

SUBSTANTIVE JUSTICE IN COASTAL SPATIAL LICENSING: A RAWLSIAN PERSPECTIVE ON INDONESIA'S ONE SPATIAL PLANNING POLICY

JUSTIÇA SUBSTANTIVA NO LICENCIAMENTO ESPACIAL COSTEIRO: UMA PERSPECTIVA RAWLSISTA SOBRE A POLÍTICA DE PLANEJAMENTO ESPACIAL ÚNICO DA INDONÉSIA

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Abstract

Inequality in coastal space utilization permits is a structural issue that directly impacts social justice and the sustainability of coastal area management. Although Indonesia has promoted the integration of land and sea spatial planning through the One Spatial Plan policy, coastal spatial licensing practices still show the dominance of well-capitalized actors and limited access for coastal communities, particularly traditional fishermen. This article aims to analyze the extent to which licensing policies for coastal space utilization reflect substantive justice using John Rawls' Theory of Justice approach. This research employs a normative juridical method with a legislative, conceptual, and policy analysis approach. The study results indicate that the coastal space permitting system in Indonesia tends to meet procedural justice but has not fully achieved substantive justice as intended by Rawls' principles of justice, particularly the difference principle and fair equality of opportunity. This article asserts that the One Spatial Plan policy has normative potential to address disparities in coastal spatial permits but requires policy design reform and legal affirmation favoring the most vulnerable groups to achieve substantive justice in coastal spatial management.

Keyword: Coastal Spatial Licensing, Substantive Justice, Spatial Planning Law,

Resumo

A desigualdade nas licenças de utilização do espaço costeiro é uma questão estrutural que afeta diretamente a justiça social e a sustentabilidade da gestão das zonas costeiras. Embora a Indonésia tenha promovido a integração do planejamento espacial terrestre e marítimo por meio da política One Spatial Plan, as práticas de licenciamento espacial costeiro ainda mostram o domínio de atores com grande capital e acesso limitado para as comunidades costeiras, especialmente os pescadores tradicionais.

Este artigo tem como objetivo analisar até que ponto as políticas de licenciamento para a utilização do espaço costeiro refletem a justiça substantiva, utilizando a abordagem da Teoria da Justiça de John Rawls. Esta pesquisa emprega um método jurídico normativo com uma abordagem de análise legislativa, conceitual e política. Os resultados do estudo indicam que o sistema de licenciamento do espaço costeiro na Indonésia tende a cumprir a justiça processual, mas não alcançou plenamente a justiça substantiva, conforme pretendido pelos princípios de justiça de Rawls, particularmente o princípio da diferença e a igualdade justa de oportunidades. Este artigo afirma que a política do Plano Espacial Único tem potencial normativo para abordar as disparidades nas licenças espaciais costeiras, mas requer uma reforma na concepção das



Rawlsian Theory, Coastal Governance, Indonesia.

políticas e uma afirmação jurídica que favoreça os grupos mais vulneráveis para alcançar a justiça substantiva na gestão espacial costeira.

Palavras-chave: *Licenciamento Espacial Costeiro. Justiça Substantiva. Lei de Planejamento Espacial. Teoria Rawlsiana. Governança Costeira. Indonésia.*

1 INTRODUCTION

Coastal areas are important for many reasons, including ecological, social, and economic ones. In Indonesia, coastal areas are part of everyday life. They are places where people live, work, and depend on natural resources to survive. Small-scale fishers and coastal indigenous communities rely on these areas for income and food (Yu *et al.*, 2024). Over time, development policies have changed how coastal areas are treated. Tourism projects, extractive activities, and large infrastructure developments now compete for the same space, increasing pressure on coastal environments and local livelihoods. This continuously increasing intensity of use ultimately places coastal spaces as an arena for convergence, and even conflict, between economic development interests and the sustainability of local community life (Martínez *et al.*, 2007).

In the spatial planning system in Indonesia, spatial utilization permits hold a central position as a legal instrument for controlling development activities. The function of permits is not only intended to ensure consistency between spatial plans and actual spatial utilization but also to ensure that space management is carried out sustainably and equitably (Jahani Chehrehbargh *et al.*, 2025). These objectives are rooted in Indonesia's spatial planning framework. Law No. 26 of 2007 links spatial planning to safety, comfort, productivity, and sustainability, while also stressing the need for integration and justice in its implementation. At a more fundamental level, state authority over land, water, and natural resources derives from Article 33 (3) of the 1945 Constitution, which frames resource governance in terms of collective welfare rather than individual gain. In the context of coastal areas, this principle is reinforced through Law Number 27 of 2007 as amended by Law Number 1 of 2014, which recognizes the existence and rights of coastal communities and places coastal area management within a framework of sustainability and social justice (Martono *et al.*, 2021; Tambunan, 2023). Building on this normative framework, the government then promoted the One Spatial Plan Policy as an effort to

integrate land and sea spatial arrangements, with the aim of reducing policy fragmentation and increasing legal certainty in national spatial planning (Bedner & Arizona, 2019).

Amid efforts to integrate spatial planning policies, the practice of permitting coastal land use still leaves fundamental problems that are conceptual and normative. Although formally designed as an instrument for controlling land use, in practice these mechanisms often result in an uneven distribution of access and benefits (Stalmokaitė *et al.*, 2025; Tafon *et al.*, 2023). Large-scale business actors find it relatively easier to adapt to the complexities of licensing procedures, while coastal communities, particularly traditional fishermen and local communities, often face structural limitations in accessing space and participating in decision-making processes (He *et al.*, 2024). This condition indicates tension between the normative goals of just spatial planning and the reality of permit implementation, which tends to emphasize procedural compliance (de Vries & Pinuji, 2025; Widowati, 2022). This tension raises important questions about the extent to which coastal space permits are understood and designed not only as an administrative mechanism but also as an instrument for distributing justice in coastal space governance.

Discussions about coastal and marine spatial planning are no longer limited to technical planning issues. In recent research developments, attention is increasingly being directed toward the social impact of spatial planning policies, particularly concerning justice and the participation of coastal communities. When the aspect of justice is not the primary consideration, spatial planning policies tend to benefit certain parties and weaken the position of coastal communities. This is demonstrated (Tafon *et al.*, 2023), who affirm that marine spatial planning without a justice approach has the potential to marginalize coastal communities. Similar findings were presented (Stalmokaitė *et al.*, 2025), who showed that perceptions of fairness in marine spatial planning are strongly influenced by the extent to which the public is involved and how policy benefits are distributed. The spatial justice approach was also further developed by (He *et al.*, 2024), who linked coastal space management with a framework of justice in the face of unequal access to marine resources. In the context of coastal spatial governance in Indonesia, several studies highlight the issues of regulatory fragmentation and the tension between land and sea spatial regulations. (de Vries & Pinuji, 2025) Identified a misalignment between the regional spatial plan and the coastal zone management plan, which resulted in legal uncertainty in coastal space management. Similar findings were also shown in the study by Iswara and Afriansyah, which discussed the development of marine spatial planning in Indonesia,

where policy integration still faces institutional and sectoral challenges. From a legal and governance perspective, (Widowati, 2022) emphasized the dominance of state actors and the weak involvement of communities in coastal spatial planning policies, while (Iswara & Afriansyah, 2022) highlighted the importance of social justice legitimacy in protecting coastal communities from the impacts of spatial management policies.

Although these studies have made important contributions to understanding coastal space governance and planning, most research still focuses on procedural, institutional, and policy planning aspects. Relatively few studies explicitly place coastal space use permitting as the primary object of analysis from a perspective of substantive justice. Additionally, studies integrating normative justice theory, particularly Rawls' theory of justice, to assess the distribution of access and benefits within the coastal space permitting system are still limited. This gap is the basis for this article to offer a critical analysis of coastal space utilization permits within the framework of the One Spatial Plan Policy with a substantive justice approach. Based on this description, this study aims to provide a normative reading of coastal space utilization licensing practices within the framework of spatial planning in Indonesia.

The discussion in this study does not treat spatial planning solely as a technical issue but rather views permitting as a legal mechanism that determines who can access space and who benefits from its utilization. This study examines coastal space permits using the framework of justice as fairness proposed by John Rawls to assess whether procedural compliance has been sufficient or whether it still leaves inequalities for disadvantaged groups in society. Within that framework, the One Spatial Plan policy is also understood as a policy instrument with the potential to address structural inequalities in coastal spatial licensing governance. This approach is expected to enhance the study of spatial planning law by incorporating the perspective of normative justice and providing a conceptual foundation for developing coastal spatial licensing policies that are more attuned to social justice.

2 RESEARCH METHOD

This study employs normative legal research, concentrating on the examination of legal norms and public policies pertaining to coastal space utilization permits. The normative approach is widely used in legal and policy studies to evaluate the consistency,

rationality, and normative implications of a regulatory regime, especially when the research objective is directed toward assessing the fairness and legitimacy of policies, rather than the empirical measurement of actors' behavior (McCrudden, 2017; Van Hoecke, 2011). The study employs statutory, conceptual, and policy analysis research approaches. The statutory approach is used to examine the normative structure of spatial planning and coastal area management, while the conceptual approach is used to build a framework for analyzing substantive justice in licensing. Policy analysis is used to evaluate the One Spatial Plan Policy as an instrument for integrating land and sea spatial governance (McCrudden, 2008; Paulsen & Sovern, 1956; Thissen & Walker, 2013). The legal materials analyzed consist of primary legal materials such as legislation and policy documents, as well as secondary legal materials such as reputable journal articles discussing spatial planning, spatial justice, and coastal governance. All materials were analyzed qualitatively through prescriptive-critical reasoning to assess the extent to which the permit system for coastal space utilization was able to achieve substantive justice in spatial governance practice (Liquiti, 2024; McCrudden, 2008).

3 THEORETICAL FRAMEWORK: SUBSTANTIVE JUSTICE (RAWLS)

The issue of justice becomes relevant when a policy affects the distribution of rights, access, and benefits within society. In the study of law and public policy, John Rawls's idea of justice as fairness is often used to assess whether a regulatory regime works beyond formal compliance toward substantive justice (Freeman, 2009; McCrudden, 2008). In the context of coastal space utilization permits, this approach allows permits to be understood not merely as a technical instrument for spatial planning but as an arena where structural inequalities can be reproduced or, conversely, corrected. The concept of fairness places justice as a fundamental principle that must govern the structure of social and legal institutions. Within this framework, public policy cannot be deemed just because it is legally drafted or uniformly applied; rather, it must be tested based on its consequences for the position of individuals and groups within the social structure (Daniels, 2001; McCrudden, 2008).

Therefore, substantive justice demands that policy design and implementation take into account the factual conditions of the affected community, including social vulnerabilities, economic inequality, and limited access to resources. The principle of fair

equality of opportunity is one of the main ideas behind Rawls' theory. It says that everyone should have truly equal chances to get the benefits and positions that the legal system and public policy create. In the context of coastal space utilization permits, this principle guides the analysis toward assessing the extent to which permit procedures provide fair opportunities for all stakeholders or, conversely, are more easily accessible to actors with greater administrative and economic capacity (Daniels, 2001; Quinn, 2018). When the complexity of permitting systematically obstructs the involvement of coastal communities, procedural justice fails to ensure substantive justice. Additionally, Rawls' theory introduces the difference principle, which justifies inequality only to the extent that it provides the greatest benefit to those in the least fortunate position.

This principle is widely used in public policy analysis and natural resource law to assess whether the distribution of policy benefits and burdens can be normatively justified (Freeman, 2009). In coastal spatial governance, this principle becomes relevant when large-scale actors' use of space generates significant economic benefits, while coastal communities bear a disproportionate social and ecological impact. Using this Rawlsian framework, this study views coastal space utilization permits as an instrument for distributing justice, not merely an administrative mechanism. The analysis of substantive justice is aimed at assessing the extent to which the spatial planning licensing system and integration policies are able to balance legal certainty, development efficiency, and protection for disadvantaged coastal communities. To clarify the normative analytical framework used in this study, John Rawls' theory of substantive justice was conceptually mapped to illustrate the relationship between the principles of justice as fairness, fair equality of opportunity, and the difference principle in assessing the fairness of coastal space utilization permits.

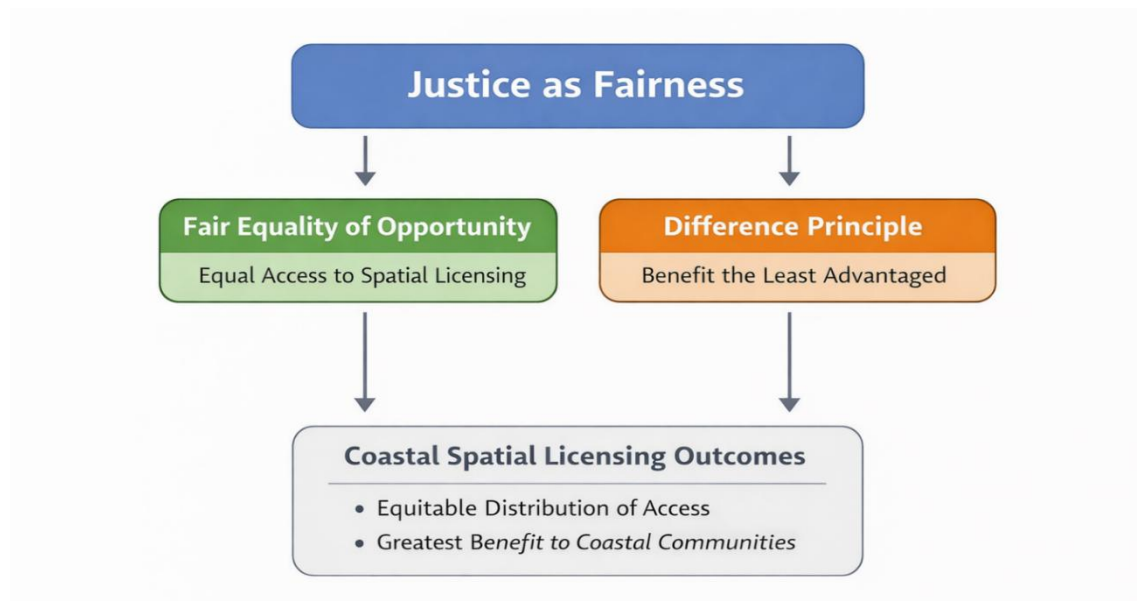
Figure 1*Rawlsian Framework for Evaluating Substantive Justice in Coastal Spatial Licensing*

Figure 1 illustrates the Rawlsian framework used in this study. Justice as fairness functions as the overarching normative foundation, while fair equality of opportunity and the difference principle operate as evaluative criteria for assessing whether coastal spatial licensing distributes access and benefits in a substantively just manner.

4 RESULTS AND DISCUSSION

This section looks at how coastal space permits work in practice within Indonesia's legal setting. Permits are discussed not as abstract rules but as legal decisions that shape everyday access to coastal space. Laws and policy documents on spatial planning and coastal management are read alongside debates on fairness to see how these permits affect participation, opportunity, and the sharing of benefits and burdens. In doing so, the discussion connects legal design with its social consequences and shows how questions of justice emerge from routine permitting practices in coastal governance.

4.1 Coastal space utilization permit design within the national legal framework

Coastal space utilization permits in the Indonesian legal system are designed as an instrument for controlling spatial utilization, serving to connect spatial planning with

concrete practices of space utilization. This function is affirmed in Law Number 26 of 2007 concerning Spatial Planning, which places permitting as one of the mechanisms for controlling land use to ensure it aligns with the established spatial plans (Article 35). In the context of coastal and small island areas, the role of permitting is also regulated by Law Number 27 of 2007 in conjunction with Law Number 1 of 2014. Law Number 1 of 2014, which emphasizes that the utilization of coastal space must be carried out sustainably, taking into account the interests of coastal communities and environmental sustainability (Article 23 and Article 60).

Normatively, the design of coastal space permits cannot be separated from efforts to integrate land and sea space regulations through national spatial planning policies. The alignment between the Regional Spatial Plan (RTRW) and the Coastal and Small Islands Zoning Plan (RZWP3K) is intended to reduce regulatory fragmentation and strengthen legal certainty in permitting. The One Spatial Plan policy is introduced as an instrument to consolidate these various planning documents into a single, integrated framework.

However, the analysis results reveal that legal-formal and administrative approaches continue to dominate the design of coastal space permits. Policy integration is more often realized in the form of harmonizing documents and licensing procedures, without being followed by strengthening the substantive evaluation mechanisms for the social impact and benefit distribution of granting permits. As a result, permitting tends to function as an administrative selection tool rather than an instrument for distributing justice in the use of coastal space.

4.2 Access and participation in coastal space licensing

The national legal framework has normatively recognized the right of communities to take part in managing coastal areas. Law Number 27 of 2007, amended by Law Number 1 of 2014, explicitly recognizes coastal communities and their right to participate in managing coastal areas and small islands (Article 60). In addition, the principle of public participation is also one of the principles of spatial planning as regulated in Law Number 26 of 2007 (Article 2). Nevertheless, the analysis results indicate that normative recognition of community participation has not been fully realized in the design and practice of coastal space permitting. The complexity of licensing procedures, high technical requirements, and the need for certain administrative and financial capacity tend to put large-scale businesses

at an advantage. Conversely, coastal communities, particularly traditional fishermen and local communities, often face structural limitations in accessing the permitting process and participating meaningfully in decision-making. From the perspective of fair equality of opportunity as put forward by Rawls, this condition shows that procedural equality does not automatically lead to substantive equality. Although licensing regulations are generally applicable and not explicitly discriminatory, differences in the actual capacity of actors mean that the opportunities available within the licensing system are not truly equal. Thus, a formally neutral licensing system has the potential to produce structural inequalities in access.

4.3 Distribution of benefits and burdens of coastal space utilization

The constitutional principle regarding state control over natural resources, as stipulated in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, affirms that the earth, water, and natural wealth are controlled by the state and used for the greatest possible prosperity of the people. This principle should be the basis for evaluating the distribution of benefits and burdens resulting from coastal space utilization permits. However, research findings indicate that the distribution of benefits from coastal space utilization frequently deviates from this constitutional mandate. Granting permits for coastal space utilization tends to generate significant economic benefits for certain actors, while coastal communities bear a relatively greater social, economic, and ecological burden, such as restrictions on access to fishing grounds and degradation of the coastal environment. From Rawls's perspective of the difference principle, inequality is only justifiable if it provides the greatest benefit to the least advantaged group. Based on normative analysis, the existing coastal space permitting system has not consistently met these criteria. Actors with stronger economic and political capacity benefit more greatly from the resulting inequalities, whereas the benefits for coastal communities are limited or indirect.

4.4 The One Spatial Plan policy and the challenges of substantive justice

The One Spatial Plan policy is normatively intended to unify land and sea spatial planning within a single, integrated policy framework. This policy aligns with the principle

of spatial planning integration as stipulated in Law Number 26 of 2007 (Article 2). From the perspective of legal certainty, this integration has the potential to reduce regulatory overlaps and clarify the basis for coastal space utilization permits. However, the analysis results indicate that the policy has not explicitly incorporated the parameter of substantive justice into the design and evaluation of permits. Without strengthening the dimension of justice, the One Spatial Plan Policy has the potential to function primarily as an administrative instrument that streamlines the permitting process, rather than as a corrective measure against disparities in access and the distribution of benefits from coastal space utilization. Therefore, the future development of the One Spatial Planning Policy needs to be directed not only toward integrating planning and legal certainty but also toward strengthening the principle of substantive justice as mandated by the constitution and relevant laws and regulations. This integration is an important prerequisite for coastal spatial utilization permits to function as an instrument of justice distribution, not merely an administrative mechanism.

5 CONCLUSIONS

In Indonesian coastal governance, spatial licensing is formally embedded within a planning system that aspires to regulate the use of space in an orderly and coordinated manner. In practice, however, licensing operates less as a normative instrument of spatial justice and more as a mechanism of administrative clearance. Despite the statutory framework's repeated references to sustainability, integration, and public interest, the practical implementation of licensing still relies heavily on procedural fulfillment. As a result, the broader distributive implications of licensing decisions are rarely treated as a central legal concern.

This procedural emphasis has tangible consequences. Uneven administrative capacity, information asymmetries, and economic resources shape access to licensing processes, clearly placing coastal communities at a disadvantage. Those with stronger institutional and financial backing overcome obstacles more easily, while local and traditional users of coastal space must navigate a system designed without their limitations in mind. Such outcomes are difficult to reconcile with the constitutional logic of Article 33(3) of the 1945 Constitution, which frames natural resource governance in terms of collective prosperity, as well as with the Rawlsian expectation that inequality must work to

the benefit of the least advantaged. Although the One Spatial Planning Policy promises greater regulatory coherence through the integration of land and marine planning, coherence alone does not correct injustice. Without explicit attention to substantive fairness within licensing criteria and assessment practices, integration risks stabilizing existing disparities rather than transforming them.

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Authors' Contribution

All authors contributed equally to the development of this article.

Data availability

All datasets relevant to this study's findings are fully available within the article.

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