

Control and Utilization of Space at Hibisc Fantasy Puncak**Lidia Helena Indahsari Tobing**

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Article History

Received : 01 January 2026

Revised : 05 January 2026

Accepted : 10 January 2026

Published : 05 February
2026**Corresponding author*:**helenaindahsari30@gmail.com**DOI:**<https://doi.org/10.56127/ijml.v5i1.2561>

Abstract: Spatial control and utilization are crucial aspects in realizing sustainable tourism development, particularly in highland areas with protected functions such as the Puncak area. This study aims to analyze spatial control and utilization in the Hibisc Fantasy Puncak tourist area in terms of its compliance with regional spatial plans, laws and regulations, and its impact on the environment and society of the surrounding community. The research method used is a descriptive qualitative approach through the study of policy documents, field observations, and interviews with relevant stakeholders. The results indicate that spatial utilization in Hibisc Fantasy Puncak is not fully aligned with the area's function, particularly regarding environmental carrying capacity and land conversion control. Weak supervision and enforcement of spatial planning regulations are the main factors causing the inconsistency in spatial utilization. Therefore, it is necessary to strengthen spatial control policies, improve inter-agency coordination, and implement sustainable development principles to maintain a balance between tourism development and environmental sustainability in the Puncak area.

Keywords: spatial control, spatial utilization, regional spatial planning, tourism, Hibisc Fantasy Cause.

INTRODUCTION

In the fourth line of the Preamble to the 1945 Constitution, the Unitary State of the Republic of Indonesia lists its objectives. This shows that Indonesia is a state based on law that follows the concept of a welfare state. Based on Article 33 paragraph (3) of the 1945 Constitution, Article 2 of the UUPA also states, "The land, water, and airspace along with their natural resources, at the highest level are controlled by the state and used for the greatest prosperity of the people, as an organization of the whole people." So, it is clear that the government's power over land, water, and natural resources therein is intended to make the people as wealthy as possible while protecting the environment. In this case, the use of natural resources for growth must be done without sacrificing environmental protection. This is called environmentally friendly sustainable development, and will be used by future generations as well. In environmentally friendly sustainable development, land use patterns are planned to utilize water, other resources, and the environment as a whole as optimally as possible. This is possible by managing population growth in a way that does not cause problems.

Law Number 26 of 2007 concerning Spatial Planning explains that Space, which includes land, sea, and air, as well as space within the earth, is actually not unlimited as a place for humans and other animals to live, do activities, and survive. Therefore, in order for the Archipelago Insight and National Resilience to be realized into a national spatial area that is safe, comfortable, productive, and sustainable, this law requires spatial planning that balances the natural environment and the built environment, combines the use of natural and built resources, protects the function of space, and stops environmental damage caused by the use of space. When planning space in an area, these guidelines must be followed in every stage of planning.

The Regional Spatial Plan (RTRW) is designed to serve as a guideline that directs regional development in a more structured and planned direction, and supports the achievement of sustainable long-term development goals. Not only does it serve as a reference framework in development planning, the Regional Spatial Plan (RTRW) also serves as the basis for the preparation of medium-term and long-term development plans and programs, which in this case relate to the strategic steps that must be taken by the regional government while ensuring that every development activity implemented must be in accordance with the directions set out in the Regional Spatial Plan (RTRW) to ensure the utilization of natural resources and development in accordance with the principles of sustainability and community welfare. The RTRW is implemented in accordance with the directions and objectives of spatial planning which are outlined sectorally and comprehensively in various fields or development areas that have been determined so that each region has an arrangement that suits its respective characteristics. Therefore, it is important to better understand the planning position of a district/city. For example, Bogor Regency, which is located on a plateau with undulating topography and beautiful scenery, needs area preservation to maintain the sustainability of water resources. Therefore, guidance is needed in planning for spatial management efforts, especially regarding the preservation of water and land resources, watershed preservation and conservation, and general types of regional development. This is intended to maximize the potential of the region while limiting the negative impacts that can arise from the wrong use of space. However, dynamic, flexible spatial design, capable of providing new space for growth, which appears in the form of spatial plans, is often used as a bargaining tool between investors with capital and institutional and private regional authorities.

Several measures are taken to ensure that the control and use of space conforms to spatial plans. These include granting permits, offering rewards and disincentives, and enforcing sanctions. Spatial planning permits are granted to control how space is used, ensuring that each use complies with the established spatial plan. Both the national and regional governments are responsible for the permitting process and granting permits. Any use of space that does not comply with the spatial plan will be punished with fines, imprisonment, or administrative sanctions. This applies regardless of whether the use is permitted or not. The use of sanctions is an effort by law enforcement to regulate how space is used. There are also incentives to support activities that align with the spatial plan and disincentives to stop or slow the growth of activities that do not align with the spatial plan.

In the case studied by the author, the violation of the Regional Spatial Planning (RTRW) in the use of Green Open Space (RTH) regarding the construction of Hibiscus Fantasy Puncak. The Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia issued Regulation Number 14 of 2022 concerning the Provisions and Use of Green Open Space. This also includes green open space. Article 3 of Regulation Number 14 of 2022 from the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia states that at least 30% of the area of a city or urban area must be green open space (RTH). This can consist of public green open space (at least 20%) and private green open space (at least 10%). The private sector or the community can own the land.

At least 30% of a city's green open space (GOS) is needed to maintain the balance of the urban environment. This includes hydrological and weather systems, as well as other biological systems. Besides making cities look better, it also helps make clean air more accessible. Therefore, GOS is crucial in spatial planning because we must start by asking where we shouldn't build, not where we should.

In this way, violations of the Regional Spatial Plan (RTRW) have become very common in Puncak, Bogor. There is an interesting case regarding the construction of the Hibisc Fantasy Puncak tourist park in the Gunung Mas Puncak Bogor Tea Plantation area, Cisarua District, Bogor Regency, West Java. This is because the construction permit does not comply with the Bogor Regency Spatial Plan (RTRW), which is the content of Bogor Regency Regional Regulation Number 1 of 2024 concerning the Bogor Regency Spatial Plan 2024–2044. The person responsible for the Hibisc Fantasy Puncak tourist attraction, PT. Jaswita Lestari Jaya, only obtained a building permit for an area of 4,138.95 square meters, but the land that was built covered 21,000 square meters.

The construction of Hibisc Fantasy Puncak is also carried out in a tea plantation area that should be protected from the development of a tourist park because it does not comply with its designation, where the area should have a designation as a green open space. This is emphasized in Article 44 letter (c) of Regional Regulation Number 1 of 2024 which stipulates Cisarua District as a Local Protection Area. In addition, Article 56 letter (i) of Regional Regulation Number 1 of 2024 stipulates Cisarua District as a Plantation Area. And in Article 32 paragraph (6) letter b and 39 paragraph (2) of Regional Regulation Number 1 of 2024 stipulates that Cisarua District is a Flood Control Network and as a Primary Drainage Network. Land conversion due to the construction of Hibisc Fantasy Puncak also has an impact on environmental damage which results in a decrease in environmental carrying capacity, capacity and productivity and increases the risk of natural disasters such as landslides and floods. The interesting thing about this case is that in practice what happens in the Puncak area where the need for Green Open Space (RTH) that has been adjusted to the activities that occur in Bogor Regency is around 55%, while due to the rapid development of tourism in Bogor Regency, the development of which often violates the Regional Spatial Plan (RTRW) of Bogor Regency, the Green Open Space (RTH) available is currently still below 50%.

Based on the background above, the researcher was motivated to write a thesis entitled: "Control and Utilization of Space at Hibiscus Fantasy Puncak".

RESEARCH METHOD

The data analysis used in this study was qualitative, focusing on the quality of the research. The study, "Control and Utilization of Space at Hibiscus Fantasy Puncak," was conducted by obtaining data related to the arrangement and linking it with existing field data to draw conclusions about the problems encountered.

The data collection method for this study was through a literature review, which involved searching through reading materials such as books, journals, and laws and regulations. In addition to the literature review, data collection was also conducted through interviews with the Department of Public Works and Spatial Planning, the Department of Housing, Settlement Areas, and Land Affairs, and the Department of the Environment in Bogor Regency. Analysis was then conducted to draw objective and systematic conclusions.

RESULT AND DISCUSSION

Control and Utilization of Space for the Development of Hibiscus Fantasy Puncak

Based on the explanation above, the control and utilization of space at Hibisc Fantasy Puncak has not been achieved in accordance with Law Number 26 of 2007 concerning Spatial Planning Article 1 number 14 where the spatial pattern of Hibisc Fantasy Puncak should be carried out in line with the spatial plan. Hibisc Fantasy Puncak itself is an idea from PT Jaswita Lestari Jaya (PT JLJ), a subsidiary of PT Jaswita Jabar with PT Laksamana Jaya Tungga (PT LJT). PT JLJ submitted a letter of interest to PT Perkebunan Nusantara

VIII (PTPN VIII) which resulted in the signing of a cooperation agreement between PTPN VIII and PT JLJ regarding land use for the purpose of building and developing a tourism area in the Kebun Gedeh area, Afdeling Gunung Mas Sector B, PTPN VIII, Number: PRJ/II.1/2350/IX/2022 and 002.00/JLJ-PTP/IX/2022, with a cooperation object of 15.46 hectares in the Puncak Bogor Tea Plantation, Jalan Raya Puncak Gadog, Tugu Selatan, Cisarua District, Bogor Regency, West Java 16750. Then the cooperation object was expanded to 21.61 hectares based on an addendum to the cooperation agreement between PTPN VIII and PT JLJ regarding cooperation in land use for building and developing a tourism area consisting of selfie spots, children's play areas, castles and shows, flower gardens, restaurants, food courts, camping grounds and other supporting facilities in the Kebun Gedeh area, Afdeling Gunung Mas Sector B, PT Perkebunan Nusantara VIII, Number: ADD/II.1/2716/XI/2023 and 001.00/PKS.ADD/JLJ.PTPN/XI/2023.

The Bogor Regency Spatial Plan is stated in Bogor Regency Regional Regulation Number 1 of 2024 concerning the Bogor Regency Spatial Plan for 2024-2044 which confirms that Cisarua District in Bogor Regency, West Java, the Hibisc Fantasy Puncak development area is an area of flood control networks, raw water units, primary drainage networks, protected areas, nature reserves, plantation areas, Mount Gede Pangrango National Park, nature tourism parks, food crops. This explains that Cisarua District is an area that has great potential as a natural green open space.

According to the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 14 of 2022, Article 3, the minimum amount of Green Open Space to ensure ecosystem balance is 30% of the total area of the district, consisting of 20% public green open space and 10% private green open space. The same thing is also regulated in Article 29 of Law Number 26 of 2007 concerning Spatial Planning. It is known that Bogor Regency has not met the need for Green Open Space, which should reach 55%. This occurs not only because of the existence of community settlements built without permits on HGU land but also due to the abuse of power by high-ranking individuals who built villas without permits on abandoned Land Use Rights (Hak Guna Usaha) land.

In Bogor Regency, the areas designated as green open space are the Ciawi, Megamendung, and Cisarua Districts, covering an area of 18,347.06 hectares, consisting of conservation forests, protected forests, production forests, and plantations. Article 2 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 14 of 2022 explains that the provision of green open space must at least contain an ecological function as rainwater absorption, a water infiltration function as flood control, an economic function as providing plantation production space, a social function as maintaining historical aspects as forming the identity of city elements, and a disaster management function as disaster risk reduction. Therefore, data collection, arrangement, regulation, control, and restoration of spatial planning functions are required. Basically, spatial planning in Bogor Regency is in accordance with applicable regulations, but often occurs with holders of Land Use Rights (Hak Guna Usaha) where land should be used for growing coffee or tea is leased to investors to build restaurants, hotels, tourist attractions, and so on, thus disrupting conservation in Bogor Regency.

This is a factor in the failure to achieve control and utilization of space at Hibiscus Fantasy Peak, where the tourist building was built on land designated for plantations, thus essentially violating the RTRW. This practice is contrary to Article 18 paragraph (4) letter d of Government Regulation Number 21 of 2021, which emphasizes that the Regency Spatial Planning Plan serves as a reference in the utilization of space and control of spatial utilization. In the context of controlling spatial utilization, the Bogor Regency Spatial

Planning Plan serves as the basis for issuing permits for building locations and land administration. This is emphasized in Article 26 paragraph (3) of Law Number 26 of 2007. However, Hibisc Fantasy Puncak has obtained a permit submitted by PT JLJ as the manager of Hibisc Fantasy Puncak before its construction began from the suitability of space utilization activities from the Bogor Regency Public Works and Spatial Planning Agency with Letter Number: 593.1/057/IPR/DPUPR/2022, environmental feasibility from the Bogor Regency Environmental Agency with Letter Number: 600.4.5/13/Kpts-PKL/TL-DLH/2023 and building approval from the Bogor Regency Government with Letter Number: SK-PBG-320125-29012024-001. However, in practice, the construction of Hibisc Fantasy Puncak does not comply with the directives of the Bogor Regency Environmental Agency, where Hibisc Fantasy Puncak should be an environmentally friendly and sustainable tourist park with the provision of green open spaces in the form of gardens and tea gardens with an area of 59,789 square meters with a maximum building area of 4,138.95 square meters, but when construction was completed, the building area of the rides exceeded the permitted limit, namely 21,000 square meters. In addition, the Hibisc Fantasy Puncak construction area is also a place where rivers flow from the upstream of the Ciliwung River. It is suspected that this also has an impact on the obstruction of river water flow which makes when rainfall is high, the water discharge becomes high and the lack of green open spaces around it makes water unable to be directly absorbed into the ground so that the water flows directly into the river. With the topography of the area with a fairly steep slope, the water that flows into the river in large quantities directly flows downstream, namely the Jakarta area and its surroundings.

In the author's opinion, seen from the characteristics of Bogor Regency which is a highland area with undulating topography and beautiful views, it is necessary to preserve the area in order to minimize negative impacts on the environment without neglecting the development and construction as well as the economic growth of Bogor Regency so that the potential of the region due to the use of space continues to run optimally. Judging from its characteristics, Bogor Regency has great potential in the tourism sector because of its beautiful views, but if it is carried out without limits, it will have an impact on decreasing the quality of the environment and increasing the occurrence of natural disasters such as floods. Therefore, Article 35 of Law Number 26 of 2007 regulates the control of space use in the form of zoning, licensing, providing incentives and disincentives and imposing sanctions in the context of prevention and repression.

In Appendix X which shows the Bogor Regency Spatial Planning Map as regulated in Bogor Regency Regional Regulation Number 1 of 2024 concerning the Bogor Regency Spatial Planning for 2024-2044, it is emphasized that Cisarua District can still be built as a Tourism Area but with a limited, even very small, number with Cisarua District being dominated by Residential Areas, Agricultural Areas, Cultivation Areas, Conservation Areas and Local Protection Areas as well as Defense and Security Areas.

Attachment XI of Bogor Regency Regional Regulation Number 1 of 2024 concerning the Bogor Regency Regional Spatial Planning for 2024-2044 confirms the Determination of Strategic Areas consisting of Strategic Areas from the Perspective of Functional Interests and Environmental Carrying Capacity, Strategic Areas from the Perspective of Natural Resource Utilization and/or Technology, Strategic Areas from the Perspective of Economic Growth Interests, Strategic Areas from the Perspective of Socio-Cultural Interests. Based on this division, Ciawi, Cisarua and Megamendung Districts are fully included in the category of Strategic Areas from the Perspective of Functional Interests and Environmental Carrying Capacity. This is also regulated in Article 69 paragraph (4) letter a of Bogor Regency Regional Regulation Number 1 of 2024 concerning the Bogor Regency Regional

Spatial Planning for 2024-2044. So based on the determination of the area above, it is known that Cisarua District as the Hibisc Fantasy Puncak development area is one of the areas that has been designated as a top priority for protection because of its very important function and role in maintaining the balance of nature and the sustainability of human life in Cisarua District and its surroundings, including Jakarta and its surroundings. This is seen from the perspective of the Environmental Function of Cisarua District which has a natural task that cannot be replaced by technology, which includes providing water, regulating microclimates, and providing biodiversity habitats. Providing water is a very important task, namely to capture rainwater so that rainwater that falls can be absorbed into the ground with the help of green open spaces so that flooding does not immediately occur in downstream areas. Microclimate regulation is also an important task so that the air temperature in Bogor Regency and its surroundings, including Jakarta, Tangerang, Depok, etc. remains cool. Biodiversity Habitat is also an equally important task, namely to be a home for endemic flora and fauna so that the food chain can be maintained. Furthermore, from an environmental perspective, the environmental carrying capacity of Cisarua District is crucial because it addresses the maximum natural limit that can accommodate human activities, including population, buildings, and waste, before the natural environment in Bogor Regency is damaged. Therefore, if development in Cisarua District exceeds its carrying capacity, disasters such as landslides, droughts, and flash floods will occur. Therefore, it is crucial to protect Cisarua District so that activities within it do not exceed the maximum capacity of its natural capacity.

Thus, in implication, the basic building coefficient (KDB) in areas that are Strategic Areas from the Perspective of Functional Interest and Environmental Carrying Capacity is lower where only a small building is allowed from the total land area and the rest must be green open space/infiltration area. In addition, to obtain a building permit is very strict with strict supervision and may even not obtain a building permit. In every development plan, a Strategic Environmental Assessment is also required to ensure that the development carried out does not damage nature. This is done because the area is the Lungs and Water Tank of Bogor Regency, so if the area is damaged it can cause the economy in other areas to collapse due to disasters.

One of the main programs of Bogor Regency, summarized in Appendix XII, page 60 of Bogor Regency Regional Regulation Number 1 of 2024 concerning the Bogor Regency Spatial Planning for 2024-2044, is the construction and/or expansion of a flood control network in the form of normalization and/or naturalization of the Ciliwung River and its banks that flow through Cisarua District. River normalization is a technical measure to restore and increase the river's capacity by dredging mud (sediment), widening the river body, and constructing embankments/retaining walls. This aims to smoothen water flow and increase the volume of water collected. Meanwhile, river naturalization is river management with an environmentally friendly approach without eliminating its natural ecosystem. For example, by maintaining meandering rivers, planting vegetation on the banks and using gabion stones instead of concrete. River naturalization also requires extensive land on the sides of the river to be used as green open space so that the water has parking space when it overflows, so that the river's boundaries must remain sterile from buildings. This aims to control flooding with the help of green open spaces so that water can seep into the ground vertically.

With the suspicion that the construction of Hibisc Fantasy Puncak as the cause of flooding in Jakarta and its surroundings in March 2025 cannot be accounted for because it requires in-depth scientific analysis. However, seen from the location where the construction of Hibisc Fantasy Puncak was carried out, Cisarua District is included in the

Green Open Space in Bogor Regency with a topography dominated by high slopes and dominated by Latosol and Andosol soils originating from volcanic ash also makes the land in Cisarua District very fertile for plantations but has a high level of porosity and is susceptible to erosion if the vegetation is lost and the main water catchment area for the Ciliwung Watershed requires that falling rainwater must be absorbed into the ground as a water supply for the downstream area, namely Jakarta and its surroundings, making Cisarua District not an ideal place for the development of a tourist park area.

In addition, the Hibisc Fantasy Puncak development area is also a river basin from the Upper Ciliwung River which should be sterile from buildings and filled with green open spaces, even though it is only one of the five river basins that the Upper Ciliwung River flows through, it is still important to carry out normalization and naturalization of the river so that it does not contribute to the probability of flooding in downstream areas such as Jakarta and its surroundings.

However, from the many buildings that have permits that are suspected of having a large potential to cause flooding and are affected by these allegations, such as the revocation of permits in several tourist objects in Bogor Regency, it is necessary to know that there are still many other causes that contribute more to flooding that occurs downstream, namely the Jakarta area and its surroundings, such as buildings that do not have permits that are not touched, such as villas and illegal settlements built on river banks or on land with Business Use Rights, but until now the Bogor Regency Government has not succeeded in regulating them because they have a significant impact on the less fortunate. However, from the perspective of business actors who have followed the applicable procedures and obtained permits from the Regional Government, this is unfair and very detrimental.

Legal Action by the Regional Government Against Violations of Spatial Utilization Permits in the Hibiscus Fantasy Puncak Development

Hibisc Fantasy Puncak which is an idea from PT Jaswita Lestari Jaya (PT JLJ) a subsidiary of PT Jaswita Jabar with PT Laksamana Jaya Tungga (PT LJT) where PT JLJ submitted a letter of interest to PT Perkebunan Nusantara VIII (PTPN VIII) which resulted in the signing of a cooperation agreement between PTPN VIII and PT JLJ regarding land use for the purpose of building and developing a tourism area in the Kebun Gedeh area, with a cooperation object of 15.46 hectares in the Puncak Bogor Tea Plantation, Jalan Raya Puncak Gadog, Tugu Selatan, Cisarua District, Bogor Regency, West Java 16750. Then the cooperation object was expanded to 21.61 hectares based on an addendum to the cooperation agreement between PTPN VIII and PT JLJ regarding cooperation in land use for building and developing a tourism area consisting of selfie spot rides, children's play areas, castles and shows, flower gardens, restaurants, food courts, camping grounds and other supporting facilities in the Kebun Gedeh area. On a land area of 21.61 hectares, the Regional Government only permitted PT JLJ to build 4,138.95 square meters with 14 buildings that had Building Permits (PBG), but in fact in the field the built-up area reached 21,000 square meters with 35 buildings standing.

Article 35 of Law Number 26 of 2007 states that control of spatial utilization is carried out through zoning regulations, providing incentives and disincentives, licensing and imposing sanctions. Bogor Regency's zoning regulations are incomplete, only a few sub-districts have detailed spatial planning. Cisarua Sub-district, which is the development area for Hibisc Fantasy Puncak, does not yet have its own detailed spatial planning plan, so the zoning in Cisarua Sub-district cannot be known. However, Article 77 paragraph (3) of Presidential Regulation Number 60 of 2020 states that Cisarua Sub-district is a zone with

characteristics of low environmental carrying capacity but is fertile and is a water catchment area in the form of dry land agricultural areas and/or plantations. The construction of Hibisc Fantasy Puncak is carried out through correct procedures and permits are granted by the Regional Government. Article 130 paragraph (3) of Presidential Regulation Number 60 of 2020 states that disincentives are given by the government and/or regional governments to the community in the form of special requirements in permits for spatial utilization activities granted by the government and regional governments. The disincentive given by the Regional Government to PT JLJ as the developer is that Hibisc Fantasy Puncak must be built with an area limited to a maximum of 4,138.95 square meters and the construction of the Hibisc Fantasy Puncak tourist park must be dominated by green open space. Due to the violation of zoning regulations, permits and disincentives given, the legal efforts of the Bogor Regency Regional Government were carried out starting through the Housing, Settlement Areas and Land Agency (DPKPP), namely by issuing written warnings up to 3 times to the manager, namely PT Jaswita Lestari Jaya, which stated that the manager was asked to stop construction activities that had exceeded the permit and carry out independent demolition of the illegal buildings. The Bogor Regency Satpol PP has also issued an official summons to the manager. In the meeting, the manager stated a commitment to demolish the violating buildings themselves, but in reality, construction continued and the tourist attraction continued to operate. In August 2024, the first sealing was carried out by the Bogor Regency DPKPP covering an area of 13,000 square meters that did not have a Building Approval (PBG) document. Then in December 2024 a second sealing was carried out because the manager was proven to continue construction. From January to February 2025, warning letters 1, 2, and 3 were sent again to the manager but were still not complied with by the manager so that finally on March 6-7, 2025, a forced demolition was carried out by the West Java Satpol PP assisted by the Bogor Regency Government on instructions from the Governor. Forced demolition is regulated in Article 195 paragraph (3) of Government Regulation Number 21 of 2021 that administrative sanctions can be accompanied by coercive measures by the central government or regional government.

Hibisc Fantasy Puncak has so far only been subject to administrative sanctions by the West Java Provincial Government. The type of administrative sanctions is regulated in Government Regulation Number 21 of 2021 Article 195 paragraph (1) where Hibisc Fantasy Puncak is subject to revocation of its business permit and demolition of Hibisc Fantasy Puncak and replanting in damaged water catchment areas, but Hibisc Fantasy Puncak is not subject to criminal sanctions. According to the Bogor Regency Government, Hibisc Fantasy Puncak does not need to be completely dismantled, only partially, namely the rides that violate the maximum construction area because until now during the investigation process it has not been possible to prove the allegation that Hibisc Fantasy Puncak was the main cause of the flooding in March 2025 in Jakarta and its surroundings. The team from the Bogor Regency Environmental Service was asked for information and was of the opinion that based on the facts that occurred, Hibisc Fantasy Puncak cannot be denied to have contributed to the flooding but it was not significant enough to have to be completely dismantled. The allegations from the Ministry of Environment that underlie the dismantling of Hibisc Fantasy Puncak have not been proven even after studies conducted by the Bogor Regency Environmental Service.

According to the author, seen from Article 74 of Law Number 26 of 2007 which states that corporations that do not comply with the provisions stipulated in the requirements for space utilization permits will be subject to imprisonment and fines for their managers and criminal penalties for corporations, namely fines with a 3-fold increase as well as

revocation of business permits and revocation of legal entity status. However, the sanctions imposed on Hibisc Fantasy Puncak in the form of revocation of business permits and demolition of tourist parks and replanting of damaged water catchment areas, were carried out because the allegations leveled at Hibisc Fantasy Puncak have not been proven, namely as the cause of the March 2025 flood in Jakarta and its surroundings. In terms of the expanding construction of Hibisc Fantasy Puncak, the author is of the opinion that partial demolition can be carried out because with a complete demolition, in addition to having an impact on business actors who will experience material losses, it also has a large impact on the surrounding community, this is due to the large number of workers from the local community who are absorbed by the operation of the Hibisc Fantasy Puncak tourist attraction. In addition, the development of Hibisc Fantasy Puncak also provides economic value for the Regional Government of Bogor Regency as stated in Article 25 paragraph (2) letter b of Law Number 26 of 2007 that the Bogor Regency Spatial Planning Plan must also pay attention to equitable development and economic growth. In addition, seen from Appendix X which shows the Bogor Regency Spatial Planning Map regulated in Bogor Regency Regional Regulation Number 1 of 2024 concerning the Bogor Regency Spatial Planning Plan for 2024-2044, it is emphasized that Cisarua District can still be built as a Tourism Area but with a limited or even very small amount, so the development of Hibisc Fantasy Puncak is still possible with strict supervision.

According to the author, in terms of the construction of Hibisc Fantasy Puncak on land designated for plantations, it can also be addressed by giving business actors the burden of obligation to create green open spaces elsewhere that are still within the Cisarua District area where Hibisc Fantasy Puncak is built so that the green open spaces lost due to the construction of Hibisc Fantasy Puncak can be replaced again in other words the size of the green open space in the Cisarua District area does not change with the construction and development of the region in the tourism sector. With the government's action in terms of demolition on the grounds that Hibisc Fantasy Puncak is the cause of flooding that cannot be accounted for, it causes losses for business actors. This can result in investors losing trust in the Bogor Regency Regional Government in the future, thus having an impact on the decline in construction and development of Bogor Regency which results in reduced regional original income entering the Bogor Regency Regional Government's treasury.

CONCLUSION

Control and utilization of space in Hibisc Fantasy Puncak is not in accordance with Law Number 26 of 2007 where Article 33 paragraph (1) confirms that the utilization of space refers to the spatial function stipulated in the RTRW but the utilization of space in Hibisc Fantasy Puncak is basically not in accordance with the RTRW of Bogor Regency where Cisarua District in Bogor Regency, West Java which is the development area of Hibisc Fantasy Puncak is a flood control network area, raw water unit, primary drainage network, protected area, nature reserve area, plantation area, Mount Gede Pangrango National Park, nature tourism park, food crops. This explains that Cisarua District is an area that has great potential as a natural green open space. So that development must be carried out in accordance with the Bogor Regency Spatial Planning Plan. However, Hibisc Fantasy Puncak obtained permission from PTPN VIII for the use of land for the development of tourist attractions in the plantation area with the condition that the tourist attractions are made environmentally friendly and sustainable but in practice this does not run according to the directions of the relevant Agency. This shows that the control of spatial utilization that occurred in this case has not been achieved.

The legal action taken by the Bogor Regency Government through the Department of Housing, Settlement Areas, and Land Affairs (DPKPP) was to issue three written warnings to the manager, PT Jaswita Lestari Jaya, requesting the manager to stop construction activities that exceeded the permit and to demolish the illegal buildings independently. The Bogor Regency Public Order Agency (Satpol PP) also issued an official summons to the manager. During the meeting, the manager stated their commitment to demolish the violating buildings themselves, but in reality, construction continued and the tourist attraction remained operational. In August 2024, the first sealing was carried out by the Bogor Regency DPKPP covering an area of 13,000 square meters that did not have a Building Permit (PBG) document. Then in December 2024, a second sealing was carried out because the manager was proven to continue construction. From January to February 2025, warning letters 1, 2, and 3 were sent again to the manager, but the manager still did not comply, so that finally on March 6-7, 2025, the Satpol PP carried out a forced demolition execution by the Governor's instructions. In addition to demolition, Hibisc Fantasy Puncak was also subject to other administrative sanctions such as revocation of business permits, demolition and replanting of water catchment areas that had been damaged due to the construction of Hibisc Fantasy Puncak.

Thank-you note

The author would like to thank the Department of Public Works and Spatial Planning, the Department of Housing, Residential Areas and Land Affairs and the Department of the Environment in Bogor Regency for their willingness to be respondents.

The author would like to express his gratitude to his supervisor and all the lecturers who provided guidance, direction, knowledge, and motivation throughout the preparation of this research. With great patience and dedication, they helped him refine the research and ensure its successful completion. He would also like to thank all the relevant parties who provided support and assistance in data collection and facilitated the smooth running of this research.

The author extends his sincere and profound gratitude to his beloved family, especially his parents, who have provided constant prayers, moral support, and unwavering motivation. Their support and sacrifices have been a major source of strength for him in completing this research. May all the good deeds he has done receive the best reward from God Almighty.

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