

Legal Certainty and Land Rights Protection in Urban Spatial Planning: The Role of the Palu City Government

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Abstract

Changes to the spatial planning of Palu City following the 2018 earthquake, tsunami, and liquefaction events have impacted the legal certainty of land rights holders, particularly due to the designation of disaster-prone areas and "red zones" that restrict community land use. This study aims to analyze the role of the Palu City Government in providing legal certainty and protection to the community affected by these spatial planning changes. The study employs an empirical-juridical method, utilizing both statutory and sociological approaches. Data were gathered from primary sources through interviews with stakeholders such as the local government, the National Land Agency, and affected residents and secondary sources, including books, journals, and regulations concerning land and spatial planning; the data were then analyzed using a descriptive-qualitative method. The findings indicate that the Palu City Government plays a role through policies adjusting spatial planning, designating disaster-prone areas, implementing relocation programs, providing spatial planning information, and coordinating with relevant agencies to resolve land-related issues faced by the affected community. However, the implementation of legal protection still faces obstacles, including incomplete land ownership documentation, discrepancies in land data, and the need for better dissemination of spatial planning policies to the public.

Keyword: Legal Protection, Land Rights, Spatial Planning

Abstrak

Perubahan tata ruang Kota Palu pascabencana gempa bumi, tsunami, dan likuefaksi tahun 2018 telah berdampak terhadap kepastian hukum pemegang hak atas tanah, terutama akibat penetapan kawasan rawan bencana dan zona merah yang membatasi pemanfaatan tanah masyarakat. Penelitian ini bertujuan untuk menganalisis peran Pemerintah Daerah Kota Palu dalam memberikan kepastian hukum dan perlindungan hukum bagi masyarakat yang terdampak perubahan tata ruang. Penelitian ini menggunakan metode yuridis empiris dengan

pendekatan perundang-undangan dan sosiologis. Data penelitian diperoleh dari data primer yang melalui wawancara dengan para pemangku kepentingan seperti pemerintah daerah, Badan Pertanahan Nasional, dan warga terdampak serta data sekunder yang bersumber dari buku, jurnal, dan peraturan perundang-undangan terkait pertanahan dan tata ruang serta dianalisis secara deskriptif kualitatif. Hasil penelitian menunjukkan bahwa Pemerintah Daerah Kota Palu berperan melalui penyesuaian kebijakan tata ruang, penetapan kawasan rawan bencana, pelaksanaan program relokasi, penyediaan informasi tata ruang, serta koordinasi dengan instansi terkait dalam penyelesaian permasalahan pertanahan masyarakat terdampak. Namun, pelaksanaan perlindungan hukum masih menghadapi kendala berupa belum lengkapnya dokumen kepemilikan tanah, perbedaan data pertanahan, dan perlunya peningkatan sosialisasi kebijakan tata ruang kepada masyarakat.

Kata Kunci: Perlindungan Hukum, Hak Atas Tanah, Tata Ruang

A. Introduction

Legal protection is one of the fundamental elements in a state based on the rule of law because it aims to guarantee and protect the rights of citizens from every government action, including in the management of land affairs.¹ Every policy issued by the government must be based on the principles of legal certainty, justice and benefit so that it does not harm the community.² In this context, the state not only has the authority to establish policies but also has the obligation to guarantee the protection of the legal rights of the community. This protection becomes increasingly important for land rights holders when changes in spatial planning policies potentially affect the legal status, function, or use of the land they own.³

Land has a very strategic position in people's lives because apart from being a place to live, it also functions as a source of livelihood, a means of economic activity, and an asset that has social and legal value. The existence of land is directly related to meeting the needs of life and welfare of the community. Therefore, land rights must receive effective legal protection so that their owners are not harmed by government policies or actions. This becomes increasingly

¹ Andi Tenripadang and Basyirah Mustarin, "Analisis Perlindungan Hukum Terhadap Hak Milik Dalam Hukum Perdata Indonesia : Perspektif Kepastian Dan Keadilan," *Al-Ubudiyah* 6, no. 2 (2025): hlm. 132.

² Fence M. Wantu, *Konsep Hukum Dalam Mewujudkan Kepastian, Keadilan, Dan Kemanfaatan* (Pustaka Pelajar, 2011). hlm. 78.

³ Urip Santoso, *Hukum Agraria & Hak-Hak Atas Tanah* (Jakarta: Kencana Prenada Media Group, 2005). hlm. 45.

important considering that land is often used as the object of various public policies which have the potential to cause conflicts between state interests and individual rights.⁴

This situation raises issues regarding legal protection, as land owners have essentially acquired their rights legally, but then face restrictions due to changes in spatial planning policies established by the government. From a legal perspective, this situation raises questions about the extent to which the state can restrict community land rights for the sake of spatial planning, and what form of legal protection should be provided to land owners who are harmed by these policies.⁵ This issue is important to study because the state's authority to regulate spatial planning cannot be exercised arbitrarily without paying attention to the civil rights of the community.⁶

Changes in urban spatial planning are an important part of urban development.⁷ Spatial planning policies are formulated to regulate land use patterns for the public interest, geographic risk mitigation, social justice, and spatial efficiency. Spatial Planning in Urban Development: Every city requires thorough spatial planning to accommodate population growth, economic growth, and environmental dynamics.

Spatial planning change policies are often implemented in response to the need for infrastructure development, new settlements, and disaster management.⁸ However, these changes can have a direct impact on land status and use, particularly if they are not accompanied by effective socialization and protection of land rights. Land conflicts are a frequent consequence, particularly when community land is incorporated into new development areas or areas designated as restricted (red zones, protected areas, etc.).

⁴ Adrian Sutedi, *Peralihan Hak Atas Tanah Dan Pendaftarannya* (Jakarta: Sinar Grafika, 2007). hlm. 93.

⁵ Maria S. Sumardjono, *Tanah Dalam Perspektif Hak Ekonomi Sosial Dan Budaya* (Jakarta: Kompas, 2009). hlm. 36.

⁶ Manga Patila, Dewi Kemala Sari, and Abraham Kekka, "Legal Review of Land Tenure By Communities on Coastal and Coastal Boundaries in Palu City and Parigi Moutong Regency," *Al-Adl : Jurnal Hukum* 17, no. 2 (2025): hlm. 127, <https://doi.org/10.31602/al-adl.v17i2.18934>.

⁷ Salwa Dellia et al., "Urban Spatial Planning: Strategies and Challenges in Managing Urbanization Perencanaan Tata Ruang Kota: Strategi Dan Tantangan Pengelolaan Urbanisasi," *JCIC: Journal of Urban Sociology* 1, no. 1 (2024): hlm. 96.

⁸ Dini Anggraeni et al., "Analisis Strategi Mengatasi Dampak Tata Ruang Terhadap Psikologis Masyarakat Di Permukiman Padat Rawan Gempa Bumi," *Jurnal Regional Planning* 8, no. 1 (2026): hlm. 48, <https://doi.org/10.36985/q3mcth69>.

Palu City is a relevant study area because, as the capital of Central Sulawesi, it reflects the spatial planning challenges faced by many developing cities. Following the 2018 earthquake, tsunami, and liquefaction, the Palu City Government adjusted spatial planning policies for disaster mitigation, rehabilitation, reconstruction, and safer regional development. These changes included redesignating residential and business areas as disaster-prone or restricted zones and implementing relocation policies for affected communities.

Normatively, the policy aims to protect public safety and promote sustainable spatial planning. However, changes to the spatial plan restrict the use of legally owned land, creating a conflict between land rights and post-disaster government policies. Following the disaster, the Palu City Government revised the RTRW through Central Sulawesi Governor Regulation No. 10 of 2019, designating several areas as red zones unsuitable for habitation, many of which had previously been legally or traditionally occupied by communities.⁹

Communities affected by spatial changes were directed to relocate to government-designated areas, but resistance arose due to concerns over inadequate protection of land rights. Some residents refused relocation because they held legal ownership and questioned the basis for RTRW changes.¹⁰ Consequently, zoning changes may trigger land conflicts when certified land can no longer be used as intended, while compensation and relocation mechanisms remain insufficient. Thus, disaster risk reduction policies must ensure meaningful community participation to prevent legal uncertainty and land conflicts.

Previous studies have examined spatial planning and land rights from various perspectives. Herman et al. (2025) studied Palu City's spatial planning policies for sustainable development, while Priyanta and Zulkarnain (2024) analyzed changes in RDTR preparation following the Job Creation Law. Other studies addressed land rights protection and agrarian conflicts. However, these studies mainly focus on regulatory, sustainability, and land ownership aspects, and have not comprehensively examined the role of local governments in ensuring legal certainty and protection for land rights holders affected by spatial planning changes, particularly in post-disaster areas.

⁹ Peraturan Gubernur Sulawesi Tengah Nomor 10 Tahun 2019 tentang Rencana Rehabilitasi dan Rekonstruksi Pascabencana.

¹⁰ Interview with Mrs. Ainin, a local resident holding land rights affected by spatial planning changes in Palu City.

This reveals a research gap, as previous studies have discussed the legal consequences of spatial planning changes and land rights protection but have paid limited attention to how local governments balance disaster mitigation with land rights. In particular, few studies examine Palu City from the perspectives of legal protection, rule of law, and good governance, including transparency, accountability, public participation, and legal certainty in post-disaster spatial planning.

Accordingly, this study contributes by analyzing the role of the Palu City Government in ensuring legal certainty and legal protection for land rights holders affected by spatial planning changes. Using legal protection, rule of law, and good governance perspectives, it assesses whether post-disaster spatial planning policies adequately protect community rights while supporting disaster mitigation and sustainable urban development. The study is expected to contribute to agrarian and spatial planning law and provide recommendations for more equitable, participatory policies that balance public interests with land rights protection.

This research is important because spatial planning changes often prioritize administrative and technical aspects while overlooking the legal protection of affected land rights holders. As a state based on the rule of law, Indonesia must ensure effective protection for citizens' rights. Therefore, this study examines legal protection for land rights holders affected by spatial planning changes in Palu City and aims to support fair, responsive, and participatory policies in addressing post-disaster land conflicts.

B. Research Methods

This study employs an empirical-juridical method an approach that examines the application of law in practice specifically focusing on legal protections for land rights holders affected by spatial planning changes in Palu City. The study is descriptive and was conducted at the Palu City Spatial Planning and Land Agency. Primary data were obtained through interviews with the local government, the National Land Agency, and affected communities, while secondary data came from books, journals, and relevant legislation. Data were collected through literature reviews and interviews, then analyzed qualitatively by linking field findings with applicable laws and theories.

Primary data were obtained through semi-structured interviews with three purposively selected informants: Mr. Munawir, an employee of the Palu City Spatial Planning and Land Agency; Mr. Iwan, a staff member of the Palu City

Regional Disaster Management Agency (BPBD); and Mrs. Ainin, a local resident holding land rights affected by spatial planning changes. Interviews were conducted on May 19, 2026. Data were analyzed descriptively by categorizing findings according to the research focus and comparing them with relevant regulations and documents. Data validity was ensured through source triangulation using interview findings, documentation, literature, Palu City Regional Regulation No. 2 of 2021 (RTRW), and Palu City Mayor Regulation No. 1 of 2023 (RDTR).

C. Discussion and Research Findings

The role of the local government in Palu City in providing legal certainty and protection for land rights holders affected by spatial planning changes is crucial, particularly following the 2018 earthquake, tsunami, and liquefaction disasters, which resulted in changes to the area and the designation of disaster-prone areas. In this regard, the local government is obligated to ensure that all spatial planning policies are implemented while still respecting and protecting the rights of the community as land rights holders.

The protection of land rights in urban spatial planning is inseparable from the rule of law, which requires respect for public rights in government actions. Although the government has authority to regulate land use for development and public safety, such authority must be based on clear legal grounds, implemented transparently, and respect the interests and rights of landholders.

One manifestation of the local government's role is to adjust and revise the Palu City Regional Spatial Plan (RTRW) to reflect post-disaster conditions.¹¹ These spatial planning changes are implemented as an effort to minimize disaster risks by establishing safe areas, relocation areas, and red zones that are no longer designated as residential areas.¹² In implementing these changes, local governments are obligated to provide clear information to the public regarding land status and changes in spatial function to create legal certainty.¹³

¹¹ Sitti Rabiatal Wahdaniyah Herman et al., "Analisis Kesiapan Kebijakan Tata Ruang Kota Palu Dalam Mendukung Agenda SDG 11 (Kota Berkelanjutan)," *Jurnal Peweka Tadulako* 4, no. 1 (2025): hlm. 35, <https://doi.org/10.22487/peweka.v4i1.49>.

¹² Interview with Mr. Iwan, a staff member of the Palu City Regional Disaster Management Agency (BPBD), Palu.

¹³ K. A. Sagala, S. A. H., Suroso, D. S. A., Puspitasari, N., Suroso, A. A., & Rizqika, "Knowledge and Implementation Gaps in Disaster Risk Reduction and Spatial Planning: Palu City, Indonesia," *Disaster Prevention and Management* 30, no. 45 (2021): hlm. 462, <https://doi.org/https://doi.org/10.1108/DPM-03-2021-0105>.

The legal framework demonstrates a relationship between legal certainty regarding land rights and legal certainty regarding spatial planning. Legal certainty for land rights holders is determined not only by proof of ownership but also by clarity regarding how the land may be utilized in accordance with the spatial plan. Consequently, the protection of land rights within the context of spatial planning must strike a balance between the interests of rights holders, regional development objectives, and public safety.¹⁴

The Palu City Government has the authority to formulate and implement spatial planning policies. However, changes to the RTRW that restrict land use must uphold legal certainty, fairness, proportionality, and public rights. Such changes do not extinguish land rights but regulate their use and must be accompanied by adequate legal protection mechanisms.

Based on research at the Palu City Spatial Planning and Land Agency, it was discovered that the local government plays various roles in providing legal certainty to communities whose land is affected by spatial planning changes. This role is realized not only through the preparation of spatial planning documents, but also through controlling spatial use, providing spatial planning information, coordinating with relevant agencies, and providing services to communities seeking certainty regarding the status of their land use.¹⁵

Legal Framework for Land Rights Protection under Urban Spatial Planning

From a normative perspective, the protection of land rights within urban spatial planning is based on an interconnected legal framework governing both land ownership and spatial utilization. Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA) provides the fundamental legal basis for land rights in Indonesia. The UUPA recognizes various forms of land rights and establishes that the use of land must consider its social function. Therefore, ownership of land does not grant an absolute right to use the land without regard to public interests and spatial planning policies.

Spatial planning is regulated by Law Number 26 of 2007, as amended by Law Number 6 of 2023, which determines the allocation and utilization of space according to its designated functions. Changes in spatial planning may affect

¹⁴ Md Zubair Kasem Khan Try Widiyono, "Legal Certainty in Land Rights Acquisition in Indonesia's National Land Law," *Law Reform* 19, no. 1 (2023): hlm. 128, <https://doi.org/https://doi.org/10.14710/lr.v19i1.48393>.

¹⁵ Adiguna Kharismawan et al., "Sertifikat Sebagai Upaya Perlindungan Hukum Terhadap Masyarakat Kabupaten Parigi Moutong," *BERNAS: Jurnal Pengabdian Kepada Masyarakat* 6, no. 2 (2025): hlm. 974.

existing land rights; therefore, implementation must uphold legal certainty, public participation, and respect for land rights. Furthermore, Government Regulation Number 21 of 2021 regulates spatial planning, utilization, and control, requiring the government to ensure conformity between land use and spatial plans while implementing policies transparently and proportionally¹⁶.

Therefore, the legal framework demonstrates that spatial planning and land rights protection are not separate matters. Changes in spatial designation may restrict or alter the utilization of privately held land, but such changes cannot disregard the legal status and interests of land rights holders. The government must therefore balance public spatial planning interests with the protection of individual land rights to ensure legal certainty and prevent potential disputes arising from changes in urban spatial planning.

Urban Spatial Planning and Its Impact on Land Rights in Palu City

The implementation of urban spatial planning in Palu City has undergone significant changes following the earthquake, tsunami, and liquefaction disasters in 2018. These disasters influenced the government's spatial planning policies, particularly through the identification and designation of disaster-prone areas and restrictions on land utilization in certain zones. Such changes were intended to reduce disaster risks and protect the community; however, they also affected land rights holders whose properties were located within areas subject to new spatial designations.

Changes in spatial planning can have direct consequences for the exercise of land rights.¹⁷ Land that was previously utilized for residential, commercial, or other purposes may become subject to restrictions due to its designation as a disaster-prone or protected area. Consequently, although ownership rights over the land may remain legally recognized, the holder's ability to utilize and develop the land may be limited by applicable spatial planning provisions. This condition demonstrates that land rights are not absolute and must be exercised in accordance with the public interest and spatial functions established by the government.

¹⁶ Edwin Buitelaar and Niels Sorel, "Between the Rule of Law and the Quest for Control: Legal Certainty in the Dutch Planning System," *Land Use Policy* 27, no. 3 (2010): hlm. 983, <https://doi.org/https://doi.org/10.1016/j.landusepol.2010.01.002>.

¹⁷ Eksam Sodak, Jauhari Effendi, and I.N.P Soetedjo, "Pengaruh Pemberian Hak Atas Tanah Di Pemukiman Pesisir Pantai Terhadap Rencana Detail Tata Ruang Kota Kupang (Studi Kasus: Pemukiman Pesisir Pantai Kelurahan Oesapa)," *Jurnal Ilmu Lingkungan* 13, no. 2 (2016): hlm. 118, <https://doi.org/10.14710/jil.13.2>.

In Palu City, post-disaster spatial planning must balance disaster risk reduction with the protection of land rights. The government should provide clear information, socialization, and legal certainty regarding changes in land designation and their legal consequences. Therefore, spatial planning policies must consider both safer urban development and the legitimate interests of land rights holders to prevent legal uncertainty and potential disputes.

The Role of the Palu City Government in Ensuring Legal Certainty

The Palu City Government has an important role in ensuring legal certainty for land rights holders affected by changes in urban spatial planning. This role is carried out through the implementation of spatial planning policies, provision of information regarding changes in land designation, and coordination with relevant agencies, particularly the land office. Legal certainty requires the government to ensure that affected communities understand the status, utilization, and legal consequences of changes to their land.¹⁸

In addition, the government is responsible for involving the community through socialization and public participation in spatial planning processes.¹⁹ Such measures are important to prevent misunderstandings and minimize potential conflicts arising from changes in land use. Therefore, the role of the Palu City Government is not limited to implementing spatial planning policies but also includes ensuring transparency, providing access to information, and protecting the legitimate interests of land rights holders.

Ultimately, the government must balance disaster-resilient urban development with the protection of land rights to ensure spatial planning changes are implemented fairly, transparently, and with legal certainty. Transparent information enables the public to understand the legal consequences of spatial planning changes, including their rights and obligations as land rights holders, and avoid non-compliant land use.

Challenges in Protecting Land Rights

The protection of land rights affected by changes in urban spatial planning in Palu City faces several challenges. One of the main challenges is the limited public understanding of changes in spatial designations and their legal consequences for land utilization. Insufficient dissemination of spatial planning

¹⁸ Windiahsari Maisa, M., Muliadi, "The Legality of Land Ownership Right That Changes in Position and Size (Case Study of Natural Liquefaction Disaster in Palu City)," *Journal of Indonesian Legal Studies* 9, no. 1 (2024): hlm. 480, <https://doi.org/https://orcid.org/0009-0005-6344-2214>.

¹⁹ Interview with Mr. Munawir, an employee of the Palu City Spatial Planning and Land Agency.

information may cause uncertainty among land rights holders regarding the status and future use of their land.

Another challenge concerns coordination between government institutions, particularly those responsible for spatial planning and land administration. Differences in data, policies, and implementation may complicate the protection of existing land rights. In addition, restrictions on land utilization in disaster-prone areas may create a conflict between public interest in disaster mitigation and the individual interests of land rights holders.

Therefore, protecting land rights in Palu City requires stronger public participation, transparent spatial planning information, and effective coordination among relevant institutions. These measures are important to ensure that changes in spatial planning provide legal certainty while continuing to respect the legitimate rights of affected communities.²⁰

According to the author, inter-agency coordination is a crucial factor in providing effective legal protection because land issues cannot be resolved by a single agency.²¹ Based on research conducted at the Palu City Spatial Planning and Land Agency, it can be concluded that the local government has fulfilled its role through the preparation of the RTRW (Regional Spatial Plan) and RDTR (Regional Spatial Plan), controlling spatial use, providing spatial planning information, and coordinating with relevant agencies. This role demonstrates that the government functions not only as a policymaker but also as a public service provider responsible for providing legal certainty to the public.

However, the effectiveness of this role still faces challenges. The research reveals that some communities still do not fully understand zoning changes and their legal consequences for land use. Furthermore, inter-agency coordination needs to be strengthened to ensure integrated spatial planning and land policies.²² The Palu City government also provides legal protection through a relocation policy for residents living in red zones. This policy is stipulated in

²⁰ Nabbilah Amir, "Aspek Hukum Pengaturan Tata Ruang Terhadap Alih Fungsi Lahan Dalam Rangka Pembangunan Nasional," *Jurnal Justiciabelen* 1, no. 1 (2018): hlm. 120, <https://doi.org/10.30587/justiciabelen.v1i1.497>.

²¹ Fredy Fredy, Baso Madiong, and Andi Tira, "Analisis Pelaksanaan Tangung Jawab Kantor Pertanahan Kabupaten Mamuju Tengah Atas Terjadinya Sengketa Tanah Yang Bersertifikat Ganda," *Indonesian Journal of Legality of Law* 7, no. 2 (2025): hlm. 201, <https://doi.org/10.35965/ijlf.v7i2.6092>.

²² Jemz Andre Ratu Edo, Agus Subagyo, and Danny Permana, "Koordinasi Badan Perencanaan Dan Pengembangan Daerah Dalam Kebijakan Penataan Ruang Aerotropolis Di Kecamatan Kertajati Kabupaten Majalengka," *Jurnal Prinsip* 2, no. 1 (2025): hlm. 150.

Central Sulawesi Governor Regulation Number 10 of 2019 concerning Post-Disaster Rehabilitation and Relocation Plans. Through this policy, residents with legal rights to land and buildings are relocated to safer areas as an effort to protect the community's right to life and safety.

Based on the author's research at the Palu City Spatial Planning and Land Office, it was found that the local government plays a significant role in providing legal certainty and protection to land rights holders affected by changes to the city's spatial planning. This role is realized through the preparation of spatial planning policies, the determination of disaster-prone areas, and the implementation of relocation programs for communities in areas that are no longer designated as residential areas.

According to Mr. Munawir, an employee at the Palu City Spatial Planning and Land Agency:

"The Palu City Government addresses land disputes arising from spatial planning changes through ownership verification, public outreach, relocation to safer areas, and compensation in accordance with regulations. However, incomplete land certificates and discrepancies in ownership data remain obstacles, requiring stronger inter-agency coordination to ensure dispute resolution and legal certainty."²³

Based on interviews with employees of the Palu City Spatial Planning and Land Agency, the regional government provides legal certainty and protection through the collection and verification of land ownership data, as well as public outreach on spatial planning changes and their impact on land use.²⁴ These measures aim to ensure clear information and understanding of spatial planning policies among affected communities.

In addition to data collection and outreach, the Palu City Government addresses land disputes in red zones and disaster-prone areas through relocation and compensation based on applicable regulations, prioritizing deliberation with affected communities. However, incomplete land certificates and discrepancies in ownership data remain obstacles, requiring stronger inter-agency coordination.

²³ Interview with Mr. Munawir, an employee of the Palu City Spatial Planning and Land Agency.

²⁴ Nasrullah Nasrullah, Irwan Irwan, and Rasdianah Rasdianah, "Perlindungan Hukum Terhadap Penduduk Transmigran Dalam Penguasaan Hak Atas Tanah Legal Protection of Transmigrant Communities in the Control of Land Rights Tanah Merupakan Karunia Tuhan YME Kepada Bangsa Indonesia Sehingga Pengelolaannya Harus Berdaya Gun" 9, no. 3 (2026): hlm. 1929.

Community objections are initially resolved through consultation as a non-litigation approach; if no agreement is reached, affected communities may pursue legal remedies in accordance with applicable laws.

Research findings indicate that the Palu City Government has fulfilled its role in providing legal certainty and protection to land rights holders through the formulation of Spatial Plans (RTRW) and Detailed Spatial Plans (RDTR), the regulation of land use, the provision of spatial planning information, inter-agency coordination, the documentation of land ownership, the implementation of relocation, and the provision of compensation to affected communities. These efforts demonstrate the government's commitment to discharging its obligations as mandated by prevailing laws and regulations.

Nevertheless, the effectiveness of these policies faces various challenges, including incomplete land ownership documentation, discrepancies in land data, limited public understanding regarding spatial planning changes, and the need for stronger inter-agency coordination.²⁵ These conditions suggest that legal certainty has not yet been fully realized for all community members affected by spatial planning changes.

Therefore, the author suggests that the Palu City Government needs to continuously improve the quality of public outreach, strengthen the integration of land and spatial planning data, enhance coordination with the Land Office, the Regional Disaster Management Agency (BPBD), and other relevant agencies, and expand public participation throughout the spatial planning process. These measures are expected to strike a balance between regional development interests, disaster mitigation, and the protection of the rights of landholders.

To strengthen the protection and legal certainty of land rights holders affected by spatial planning changes in Palu City, the local government should improve public outreach and transparency of spatial planning information, particularly regarding changes in zoning and their legal consequences for land utilization. Clear and accessible information is important to ensure that communities understand their rights and obligations as land rights holders.

The government needs to strengthen the integration of land and spatial planning data as well as inter-agency coordination, while simultaneously enhancing public participation in spatial planning policies that affect land rights. This step is crucial for balancing disaster mitigation, urban development, and the

²⁵ Eva Pujasari, "Efektivitas Kebijakan Pendaftaran Tanah Nasional Kabupaten Pangandaran," *Jurnal Sains Student Research* 3, no. 5 (2025): hlm. 654.

protection of community rights, as well as for reinforcing legal certainty and reducing the potential for disputes.

D. Conclusion

The role of the Palu City Government in ensuring legal certainty and protection for land rights holders affected by spatial planning changes is implemented through RTRW and RDTR planning, spatial utilization control, public information, inter-agency coordination, relocation, and compensation. However, post-disaster spatial changes, particularly the designation of red zones, have restricted land utilization and may create legal uncertainty. Therefore, legal protection needs to be strengthened through public participation, improved socialization, integrated land and spatial planning data, and stronger inter-agency coordination to balance disaster mitigation, urban development, and community land rights.

References

- Amir, Nabbilah. "Aspek Hukum Pengaturan Tata Ruang Terhadap Alih Fungsi Lahan Dalam Rangka Pembangunan Nasional." *Jurnal Justiciabelen* 1, no. 1 (2018): 120. <https://doi.org/10.30587/justiciabelen.v1i1.497>.
- Anggraeni, Dini, Reva Klaura Natalia, Daffa Yusuf Putra Irianto, Rega Ferdinan Syaputro, Annida Unnatiq Ulya, and Septin Puji Astuti. "Analisis Strategi Mengatasi Dampak Tata Ruang Terhadap Psikologis Masyarakat Di Permukiman Padat Rawan Gempa Bumi." *Jurnal Regional Planning* 8, no. 1 (2026): 35–48. <https://doi.org/10.36985/q3mcth69>.
- Buitelaar, Edwin, and Niels Sorel. "Between the Rule of Law and the Quest for Control: Legal Certainty in the Dutch Planning System." *Land Use Policy* 27, no. 3 (2010): 983–89. <https://doi.org/https://doi.org/10.1016/j.landusepol.2010.01.002>.
- Dellia, Salwa, Putri Susanto, Shalma Marselina, Zilfa Zahira, and Moh Dulkiah. "Urban Spatial Planning: Strategies and Challenges in Managing Urbanization Perencanaan Tata Ruang Kota: Strategi Dan Tantangan Pengelolaan Urbanisasi." *JCIC: Journal of Urban Sociology* 1, no. 1 (2024): 75–96.
- Edo, Jemz Andre Ratu, Agus Subagyo, and Danny Permana. "Koordinasi Badan Perencanaan Dan Pengembangan Daerah Dalam Kebijakan Penataan Ruang Aerotropolis Di Kecamatan Kertajati Kabupaten Majalengka." *Jurnal Prinsip* 2, no. 1 (2025): 150.
- Fence M. Wantu. *Konsep Hukum Dalam Mewujudkan Kepastian, Keadilan, Dan Kemanfaatan*. Pustaka Pelajar, 2011.
- Fredy, Fredy, Baso Madiung, and Andi Tira. "Analisis Pelaksanaan Tangung Jawab Kantor Pertanahan Kabupaten Mamuju Tengah Atas Terjadinya Sengketa Tanah Yang Bersertifikat Ganda." *Indonesian Journal of Legality of Law* 7,

- no. 2 (2025): 189–201. <https://doi.org/10.35965/ijlf.v7i2.6092>.
- Herman, Sitti Rabiatal Wahdaniyah, Supriadi Takwim, Azizah Putri Abdi, Rasdiana, and Tri Wahyuningsih. “Analisis Kesiapan Kebijakan Tata Ruang Kota Palu Dalam Mendukung Agenda SDG 11 (Kota Berkelanjutan).” *Jurnal Peweka Tadulako* 4, no. 1 (2025): 18–35. <https://doi.org/10.22487/peweka.v4i1.49>.
- Ibrahim, Jonaedi Efendi & Johnny. *Metode Penelitian Hukum: Normatif Dan Empiris*. Depok: Prenadamedia Group, 2016.
- Kharismawan, Adiguna, Manga Patila, Abraham Kekka, and Dewi Kemala Sari. “Sertifikat Sebagai Upaya Perlindungan Hukum Terhadap Masyarakat Kabupaten Parigi Moutong.” *BERNAS: Jurnal Pengabdian Kepada Masyarakat* 6, no. 2 (2025): 974–79.
- Maisa, M., Muliadi, Windiahsari. “The Legality of Land Ownership Right That Changes in Position and Size (Case Study of Natural Liquefaction Disaster in Palu City).” *Ournal of Indonesian Legal Studies* 9, no. 1 (2024): 457–480. <https://doi.org/https://orcid.org/0009-0005-6344-2214>.
- Miqat, Nurul, Rafika Nur, Virgayani Fattah, Susi Sulilawati, and Intan Purnamasari. “Local Wisdom of Customary Law Community to Realize Food Sovereignty in Central Sulawesi.” *Jambura Law Review* 3, no. 2 (2021): 277–94. <https://doi.org/10.33756/jlr.v3i2.10167>.
- Nasrullah, Nasrullah, Irwan Irwan, and Rasdianah Rasdianah. “Perlindungan Hukum Terhadap Penduduk Transmigran Dalam Penguasaan Hak Atas Tanah Legal Protection of Transmigrant Communities in the Control of Land Rights Tanah Merupakan Karunia Tuhan YME Kepada Bangsa Indonesia Sehingga Pengelolaannya Harus Berdaya Gun” 9, no. 3 (2026): 1929–52.
- Patila, Manga, Dewi Kemala Sari, and Abraham Kekka. “Legal Review of Land Tenure By Communities on Coastal and Coastal Boundaries in Palu City and Parigi Moutong Regency.” *Al-Adl : Jurnal Hukum* 17, no. 2 (2025): 127. <https://doi.org/10.31602/al-adl.v17i2.18934>.
- Priyanta, Maret, and Cut Sabina Zulkarnain. “Perubahan Paradigma Dalam Penyusunan Rencana Detail Tata Ruang Yang Berkelanjutan Dan Menjamin Kepastian Hukum Pasca Politik Hukum Cipta Kerja Di Indonesia.” *Jurnal Hukum & Pembangunan* 54, no. 2 (2024). <https://doi.org/10.21143/jhp.vol54.no2.1635>.
- Pujasari, Eva. “Efektivitas Kebijakan Pendaftaran Tanah Nasional Kabupaten Pangandaran.” *Jurnal Sains Student Research* 3, no. 5 (2025): 654–70.
- Sagala, S. A. H., Suroso, D. S. A., Puspitasari, N., Suroso, A. A., & Rizqika, K. A. “Knowledge and Implementation Gaps in Disaster Risk Reduction and Spatial Planning: Palu City, Indonesia.” *Disaster Prevention and Management* 30, no. 45 (2021): 462–79. <https://doi.org/https://doi.org/10.1108/DPM-03-2021-0105>.

- Santoso, Urip. *Hukum Agraria & Hak-Hak Atas Tanah*. Jakarta: Kencana Prenada Media Group, 2005.
- Sodak, Eksam, Jauhari Effendi, and I N.P Soetedjo. "Pengaruh Pemberian Hak Atas Tanah Di Pemukiman Pesisir Pantai Terhadap Rencana Detail Tata Ruang Kota Kupang (Studi Kasus: Pemukiman Pesisir Pantai Kelurahan Oesapa)." *Jurnal Ilmu Lingkungan* 13, no. 2 (2016): 118–22. <https://doi.org/10.14710/jil.13.2>.
- Sulaiman, King Faisal, and Iwan Satriawan. "Land Dispute Settlement Post Law No. 2 of 2012; Glagah Village Case Study Related To Nyia Airport." *Indonesia Private Law Review* 2, no. 2 (2021): 109–24. <https://doi.org/10.25041/iplr.v2i2.2328>.
- Sumardjono, Maria S. *Tanah Dalam Perspektif Hak Ekonomi Sosial Dan Budaya*. Jakarta: Kompas, 2009.
- Sutedi, Adrian. *Peralihan Hak Atas Tanah Dan Pendaftarannya*. Jakarta: Sinar Grafika, 2007.
- Tait, Malcolm. *Planning and the Public Interest: Still a Relevant Concept for Planners?* *Planning Theory*. Vol. 15, 2016. <https://doi.org/10.1177/1473095216660780>.
- Tenripadang, Andi, and Basyirah Mustarin. "Analisis Perlindungan Hukum Terhadap Hak Milik Dalam Hukum Perdata Indonesia: Perspektif Kepastian Dan Keadilan." *Al-Ubudiyah* 6, no. 2 (2025): 132–41.
- Try Widiyono, Md Zubair Kasem Khan. "Legal Certainty in Land Rights Acquisition in Indonesia's National Land Law." *Law Reform* 19, no. 1 (2023): 128–47. <https://doi.org/https://doi.org/10.14710/lr.v19i1.48393>.