural resources can be carried out in tandem with efforts to protect the environment and build an equitable environment (Saleh et al., 2020).

Efforts to organize national, provincial, district, and city spaces are inseparable from efforts to achieve sustainable development and ensure effective use of space in the future. In fact, development is a continuous effort to improve the quality of life, as an effort made by humans to create a better dynamic of life and be able to meet better living needs (Bayi Priyono, 2016). Then, referring to the district's spatial plan, if there is mining, it has the potential to damage the surrounding environment, which the local community has been using as a source of livelihood.

The relationship between spatial law and environmental law is that spatial law is substantially part of environmental law in a broad sense, or at least can be considered a specific part of environmental law that regulates how natural resources are allocated and used in the environment (Hananto Widodo, 2020). In addition, when viewed from the perspective of environmental law policy as regulated in Law No. 32 of 2009, it must be applied in the utilization, control, and spatial planning from the central to regional levels. Therefore, the concept of environmental law must correlate with the established spatial plan. The permit instrument is one example of spatial utilization regulation (Hananto Widodo, 2020). The permit is used as a tool to conduct preventive monitoring of the community.

Based on Law No. 32 of 2009 concerning Environmental Protection and Management, an environmental permit is a permit granted to any person who conducts business and/or activities that require an environmental impact assessment (Amdal) or a UKL-UPL form for the purpose of environmental protection and management as a prerequisite for obtaining a business and/or activity permit. Therefore, it can be understood that environmental approval is granted before the activity is carried out, and to obtain it, the business and/or activity plan must already have an EIA document or UKL-UPL form. This Environmental Permit will be a requirement in obtaining an operating permit for the business and/or activity plan.

In line with this constitutional mandate, legal reforms in the areas of spatial planning and licensing seek to strengthen the role of the state in controlling the use of space, including space used for mining activities. One of the key instruments born out of this reform is the Spatial Utilization Activity Conformity (KKPR), which serves as a key prerequisite before a business activity can be carried out. The KKPR is not only a reflection of the state's regulatory and supervisory functions, but also a concrete manifestation of the constitutional obligation to ensure that all spatial utilization does not conflict with the public interest, environmental carrying capacity, and sustainable development goals.

As stipulated in ATR/BPN Regulation 13/2021, which came into effect on July 21, 2021, location permits, other spatial utilization permits, and KKPRs that were issued before the regulation came into effect will remain valid until their expiry date. This provision is explained in Article 85 letter a of Permen ATR/BPN 13/2021. If the location permit and technical recommendation for spatial use from the local government in question were issued before July 21, 2021, then the permit will remain valid until it expires. In addition, landowners who have obtained a location permit and other spatial use permits can apply for a KKPR with the following conditions:

1. In accordance with the land assignment information as stated in the technical considerations for land and/or information from the land office; and
2. The KKPR submitted does not exceed the area of land owned.

However, if the validity period of the location permit and spatial use permit has expired, it is necessary to submit a KKPR application, whether it be a KKKPR or PKKPR. In accordance with the provisions of Article 19 of Permen ATR/BPN 13/2021, because the land for business activities has been successfully acquired, the validity period of the KKPR follows the duration of land ownership that has been acquired and is adjusted to the area of land obtained and approved through the KKPR.

The Spatial Utilization Activity Compliance (KKPR) is a mandatory instrument that indicates that business and non-business activity plans are in accordance with the Spatial Plan (RTR) applicable in the location. As stipulated by Law Number 11 of 2020 concerning Job Creation, this mechanism is a key requirement for initial business licensing. Government Regulation Number 21 of 2021 concerning Spatial Planning Implementation implements this mechanism technically (Lestari & Ahmad, 2024). The goal is to create a safe, comfortable, productive, and sustainable spatial plan while simplifying the licensing process, which was previously divided into Location Permits and Spatial Utilization Permits (IPR). In addition, this mechanism also aims to reduce the number of conflicts related to land use (Sundari & Sesung, 2025).

The KKPR mechanism is normatively designed as a preventive instrument to ensure that mining activities cannot be carried out in protected areas from the planning and WIUP/WKK determination stages. The original WIUP regulations were stipulated in Law Number 3 of 2020 concerning Amendments to Law Number 4 of 2009 concerning Mineral and Coal Mining. Based on Article 9 paragraph (1) of Law 3/2020, it is stated that Mining Areas as part of the Mining Jurisdiction are the basis for determining Mining Business activities. Meanwhile, Article 9 paragraph (2) states that the Mining Area is determined by the Central Government after being determined by the Provincial Government in accordance with its authority and in consultation with the House of Representatives of the Republic of Indonesia.

However, in reality, the digital RDTR only covers a small part of Indonesia, especially in the case of mining in Sangihe and Trenggalek, which do not yet have an RDTR. This inequality has a direct impact on the entire licensing process, including the mining sector. When the RDTR is not yet available, the Government cannot immediately use the automatic approval scheme on OSS-RBA. This means that almost all applications must go through the Non-RDTR KKPR mechanism, which is a manual assessment conducted by the Ministry of

Agrarian Affairs and Spatial Planning/National Land Agency based on RTRW documents and various other supporting maps. Because RTRW is macro in nature and does not provide detailed zoning, the assessment process becomes more interpretive. Each assessor has greater discretion, thereby increasing the potential for inconsistency between decisions.

When RDTR is not available, the process of assessing spatial suitability becomes longer and prone to inconsistencies. Assessors must refer to RTRW, indicative maps, and other supporting documents that do not have the same level of detail as RDTR. This leads to potential differences in interpretation between officials and between agencies. Furthermore, the absence of RDTRs impacts the quality of spatial utilization control, as spatial decisions that should be technical and based on detailed zoning are ultimately made through administrative assessments that lack comprehensive spatial references.

The availability of Detailed Spatial Plans (RDTR) is the most fundamental component in a risk-based licensing system, particularly in the mechanism for determining Spatial Utilization Activity Conformity (KKPR). Ideally, RDTR functions as an operational zoning map that enables the government to determine with precision whether an activity can be carried out at a particular location. In the context of the Job Creation Law, the RDTR is even positioned as the basis for automation in OSS-RBA, so that if an area is already covered by a digital RDTR, the system can immediately determine spatial suitability without manual involvement from government agencies.

If a mining space utilization plan does not comply with the zoning specified in the RTR (for example, the location is designated as a protected area or green open space), the licensing process is terminated at the KKPR stage. By confirming spatial compliance before an in-depth environmental impact assessment is conducted, the KKPR effectively prevents conflicts between land use and spatial planning policies, while also preventing the use of significant resources (time and costs) for AMDAL or UKL-UPL studies in locations that fundamentally violate spatial planning regulations.

In addition, KKPR not only determines zoning, but also serves as an operational instrument that translates spatial plans (RTR) into binding technical restrictions, including control of spatial utilization intensity and environmental aspects. In practice, KKPR is the main basis for licensing, including in the mining sector, to ensure that activities are in accordance with spatial plans and take into account environmental carrying capacity. However, the limitations of RDTR (Detailed Spatial Plans) in many regions of Indonesia mean that the licensing process must go through the KKPR Non-RDTR mechanism, which is a manual assessment based on RTRW and other supporting documents. This has several significant impacts, namely: the manual process is more prone to uncertainty, delays, and potential errors in location determination; and technical supervision and control of spatial utilization intensity become less optimal, thereby increasing the risk of zoning violations and environmental damage (Sundari and Sesung, Op.Cit, hlm 63.)

Implications of KKPR on Environmental Sustainability

Normatively, KKPR (Spatial Utilization Activity Suitability) plays a central role as a single reference in the environmental and land licensing process in Indonesia. KKPR functions as an initial screening instrument that ensures spatial suitability before the environmental licensing process, such as AMDAL, can begin. In terms of environmental conservation, the determination of KKPR serves as a preventive environmental control instrument at the earliest planning stage. Before traditional environmental licensing systems, such as Environmental Impact Analysis (AMDAL), can begin, the spatial suitability of activities must first be ensured through KKPR. This approach has profound strategic significance as KKPR performs the function of environmental risk screening (Adiningsih & Sutaryono, 2023).

The implementation of KKPR by the Central Government involves special authority under certain conditions, especially for locations where cross-provincial activity plans and non-business activities that require special attention are requested. The implementation of KKPR can be delegated to governors, regents, or mayors, but without reducing the authority of the Minister. The KKPR implementation process for non-business activities is carried out based on compliance with various RTR documents, such as RTRWN, RTR islands/archipelagos, RTR KSN, RTRWP, RTRW Regencies/Cities, RDTR KPN, and/or RDTR Regencies/Cities. The mechanism includes the implementation of the Spatial Utilization Activity Conformity Agreement (KKKPR) and the Spatial Utilization Activity Conformity Statement (PKKPR).

When spatial planning instruments such as RDTR are not yet available, as in the case of mining in Sangihe and Trenggalek, KKPR assessments are carried out using non-RDTR mechanisms based on interpretations of macro-level RTRW. This situation has a number of important implications for environmental conservation, as follows:

1. Unclear Zoning Reduces Specific Environmental Protection

   The lack of RDTR availability in districts/cities is one of the obstacles to accelerating the business and investment licensing process through the Online Single Submission (OSS) system. RDTR is vital as a control tool and basis for development licensing, so that sustainability, spatial justice, and increased competitiveness and community welfare can be guaranteed. However, the importance of RDTR has not been matched by the productivity, quality, and effectiveness of the RDTR produced (Santo. dkk, Op.Cit, hlm 35.).

   When RDTR is not available, special protection for water catchment areas, coastal boundaries, small island ecosystems, and disaster-prone areas becomes ineffective. However, the absence of zoning details in the RTRW increases the risk of misinterpretation and leads to a lack of protection for protected areas. As a result, areas that should receive strict protection are not specifically identified during the KKPR assessment process. This shows that non-RDTR KKPRs tend to be unable to provide adequate ecological protection.
2. High Discretion of Officials Has the Potential to Lead to Inconsistent Interpretations and Harm the Environment

   The non-RDTR KKPR mechanism does not only depend on officials from the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, but also involves officials from the Ministry of Investment/Investment Coordinating Board and the Regional Investment Coordination Agency. Based on Article 1 paragraph 9 of Law Number 30 of 2014 concerning Government Administration, discretion is a decision and/or action determined and/or carried out by government officials to overcome concrete problems encountered in the administration of government in cases where legislation provides options, is incomplete or unclear, and/or causes government stagnation.

   Before and after the KKPR decision is issued, the position is responsible for administrative validation, licensing services, and determining the workflow. In addition, because the RTRW is not intended to determine micro-level location suitability, officials have a great deal of freedom to act as they see fit. Without clear technical standards, this significant discretion has the potential to lead to inconsistent decisions and maladministration issues (Setiawan & Asyikin, 2020).

   This also leads to inconsistency in decision-making and makes environmental protection dependent on individual interpretation rather than prescriptive spatial planning norms. Environmental protection becomes vulnerable to vested interests, especially in terms of accelerating investment, if KKPR is granted based on a broad interpretation of the RTRW.
3. Spatial Planning Conflicts Cause Disruption to Environmental Carrying Capacity and Capacity

Environmental carrying capacity and capacity are fundamental aspects of spatial planning. When KKPR is not supported by RDTR, spatial utilization activities have the potential to exceed the ecological capacity of the region. Detailed zoning-based spatial planning instruments are essential to ensure that economic activities do not exceed the carrying capacity of the environment. Without strong instruments based on detailed spatial data, ecological boundaries are often not identified and protected, increasing the risk of environmental damage. Spatial planning that integrates spatial data and detailed zoning can identify ecological corridors, important habitats, and areas prone to fragmentation, allowing economic activity restrictions to be applied in a targeted manner. Without detailed zoning, as in non-RDTR KKPRs, the environmental impacts of many economic activities go undetected, making it difficult to prevent habitat fragmentation and the loss of ecological connectivity.(Cătălina Popescu, 2022)

As in the cases of Sangihe and Trenggalek, mining activities are carried out in areas that have significant ecological functions, including water catchment areas and small islands. These activities have great potential to disrupt hydrological stability, causing erosion, loss of biodiversity, and coastal degradation.

4. Weakening of Preventive Functions in Environmental Control Systems

KKPR (Spatial Utilization Activity Compliance) serves as an initial verification instrument to ensure that activity plans, especially high-risk ones such as mining, are in accordance with applicable spatial planning guidelines. KKPR is not only administrative in nature, but also serves as an ecological filter to prevent activities in protected zones, areas of high ecological value, or socially and physically vulnerable areas. KKPR is a key requirement before a business license is issued, thus serving as an instrument for preventing environmental damage (Marfungah, Luthfi Safa'at, Rachmad Istislam Qurbani, 2024)

In addition, the effectiveness of KKPR as a prevention instrument is highly dependent on the accuracy and completeness of spatial planning documents (RDTR/RTRW). If spatial planning documents are inaccurate, fragmented, or not updated, the KKPR issued may be invalid in substance, thereby failing to prevent activities in locations that should be protected. Therefore, the accuracy of spatial planning documents confirms that the integration of policies, regulations, and institutions is very important for effective control of pollution and environmental damage.

The Sangihe case shows a head-on collision between two social engineering tools issued by the state itself. On the one hand, the state has issued the Law on Coastal Zone and Small Islands Management (P3K Law), which is a social engineering tool that sets an absolute goal of conservation and a ban on mining on small islands. This is an attempt at social engineering to protect vulnerable ecosystems. However, on the other hand, the Central Government simultaneously issued a Contract of Work (KK) permit allowing extractive operations on the island. The administrative act of issuing the KK represents the use of law as an instrument of economic engineering that effectively undermines and nullifies the higher legal objectives mandated by the P3K Law. In fact, the provisions in the P3K Law were designed as a tool to engineer society to protect and preserve small islands, setting social goals in the form of absolute conservation. However, the administrative implementation (issuance of KK) has actually regressed, so that instead of engineering society towards preservation, the state is using the law to legitimize destruction.

Meanwhile, in the case of Trenggalek, the Spatial Planning Law and karst protection regulations serve as spatial engineering tools to protect hydrological functions and environmental carrying capacity for the sake of the sustainability of local communities through Mining Areas (WP). As stated in spatial planning laws and regional regulations, the Karst Landscape Area (KBAK) is designed as a social engineering tool to ensure environmental carrying capacity and water resource availability for local communities. However, PT SMN's

IUP was issued in the KBAK area, proving that the WP designation mechanism, which was supposed to be a spatial engineering filter, has failed completely. The WP filter has failed to integrate KBAK hydrological data and environmental vulnerability into licensing decisions.

This failure shows that the emphasis on extractive economic aspects in the Minerba Law has overridden the aspects of spatial function protection mandated by the Spatial Planning Law. In the context of Development Law Theory, this shows that the granting of the IUP is a destructive tool against a stable and independent social order that relies on Karst water resources, rather than a tool for achieving sustainable development. Furthermore, it also shows that the KKPR screening procedure at the central level does not meet adequate geological technical standards and fails to integrate supporting environmental data. As a result, WIUPs are located in areas that are scientifically high risk.

From the perspective of Mochtar Kusumaatmadja's Development Law Theory, law is understood not only as written norms, but as a tool of social engineering that must guide the development process in line with the values of justice, order, and public benefit (Aulia, 2018). This theory views law not merely as a static set of rules, but as an active instrument used by the state to plan and direct social change in order to achieve sustainable national development goals (Kusumaatmadja & Sidharta, 2000, p. hlm. 160-162).

Supervision in the control of spatial utilization based on permits is used to protect the public interest and environmental sustainability, while licensing serves to oversee spatial utilization activities. The competent agency is responsible for monitoring, assessing, and managing spatial quality in accordance with existing regulations when supervising its utilization. To evaluate the suitability of spatial plans for spatial utilization, existing permits and how space is used are evaluated. One of the results of the evaluation is a set of recommendations or a report, which are recommendations for additional actions to be taken against development activities that are not in accordance with spatial plans. The forms of supervision carried out are technical and special supervision during the spatial planning process. Special supervision includes spatial planning audits to ensure that the area is in accordance with the predetermined plan (Yulinda Adharani and R. Adi Nurzaman, 2017).

In other words, investments can be made without damaging the environment and by considering elements of environmental management and protection that would otherwise result in pollution and damage. Therefore, once the permits have been obtained in the business plan or activity, the form of management is through mineral and coal mining management, and supervision is a very important component. This is necessary to ensure that mining activities are carried out in accordance with good mining standards while maintaining the economic, social, and environmental rights of the communities in the mining area.

CONCLUSION

The Mechanism for Spatial Utilization Conformity (KKPR) in mining business permits is normatively designed as a preventive instrument to ensure that mining activities are in line with spatial planning and environmental carrying capacity from the planning stage. However, in practice after the Job Creation Law, the function of KKPR has shifted from a substantive zoning-based control instrument to an administrative instrument that is highly dependent on the OSS system and the availability of Detailed Spatial Plans (RDTR). The limitations of RDTR in many regions have led to KKPR assessments being carried out through non-RDTR mechanisms, which open up room for administrative discretion and weaken the screening function for protected areas, disaster-prone areas, and areas with high ecological vulnerability. The implications of spatial utilization activities in environmental conservation show that KKPR has not functioned properly as a means of preventing environmental damage. The KKPR is fundamentally intended to ensure that mining is only carried out in locations that are ecologically, socially, and spatially appropriate. However, in practice, the KKPR is often

regarded as an administrative task that only checks compliance with macro spatial planning documents, without considering the overall carrying capacity and environmental capacity. This situation causes KKPR to often ignore deforestation, small island degradation, water pollution, and spatial conflicts. This is evident in the case of mining on Sangihe Island, which violates coastal management laws. Meanwhile, the mining case in Trenggalek shows that the use of KKPR without adequate spatial databases and ecological research has the potential to threaten the Karst Landscape Area (KBAK). The inability of KKPR to identify these problems at an early stage causes cascading effects.

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