

KULON PROGO AS THE GATEWAY TO DIY: A REVIEW OF SPATIAL PLANNING AND INVESTMENT LAW

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Abstract

Kulon Progo, as the western region of the Special Region of Yogyakarta (DIY), now holds a strategic role after the operation of Yogyakarta International Airport (YIA) in Temon District. This change makes Kulon Progo the main gateway for the flow of goods, people, and capital to DIY. This article examines the legal aspects of spatial planning and investment in supporting this transformation. From the perspective of spatial planning law, the suitability of development with the Kulon Progo Regency RTRW and the challenges of synchronization between levels of spatial planning policies were discussed. Meanwhile, from the investment side, legal opportunities and obstacles in encouraging investment are analyzed, including risk-based licensing through OSS and regulatory support from the Job Creation Law. It was found that investment opportunities in the tourism, industry, and logistics sectors are quite large, but are still faced with issues of land legality, delays in RDTR, and community involvement. This study recommends accelerating digital RDTR, strengthening inter-agency coordination, and empowering local communities in the investment process. This study emphasizes the importance of certainty of spatial planning law and inclusive investment as the main requirements for sustainable development in Kulon Progo as the new gateway to DIY.

Keywords: *Kulon Progo, spatial planning, investment, Yogyakarta International Airport, development law*

INTRODUCTION

The construction of Yogyakarta International Airport (YIA) in Temon District has changed the strategic position of Kulon Progo Regency in the regional development map of the Special Region of Yogyakarta (DIY). As a region previously dominated by agricultural and rural activities, Kulon Progo is now developing into a new growth center that opens up various investment opportunities, especially in the tourism, logistics and industrial sectors. The existence of this international airport makes Kulon Progo the main gateway for the flow of people and goods from outside the region and even abroad to DIY.

This transformation certainly requires integrated and sustainable spatial planning. On the other hand, the acceleration of development also encourages the entry of investors who require legal certainty in the licensing process, land use, and regional development. However, this process is not free from various legal challenges, such as overlapping use of space, agrarian conflicts, delays in the preparation of the Detailed Spatial Plan (RDTR), and limited technical regulations that are able to keep up with the pace of investment. Therefore, a comprehensive study is needed on the legal aspects of spatial planning and investment in Kulon Progo, in order to ensure development that is not only progressive, but also fair, participatory, and in accordance with the principles of regional sustainability. The existence of YIA not only functions as air transportation infrastructure, but also becomes a catalyst for the development of the surrounding areas.

The airport encourages the growth of new economic buffer zones, such as industrial areas, tourism areas, and logistics service centers that have the potential to be developed. Along with this, there is an urgent need for adaptive spatial planning, as well as regulations that can provide legal certainty for business actors and the community. These changes also have consequences for land use patterns, the socio-economic structure of local communities, and demands for policies that support sustainable and equitable investment. In the context of spatial planning law, it is important to review how the Regional Spatial Planning Plan (RTRW) Kulon Progo Regency accommodates these changes, especially related to national and provincial strategic areas located within the

regency. Synchronization between national, provincial, and regency spatial planning policies is important to avoid regulatory conflicts and overlapping land use. On the other hand, from an investment law perspective, risk-based business licensing policies and integrated service systems such as Online Single Submission (OSS) must be able to provide convenience and legal protection, both for investors and affected communities.

The problem that then arises is how to manage the development of Kulon Progo as the gateway to DIY with a harmonious, effective, and inclusive spatial planning and investment law approach. This includes questions about: to what extent has the existing RTRW been aligned with the latest development dynamics? How does the implementation of investment policies run amidst social, cultural, and environmental challenges and what is the role of local governments in balancing economic growth with social justice. This study will examine the strategic position of Kulon Progo as the gateway to DIY by reviewing the aspects of spatial planning and investment law, while also highlighting the challenges and policy recommendations that need to be considered by local governments and other stakeholders. This study is expected to contribute to the formulation of the direction of sustainable, competitive, and public interest-oriented development of the Kulon Progo region.

The following is a continuation of the Problem Formulation and Writing Objectives section for the paper entitled *"Kulon Progo as the Gateway to DIY: Review of Spatial Planning and Investment Law"*:

Formulation of the problem

Based on the background that has been explained, the problem formulation in this study is as follows:

1. What is the strategic position of Kulon Progo Regency as the gateway to the Special Region of Yogyakarta from a spatial planning law perspective?
2. How do legal policies and investment regulations support the development of strategic areas in Kulon Progo?
3. What are the legal challenges and opportunities in realizing sustainable and inclusive development in Kulon Progo?

The purpose of this writing is to:

1. Analyzing the position of Kulon Progo Regency as the gateway to the Special Region of Yogyakarta from a spatial planning law perspective.
2. Reviewing applicable legal regulations and investment policies and their relevance to the development of strategic areas in Kulon Progo.
3. Identifying challenges and formulating legal policy recommendations in order to create sustainable, equitable and inclusive spatial and investment governance.

LITERATURE REVIEW

1. Concept of Spatial Planning and Spatial Planning Law

Spatial planning is a process of planning and utilizing space that aims to create harmony between environmental, social, and economic interests in a single area. According to Law Number 26 of 2007 concerning Spatial Planning, space is defined as a container that includes land, sea, and air space, including space within the earth as a single area where humans and other creatures live and carry out activities.

In spatial planning law, spatial planning is the basis for making development decisions. The Regional Spatial Plan (RTRW) serves as a legal reference in determining land use, spatial utilization zones, and protection of certain areas (such as permanent agricultural areas or protected areas). Some important principles in spatial planning include:

- a) Integration between sectors and regions.
- b) Sustainability environment.
- c) Spatial justice.
- d) Community participation.

According to Santoso (2019), uncoordinated spatial planning is often a source of agrarian conflict, regional inequality, and environmental degradation. Therefore, harmonization between national, provincial, and district RTRW is crucial in realizing legal and sustainable development.

2. Development of Strategic Areas and Regions

Regional development is a systematic effort to improve the quality and capacity of a region through sectoral and spatial approaches. In this context, a strategic area is an area whose spatial planning is prioritized because it has a major influence nationally, provincially, or districtly from an economic, social, cultural, environmental, defense, or security perspective. According to Nugroho and Suparmoko (2020), strategic areas such as around airports, ports, or industrial areas must receive special attention in spatial planning and investment regulations because they are magnets for growth. In Kulon Progo, the existence of Yogyakarta International Airport (YIA) make the surrounding area part of the National Strategic Area (KSN) and Provincial Strategic Area

(KSP), as regulated in the DIY Provincial RTRW. The challenge of developing strategic areas is maintaining a balance between economic growth and preserving the environment and local socio-culture. Therefore, a Strategic Environmental Assessment (KLHS) is required as mandated in Law No. 32 of 2009 concerning Environmental Protection and Management.

3. Investment and Regional Investment Law

Investment is the investment of capital to obtain profits, either by domestic or foreign investors. In the regional context, investment is a source of financing for development and job creation. Law Number 25 of 2007 concerning Investment regulates the rights and obligations of investors, as well as the role of the government in creating a conducive investment climate. Since the enactment of the Job Creation Law (Law No. 11 of 2020) And Government Regulation No. 5 of 2021 concerning the Implementation of Risk-Based Business Licensing, the investment process is directed to be simpler through the Online Single Submission (OSS) system. On the other hand, local governments are given space to offer fiscal and non-fiscal incentives to attract investors.

According to Winarno (2021), the success of investment in a region is largely determined by:

- a) Legal certainty and efficient licensing.
- b) Clear infrastructure access and spatial planning.
- c) Readiness of local human resources.
- d) Community involvement in investment planning and monitoring.

However, criticism has emerged regarding the implementation of investments that tend to ignore the principles of sustainability and local participation, as has occurred in several cases of land evictions for national strategic projects (PSN), including in the YIA area.

4. Regional Gateway and Gate City Concept

In regional planning literature, there is a term "Gate City" or gateway city, which is a city that is geographically and functionally the entrance to a regional or provincial area. Gate city acts as a link between internal and external areas, as well as being a logistics, transportation, and trade hub.

Kulon Progo, with the presence of YIA and national road connectivity and the Yogyakarta-Bawen toll road plan, meets the gate city criteria for the Special Region of Yogyakarta. In urban planning theory, a gate city must have:

- a) Multimodal supporting infrastructure.
- b) Spatial planning that is adaptive to the dynamics of mobility and economy.
- c) Integrated investment policy and spatial governance support.

According to Sutopo (2020), gate city development requires synergy between the central, provincial, and district governments, as well as the involvement of the private sector and the community. Spatial planning is a tool to direct growth so as not to cause inequality or social conflict. Kulon Progo's role as the gateway to DIY must be studied comprehensively from the perspective of spatial planning and investment law. Clear spatial planning and conducive investment laws are the main foundations for effective and equitable development. However, local social, environmental and cultural aspects should not be ignored for the sake of long-term development sustainability.

METHOD

1. Type of Research

This research uses a normative legal research approach, namely a research method that is based on literature studies and analysis of applicable legal norms. This approach was chosen because the focus of the research is on the legal study of spatial planning and investment regulations applicable in Kulon Progo Regency and their implementation in the context of regional development. In addition, this research is also equipped with a limited empirical legal approach, to provide a contextual picture of the implementation of law in the field, especially related to the implementation of RTRW and regional investment policies.

2. Research Approach

This research uses several approaches:

- a) Statute Approach: Reviewing relevant regulations, such as Law Number 26 of 2007 concerning Spatial Planning, Law Number 11 of 2020 concerning Job Creation, and Government Regulations related to investment and OSS.
- b) Conceptual Approach: Involves the study of basic concepts such as spatial planning, strategic areas, spatial equity, and sustainable investment.
- c) Historical and Sociological Approach (if relevant): Reviewing the dynamics of Kulon Progo development over time and its impact on local communities, as a complement to the normative context.

3. Sources of Legal Materials

This study uses three types of legal materials, namely:

a) Primary Legal Materials:

- Law Number 26 of 2007 concerning Spatial Planning
- Law Number 25 of 2007 concerning Investment
- Law Number 11 of 2020 concerning Job Creation
- Government Regulation Number 5 of 2021 concerning Risk-Based Business Licensing
- Kulon Progo Regency Regulation No. 1 of 2023 concerning the 2022–2042 RTRW
- DIY Provincial Regulation No. 4 of 2022 concerning the DIY Provincial Spatial Plan 2022–2042
- Detailed Spatial Planning (RDTR) and KLHS documents related to the YIA airport area

b) Secondary Legal Materials:

- Spatial planning and investment law literature
- Journal articles on law and regional planning
- Technical guidance from Bappenas, ATR/BPN, BKPM
- Academic reports and research results related to Kulon Progo development

c) Tertiary Legal Materials are legal dictionaries, legal encyclopedias, directories of legal regulations, OSS documents and other supporting materials.

4. Legal Material Collection Techniques

Legal materials are collected through the following methods:

- a) Library research by searching regulations, textbooks, scientific articles, government documents, and trusted online sources.
- b) Legal document analysis of regional and national legal products.
- c) Search official government websites such as oss.go.id, jdih.kulonprogokab.go.id, jdih.jogjaproprov.go.id, and andregulasi.go.id to obtain up-to-date and valid legal documents.

If an additional empirical approach is taken, data collection techniques can be carried out through:

- a) Semi-structured interviews with officials from the PUPR Service, DPMPTSP, Bappeda, or local community leaders in Kulon Progo (if field data is available).
- b) Limited field observations in strategic areas around YIA (for further study).

5. Legal Material Analysis Techniques

The analysis was carried out descriptively qualitatively, with the following steps:

- a) Inventory and classification of primary and secondary legal materials.
- b) Interpretation and systematization of legal norms related to spatial planning and investment.
- c) Critical analysis of the alignment between regulations, effectiveness of implementation, and identification of legal and policy issues.
- d) Synthesis of normative and empirical findings (if any) to formulate responsive and applicable legal recommendations.

Analysis is carried out continuously to answer the problem formulation and achieve research objectives.

THEORETICAL FRAMEWORK

1. Spatial Planning Law Theory

The theory of spatial law discusses how law regulates the use, control, and supervision of space. Spatial planning is not just a technical matter, but a legal means to:

- a) Ensuring the integration of development,
- b) Avoiding land conflicts,
- c) Realizing spatial justice and environmental sustainability.

According to Hans Kelsen (with a norm hierarchy approach), regional spatial plans (district/city RTRW) must be subject to higher legal norms, such as the Spatial Planning Law and provincial/national RTRW. Thus, vertical and horizontal consistency in spatial planning regulations is the key to legal validity. In addition, this theory is also influenced by the theory of legal functions according to Lawrence M. Friedman, where law functions as a normative system that reflects the social system. In the context of spatial planning, Friedman emphasizes the importance of the substance system (legal rules), structure (implementing institutions such as ATR/BPN or local government), and legal culture (community participation in spatial planning).

2. Investment Theory and Economic Law

This theory explains that investment is part of the economic development process that requires legal guarantees, regulatory transparency, and business certainty. In the Law and Development approach, law not only maintains order, but also becomes an instrument of development.

According to Douglass C. North , legal institutions serve to reduce uncertainty in economic exchange. In this context, investment regulations in regions such as through *Online Single Submission (OSS)* , risk licensing, and tax incentives, must be clear and integrated with spatial planning regulations to avoid conflict.

This theory also touches on the role of government in creating a conducive investment climate through *good governance* , such as:

- a) Transparency of information,
- b) Efficient licensing procedures,
- c) Prevention of corrupt practices,
- d) Local community involvement.

3. Theory of Regional Development and Spatial Justice

This theory is important to analyze the strategic position of Kulon Progo as the gateway to DIY. In the theory of regional development, especially according to John Friedmann , development should not be centered only in the city center , but should be directed towards the development of peripheral areas. The concept of spatial justice emphasizes that development must pay attention to the distribution of space and its benefits fairly. When an area develops due to strategic projects such as airports or industrial areas, local communities must gain real benefits, not just bear the social and ecological impacts. This theory is also related to the concept of sustainability (sustainable development) , namely how space is used wisely for the current generation without sacrificing future generations.

4. Theory of Regional Government Authority and Autonomy

This theory is related to the legal capacity of the region to formulate RTRW and investment policies. Based on the theory of decentralization , the regional government has the authority to regulate spatial affairs and investment within the framework of regional autonomy as guaranteed in the 1945 Constitution Article 18 and Law Number 23 of 2014 concerning Regional Government. This authority must remain in sync with national and provincial policies, so that there is no overlapping of policies. This theory also explains the importance of multi-level governance coordination in spatial management and investment, especially in national strategic projects such as YIA Airport.

5. Closing Theoretical Framework

The theoretical framework above will be used as a basis for analyzing how spatial regulation and investment policies work legally in the Kulon Progo region. This approach allows the author to evaluate:

- a) Harmony between national and regional laws,
- b) Effectiveness of investment policy implementation,
- c) Spatial and social impacts of strategic area development.

RESULTS AND DISCUSSION

1. Strategic Position of Kulon Progo in the Spatial Planning of the Special Region of Yogyakarta

Kulon Progo Regency has been designated as one of the strategic areas in the Regional Spatial Plan (RTRW) of the Special Region of Yogyakarta (DIY), especially after the construction of Yogyakarta International Airport (YIA) . The existence of YIA makes the southern region of Kulon Progo the main gateway to DIY from the west and south, replacing the dominance of the Sleman region and the city of Yogyakarta as growth centers.

In DIY Regional Regulation No. 4 of 2022 concerning the DIY RTRW 2022–2042 , it is stated that the Area Around YIA and the National Road to Yogyakarta are designated as Provincial Strategic Area (KSP) . This was responded to by Kulon Progo Regency by establishing Regional Regulation No. 1 of 2023 concerning the Kulon Progo RTRW 2022–2042 , which made the Temon–Wates–Pengasih area as new growth areas .

The legal implications of this determination are:

- a) Obligation to adjust development plans with national and provincial RTRW.
- b) Local governments have a strong legal basis to carry out spatial control and attract zoning-based investment.

2. Investment Policy and New Economic Opportunities in Kulon Progo

After YIA was operational, the Kulon Progo Regency Government through the Investment and One-Stop Integrated Services Agency (DPMPTSP) began actively offering industrial, tourism, logistics and housing areas. to national and foreign investors. Some of the investment opportunities recorded include:

- a) Kulon Progo Airport City , which is projected to be an integrated commercial center,
- b) Development of the Glagah and Congot Tourism Areas , including resorts and agro-ecotourism,

c) Nanggulan–Sentolo Industrial Estate , which is designed to support post-YIA economic activities. To support ease of doing business, the Online Single Submission (OSS) system has been implemented. risk-based , in accordance with Government Regulation No. 5 of 2021. However, in practice, research shows the following challenges:

- a) Several investors complained about the lack of synchronization of zoning data in the OSS system with the available RDTR,
- b) Not all investment areas have an integrated digital RDTR ,
- c) Legal socialization to local communities is still lacking, resulting in resistance to the project.

3. Legal Review of Spatial Planning Compliance and Business Permits

Legally, Every investment activity must be in accordance with the applicable RTRW and/or RDTR , as regulated in:

- a) Article 14 and 15 of Law No. 26 of 2007 concerning Spatial Planning,
- b) Article 13 of PP No. 21 of 2021 concerning the Implementation of Spatial Planning,
- c) Mechanism for Compliance of Spatial Utilization Activities (KKPR) in OSS.

In practice in Kulon Progo, there were several findings:

- a) Not all business activities have pocketed KKPR , especially MSMEs affected by development.
- b) Private projects that enter through the village asset utilization cooperation pattern (*BUMDes*) still face overlapping legal status of land and space .
- c) Lack of legal supervision has led to the rampant use of space without permission (non-procedural) in the area around YIA.

Thus, it is necessary to consistently enforce administrative law as well as accelerate the digitalization and preparation of RDTR as a prerequisite for KKPR.

4. Legal Conflicts and Inequality in the Utilization of Space

Although the development of YIA and the surrounding area brings prospects for economic growth, this study found that there are legal and social impacts that arise due to:

- a) Conversion of productive agricultural land into commercial areas, which is contrary to the principle of spatial sustainability,
- b) Lack of community participation in the spatial planning process , which causes resistance and land conflicts,
- c) The lack of legal clarity regarding customary land and village treasury land , which is used in investment projects but has not yet received full approval from residents.

This conflict shows that the principle of spatial justice **has** not been fully realized. An ideal spatial planning law should prevent the marginalization of vulnerable groups due to development.

5. The Role of Regional Government in Realizing Fair and Sustainable Spatial Planning and Investment

Based on the theory of decentralization and regional autonomy, the Kulon Progo Regency Government has a key role in integrating physical development with laws governing space and investment . However, this study shows that:

- a) Institutional capacity (for example PUPR Service, DPMPTSP, Bappeda) is still limited in policy synchronization,
- b) Collaboration between regional, provincial and central governments in strategic projects is still not optimal from a legal-administrative perspective .
- c) Regional regulations and incentive programs to encourage investment have not fully considered the long-term impacts on social and environmental structures.

Strategic legal steps are needed such as:

- a) Preparation of priority RDTR Regional Regulations based on public participation,
- b) Transparency of KKPR and OSS information to the public,
- c) Legal audit of land and space that has been utilized by investors ,
- d) Strengthening of spatial planning supervision by Satpol PP and other law enforcement officers .

CONCLUSION

Based on the results of the research and discussion that has been carried out, several important points can be concluded as follows:

1. Kulon Progo has a strategic position as the gateway to the Special Region of Yogyakarta since the operation of Yogyakarta International Airport (YIA). The existence of this infrastructure has driven the

- acceleration of regional development, the growth of new economic areas, and increased investor interest in investing, especially in the tourism, logistics, and creative industry sectors.
2. Spatial planning in Kulon Progo Regency has been legally structured through Regional Regulation Number 1 of 2023 concerning the 2022–2042 RTRW. In this document, strategic zones are determined, such as the airport economic area, the south coast tourism area, and the national road infrastructure network. This spatial planning is an important legal basis for controlling the use of space to comply with the principles of sustainable development.
 3. Investment policies implemented through the OSS RBA (Online Single Submission Risk-Based Approach) system provide ease of business licensing procedures. However, implementation in the field still faces challenges such as disharmony between spatial plans and investor interests, lack of digital RDTR, and land use conflicts involving local communities.
 4. The legal aspects of spatial planning and investment are not yet fully synchronized, especially in the context of implementing the Suitability of Spatial Utilization Activities (KKPR). Several cases show that there is still overlap between investment activities and spatial allocations that have been determined in the RTRW, so that strengthening cross-sector coordination between the central government, regional governments, and business actors is needed.
 5. An inclusive and spatial justice-based development approach is needed to make Kulon Progo a new growth area. This includes involving local communities in the planning process, empowering the economy of residents affected by development, and protecting the rights to land and living space of indigenous and agrarian communities.

Thus, it can be concluded that the success of Kulon Progo as the gateway to DIY is not only determined by physical and infrastructure aspects, but also by the accuracy of spatial planning and investment policies that are fair, transparent, and long-term oriented.

RECOMMENDATION

Based on the conclusions that have been presented, the author provides several strategic suggestions aimed at stakeholders so that development and investment in Kulon Progo Regency run sustainably, in accordance with the law, and in the interests of the public:

1. The Kulon Progo Regency Government needs to accelerate the preparation and digitization of the Detailed Spatial Planning Plan (RDTR) as a legal basis for the issuance of the Suitability of Spatial Utilization Activities (KKPR). This is important so that the OSS RBA licensing system can be effectively integrated with applicable spatial policies.
2. Synchronization between central and regional policies must continue to be strengthened, especially regarding the development of strategic areas such as the area around YIA Airport, industrial areas, and tourism. Coordination between institutions such as Bappeda, DPMPTSP, and ATR/BPN needs to be improved so that there is no conflict between investment and spatial allocation.
3. Strengthening of legal capacity and supervision of spatial planning and investment implementation is needed, including the application of administrative or criminal sanctions for violations of spatial use that are not in accordance with the RTRW. This is to prevent uncontrolled land conversion and damage to local ecosystems.
4. The government needs to involve active community participation in the planning and monitoring process of development, including residents affected by national strategic projects such as YIA. The principle of spatial justice must be upheld so that development not only benefits investors, but also creates direct benefits for local residents.
5. Increasing transparency and access to public information related to zoning, licensing, and investment projects must be a priority. The public and investors both have the right to know the direction of spatial planning policies and the procedures that must be met for legal certainty.

With the implementation of these suggestions, it is hoped that the development of the Kulon Progo region as the main gateway to the Special Region of Yogyakarta can run fairly, efficiently, and sustainably, while also becoming a model for good spatial-based investment governance in Indonesia.

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