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## **The Legal Framework of Local Government Policy in Administering Housing and Settlement Areas in Buleleng Regency**

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### **ABSTRACT**

*The regulation and policy framework established by the Buleleng Regency Government concerning the administration of housing and settlement areas demonstrates a strategic legal approach to spatial development. This research examines the normative design and practical enforcement of housing governance in Buleleng Regency, with particular attention to the legal effectiveness of Regent Regulation No. 40 of 2023 as the implementing instrument of Regional Regulation No. 12 of 2022 on the Administration of Housing and Settlement Areas. Employing an empirical legal research method, the study investigates the gap between written law (law in books) and actual practice (law in action) using a juridical-analytical approach. Primary data were collected through interviews and subsequently analyzed qualitatively in conjunction with legal theories, academic literature, and statutory regulations. The findings indicate that the provision on the minimum access road width, as stipulated in the Regent Regulation, has been relatively effective in practice. However, a significant number of developers continue to carry out housing development outside of the designated residential zones. One of the main implementation challenges lies in the fact that many plots located within housing and settlement zones do not meet the required road width standard, thereby complicating compliance with the regulation.*

**Keywords:** *Housing, Local Government, Policy, Spatial Planning*

## INTRODUCTION

The Housing and Settlement Areas Act (Law No. 1 of 2011) stipulates that the State bears the responsibility to protect all Indonesian citizens by ensuring the provision of housing and settlement areas. This responsibility aims to guarantee that the population has access to habitable and affordable housing within healthy, safe, harmonious, and sustainable residential environments across the entire territory of Indonesia.<sup>12</sup> Rapid population growth and increasing urbanization have significantly contributed to the rising demand for housing, particularly among low-income communities (commonly referred to as Masyarakat Berpenghasilan Rendah, or MBR). In response to this challenge, the Buleleng Regency Government, in 2024, issued Spatial Utilization Activity Conformity Permits (*Kesesuaian Kegiatan Pemanfaatan Ruang*) for 47 housing developments located across several sub-districts.

**Table 1.** Number of Housing Projects and Total Housing Land Area by Sub-district in 2024

No.	Sub-district	Number of Housing Projects	Total Land Area (for Housing)
1	BULELENG	12	33.150 M2
2	SUKASADA	7	21.335 M2
3	BANJAR	4	26.065 M2
4	SERIRIT	5	24.880 M2
5	GEROKGAK	2	5.880 M2
6	SAWAN	9	79.908 M2
7	TEJAKULA	8	21.464 M2

Source: Investment and One-Stop Integrated Services Office (DPMPTSP), Buleleng Regency

To mitigate potential issues arising from the rapid increase in housing developments, the Buleleng Regency Government must establish coherent policies and strategies concerning the administration of housing and settlement areas. Through Regent Regulation No. 40 of 2023, which serves as the implementing regulation of Regional Regulation No. 12 of 2022 on Housing and Settlement Area Administration, the local government has set specific provisions regarding housing infrastructure, facilities, and public utilities (Prasarana, Sarana, dan Utilitas Umum – PSU). Among the technical requirements for PSU is the road network. Regulating

<sup>1</sup> Cheng Siew Goh and Heap Yih Chong, “Opportunities in the Sustainable Built Environment: Perspectives on Human-Centric Approaches,” *Energies* 2023, Vol. 16, Page 1301 16, no. 3 (January 26, 2023): 1301, <https://doi.org/10.3390/EN16031301>.

<sup>2</sup> Kai Zhang and Dong Yan, “Exploring Indoor and Outdoor Residential Factors of High-Density Communities for Promoting the Housing Development,” *Sustainability (Switzerland)* 15, no. 5 (March 1, 2023): 4452, <https://doi.org/10.3390/SU15054452/S1>.

road access to housing areas is crucial to preventing congestion and other problems that may occur due to inadequate road width.

The formulation of Regent Regulation No. 40 of 2023 illustrates a broader trend in Indonesian decentralization, where regional governments are empowered to issue autonomous regulations that respond to local needs, within the framework of national legal norms. However, this regulatory autonomy raises questions regarding normative consistency, legal hierarchy, and administrative feasibility—especially when regional provisions impose stricter technical standards than those set at the national level.<sup>3</sup> In this context, the introduction of a mandatory five-meter road width, though well-intentioned, may clash with existing spatial limitations and the socio-economic realities of local communities. This regulatory tension underscores the need to examine not only the substantive content of local housing regulations but also their practical enforceability and compatibility with overarching legal principles, such as proportionality, legal certainty, and access to adequate housing.<sup>4</sup>

Moreover, housing governance must be situated within a multidimensional policy framework that integrates spatial planning, environmental sustainability, social equity, and economic accessibility. While legal instruments such as Regent Regulation No. 40 of 2023 provide a normative basis for regulation, their successful implementation depends on institutional coordination across sectors. The alignment between housing policies, spatial utilization permits, and urban infrastructure development is crucial for preventing legal fragmentation and ensuring efficient service delivery.<sup>5</sup> When technical norms—such as PSU requirements—are introduced without adequate coordination with spatial planning authorities or public works departments, regulatory gaps and implementation failures are likely to arise. This indicates that legal reform in housing administration must be accompanied by robust institutional integration.

Article 8 of Buleleng Regent Regulation No. 40 of 2023 stipulates the following:

1. The road network referred to in Article 7 paragraph (1) letter (a) shall be the responsibility of the housing developer and must include an environmental road with a minimum width of five (5) meters, constructed using pavement materials in accordance with statutory regulations.

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<sup>3</sup> Moritz Wassum and Fabrizio De Francesco, “Explaining Regulatory Autonomy in EU Network Sectors: Varieties of Utility Regulation?,” *Governance* 33, no. 1 (January 1, 2020): 41–60, <https://doi.org/10.1111/GOVE.12437>.

<sup>4</sup> Cody Hochstenbach and Richard Ronald, “The Unlikely Revival of Private Renting in Amsterdam: Re-Regulating a Regulated Housing Market,” *Environment and Planning A* 52, no. 8 (November 1, 2020): 1622–42, [https://doi.org/10.1177/0308518X20913015/ASSET/811E9FEB-0BEA-4FFA-A514-36D9A63D5373/ASSETS/IMAGES/LARGE/10.1177\\_0308518X20913015-FIG3.JPG](https://doi.org/10.1177/0308518X20913015/ASSET/811E9FEB-0BEA-4FFA-A514-36D9A63D5373/ASSETS/IMAGES/LARGE/10.1177_0308518X20913015-FIG3.JPG).

<sup>5</sup> Nick Gallent et al., “International Experience of Public Infrastructure Delivery in Support of Housing Growth,” *Cities* 107 (December 1, 2020): 102920, <https://doi.org/10.1016/J.CITIES.2020.102920>.

2. The access road leading to the housing area must also have a minimum width of five (5) meters, with pavement constructed according to the applicable legal provisions.

This specific road-width requirement under Article 8(2) is not mandated by any higher-level legislation. However, the Regent Regulation introduces this minimum standard as a binding obligation for housing developers. While this provision aims to promote orderly spatial development, it poses challenges—particularly in urban or high-activity zones—where existing access roads often measure less than five meters wide, making road widening unfeasible.<sup>6</sup>

The implications of such local regulations also bear directly on the fulfillment of constitutional rights, particularly Article 28H(1) of the 1945 Constitution, which guarantees the right to a decent and healthy living environment. In practical terms, barriers to compliance with rigid technical norms may inadvertently restrict low-income groups from accessing legal housing options. Developers targeting MBR markets often operate in areas where road access is substandard due to historical patterns of informal settlement or limited public investment in infrastructure<sup>7</sup>. By mandating access roads that exceed existing widths, the regulation may contribute to a de facto exclusion of vulnerable groups. This scenario highlights the tension between formal legality and substantive justice, necessitating a more calibrated regulatory approach.

From a legal-theoretical perspective, the Regent Regulation reflects the principle of *regulatory responsivity*, wherein legal norms are designed to respond to perceived social or administrative problems. However, regulatory responsivity must be balanced with the principles of effectiveness and legal realism. Legal instruments that are overly ambitious in their technical demands, but are structurally unenforceable, risk undermining public trust and the legitimacy of legal institutions.<sup>8</sup> In such cases, the law may appear disconnected from socio-spatial realities on the ground. To address this, regulatory frameworks should incorporate mechanisms for flexibility, such as exceptions, waivers, or phased compliance, particularly in areas with significant spatial constraints.

Lastly, the role of legal monitoring and evaluation becomes indispensable in assessing the operational impact of regional housing regulations. Without systematic data collection, inter-agency reporting, and participatory stakeholder reviews, it becomes difficult to evaluate whether housing regulations like Regent

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<sup>6</sup> Anna Katarzyna Andrzejewska, “Challenges of Spatial Planning in Poland in the Context of Global Climate Change—Selected Issues,” *Buildings* 11, no. 12 (December 1, 2021): 596, <https://doi.org/10.3390/BUILDINGS11120596>.

<sup>7</sup> Ferdinando Trapani, Nabil Mohareb, and Federica Rosso, “Advanced Studies in Efficient Environmental Design and City Planning,” in *Advances in Science, Technology & Innovation*, ed. Ferdinando Trapani et al., Advances in Science, Technology & Innovation (Cham: Springer International Publishing, 2021), <https://doi.org/10.1007/978-3-030-65181-7>.

<sup>8</sup> Stefan Koos, “The Displacement of the Law by Technicity,” *Jurnal Hukum Novelty* 13, no. 1 (July 22, 2022): 1–12, <https://doi.org/10.26555/NOVELTY.V13I1.A23822>.

Regulation No. 40 of 2023 are achieving their intended policy goals. Moreover, the absence of a grievance mechanism or procedural safeguards for developers and residents adversely affected by rigid requirements raises concerns regarding access to administrative justice. Embedding such safeguards within local regulatory frameworks would not only strengthen legal accountability but also promote transparency and inclusive urban governance.

In light of the foregoing, this research examines two principal legal issues: (1) How is the legal framework governing housing and settlement area administration structured in Buleleng Regency? and (2) How effective is Buleleng Regent Regulation No. 40 of 2023 as an implementation mechanism for Regional Regulation No. 12 of 2022 on Housing and Settlement Area Administration?

Accordingly, this study aims to (1) analyze the forms and substance of local government policies concerning the administration of housing and settlement areas in Buleleng Regency; and (2) assess the effectiveness of these policies, with a specific focus on the implementation of Regent Regulation No. 40 of 2023.

## **RESEARCH METHODOLOGY**

This research adopts an empirical legal methodology, wherein law is conceptualized as a social institution embedded within and influenced by broader societal variables. This methodological framework facilitates the examination of the disjunction between *law in books* and *law in action*, thereby enabling a critical assessment of both the normative structure and the actual implementation of legal provisions.<sup>9</sup> The analytical process is grounded in a juridical-analytical approach, which interprets legal norms in relation to empirical realities. It relies on a combination of primary data, derived from in-depth interviews; secondary sources, including statutory instruments, regulatory documents, and doctrinal legal literature; and tertiary references, such as legal dictionaries and encyclopedias. Data collection techniques comprise direct observation, semi-structured interviews, and document analysis. The data are examined through qualitative-descriptive analysis, allowing for the systematic organization, interpretation, and synthesis of empirical findings in relation to relevant legal doctrines and statutory frameworks, with the objective of addressing the core legal questions posed by the research.

## **RESULT AND DISCUSSION**

### **Legal Framework for the Administration of Housing and Settlement Areas in Buleleng Regency**

The administration of housing and settlement areas constitutes a concurrent governmental affair, falling within the scope of regional authority. Specifically,

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<sup>9</sup> Nasir Majeed and Amjad Hilal, "Approaches and Methodologies in Comparative Legal Studies: An Abstract Framework as Methodology," *Pakistan Languages and Humanities Review* 6, no. 3 (September 30, 2022): 474–88, [https://doi.org/10.47205/PLHR.2022\(6-III\)41](https://doi.org/10.47205/PLHR.2022(6-III)41).

housing administration is classified as a mandatory government function related to the provision of basic public services. Buleleng Regency has enacted Regional Regulation No. 12 of 2022 on the Administration of Housing and Settlement Areas, along with its implementing regulation, Regent Regulation No. 40 of 2023, which was later amended by Regent Regulation No. 46 of 2023. These legal instruments set forth detailed provisions regarding access roads to housing areas, stipulating that such roads must have a minimum width of five (5) meters and be constructed using suitable pavement materials. The Department of Housing, Settlements, and Land Affairs of Buleleng Regency, which initiated the drafting of the Regent Regulation on the Administration of Housing and Settlement Areas, referred to the following three regulations as its legal basis:

1. Government Regulation of the Republic of Indonesia No. 34 of 2006 on Roads.
2. Ministerial Regulation of Public Works and Housing (Permen PUPR) No. 5 of 2023 on Technical Requirements and Road Planning Standards.
3. Indonesian National Standard (SNI) 03-6967-2003.

Following the enactment of the Regent Regulation on the Administration of Housing and Settlement Areas, a total of 53 housing developments were constructed in Buleleng Regency in 2024. Of these 53 developments, 19 housing projects have access roads with a width of less than 5 meters, while 34 housing projects have access roads that are 5 meters wide or more. Based on location or zoning, 30 housing developments were built within settlement areas and designated residential zones. This group consists of 19 developments with access roads measuring 5 meters or more, and 11 developments with access roads less than 5 meters in width. Meanwhile, 23 housing developments were constructed in other areas, comprising 15 developments with access roads of 5 meters or more, and 8 developments with access roads less than 5 meters.

Nevertheless, the practical implementation of the five-meter access road requirement reveals inconsistencies between regulatory aspirations and on-the-ground realities. Field data show that some housing developers encounter substantial obstacles in meeting the required access road width, especially in densely built or land-constrained environments. For example, in peri-urban and infill development zones, spatial limitations prevent widening existing roads without incurring high costs or encroaching on adjacent private land. This regulatory rigidity potentially hampers the growth of affordable housing stock and discourages small-scale developers from initiating new projects. Consequently, while the normative aim of the regulation aligns with improving urban accessibility and public safety, its strict application may inadvertently impede the broader policy goal of inclusive housing provision.

Based on the 2024 data, there are still 19 housing developments with access roads that do not comply with the requirements stipulated in the Regent Regulation on the Administration of Housing and Settlement Areas. The Buleleng Regency

Government has adopted a policy for housing projects that had already carried out land certificate subdivision prior to the enactment of the Regent Regulation. These projects remain subject to the previous provisions, particularly the requirement to allocate 30% of the total land area for Public Infrastructure, Facilities, and Utilities (PSU). In accordance with Article 13 paragraph (2) of Regional Regulation No. 12 of 2022 on the Administration of Housing and Settlement Areas, the provision of residential land plots is part of the PSU planning phase. Therefore, the access road width requirement as stipulated in the Regent Regulation does not apply to housing developments that had previously completed land subdivision. This policy is consistent with the principles of statutory lawmaking as explained by Purnadi Purbacaraka and Soerjono Soekanto, particularly the non-retroactivity principle, which holds that legislation cannot be applied retroactively.

In response to these tensions, local governments must adopt a more adaptive regulatory strategy. Regulatory flexibility, as recognized in contemporary administrative law, allows authorities to tailor legal requirements to specific spatial, economic, and infrastructural contexts.<sup>10</sup> One feasible approach is the application of conditional compliance mechanisms—such as allowing variances or technical waivers for projects that meet alternative mobility or connectivity standards. This approach aligns with the proportionality principle in administrative justice, which emphasizes that public burdens must be balanced against legitimate individual or community interests. Therefore, a rigid five-meter threshold should be reconsidered in light of spatial diversity and the differentiated capacities of developers, especially those targeting MBR housing segments.

Furthermore, to optimize land utilization within residential zones or settlement areas with existing access roads narrower than 5 meters, the Buleleng Regency Government provides a policy option for developers to proceed with housing development as long as there is more than one access road to the site. The availability of multiple access routes is considered sufficient to facilitate smoother population mobility and reduce the risk of congestion.

The success of any regulatory instrument depends on institutional capacity, particularly the ability of the implementing agency to monitor compliance, provide technical guidance, and enforce sanctions when necessary.<sup>11</sup> In the case of Buleleng Regency, the coordination between the Department of Housing, Settlements, and Land Affairs and the spatial planning authority is critical. Discrepancies between

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<sup>10</sup> Marina Anatolievna Shtatina, Ivan Valerievich Shmelev, and Alessandro Cenerelli, “Implementation of the ‘Regulatory Guillotine’ and Development of the Administrative Law,” in *RUDN Conference on Legal Theory, Methodology and Regulatory Practice (RUDN LTMRP Conference 2021)*, vol. 118 (EDP Sciences, 2021), <https://doi.org/10.1051/SHSCONF/202111803014>.

<sup>11</sup> Olufunke Olawale et al., “RegTech Innovations Streamlining Compliance, Reducing Costs in the Financial Sector,” *Https://Gsonlinepress.Com/Journals/Gscarr/Sites/Default/Files/GSCARR-2024-0146.Pdf* 19, no. 1 (April 30, 2024): 114–31, <https://doi.org/10.30574/GSCARR.2024.19.1.0146>.

permitted site plans and the actual conditions in the field indicate gaps in supervision or data harmonization. Strengthening inter-agency coordination and adopting digital monitoring systems—such as integrated GIS-based planning tools—can enhance regulatory enforcement while enabling real-time assessment of compliance with road access norms and PSU obligations.

This policy constitutes a strategic effort by the Buleleng Regency Government to ensure the availability of housing for low-income communities while also maximizing the use of land within residential zones and settlement areas. In the framework proposed by Anderson, public policy is characterized by several essential elements:

1. Public policy is goal-oriented; it is designed to achieve specific objectives;
2. Public policy consists of actions or patterns of actions undertaken by government officials;
3. Public policy reflects what the government actually does, not merely what it intends or declares it will do.
4. negative; it may take the form of active governmental intervention in response to certain issues (positive) or a deliberate decision to take no action (negative).
5. All positive public policies are founded upon binding and authoritative legal norms, ensuring enforceability within the legal framework.<sup>12</sup>

Based on Anderson's theoretical framework, public policy is formulated with the primary aim of achieving specific objectives. In this context, the Buleleng Regency Government adopted a policy response to address the issues arising from the implementation of the Regent Regulation on the Administration of Housing and Settlement Areas. The key objective of this policy is to ensure the continued provision of housing for low-income communities (Masyarakat Berpenghasilan Rendah or MBR). In Buleleng Regency, the majority of housing developments consist of subsidized housing units intended for MBR groups. According to data on site plan approvals in 2023 and 2024, most housing projects were classified as subsidized housing. Economic considerations are among the main factors that influence public preference for such housing, particularly those located near urban centers or key activity hubs.

Finally, it is essential to frame housing access not only as a technical and spatial issue but also as a component of social rights under Indonesian constitutional and human rights law. The requirement for adequate road access should be interpreted in conjunction with the right to housing, the right to mobility, and the right to a dignified livelihood. A regulatory system that inadvertently excludes low-income communities by setting unattainable technical standards may risk

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<sup>12</sup> Joko Widodo, *Analisis Kebijakan Publik* (Jawa Timur: Media Nusa Creative, 2017).

undermining the principle of substantive equality. Therefore, future revisions of local housing regulations should be guided by a rights-based approach that prioritizes inclusivity, spatial justice, and legal accessibility for all socioeconomic groups, particularly the most vulnerable.

From the perspective of policy-oriented legal theory, public expectations constitute a central factor in the lawmaking process. In the context of housing development, the general expectation of the public to have adequate access roads leading to residential areas has become a key consideration for the Buleleng Regency Government in formulating minimum road width requirements. This expectation—namely, to avoid traffic congestion and other issues associated with narrow access roads—has been translated into a legal structure and norm formulation. The public demand has thus been constructively integrated into the regulatory framework through the enactment of Regent Regulation No. 40 of 2023.

### **Effectiveness of Buleleng Regent Regulation No. 40 of 2023 on the Implementation of Regional regulation No. 12 of 2022 concerning the Administration of Housing and Settlement Areas**

Local government policies enacted through regional regulations or head-of-regency regulations reflect the regional government's efforts to promote development and improve public welfare by employing legal norms as instruments for achieving shared societal goals.<sup>13</sup> instruments for achieving shared societal goals. In implementing such legal instruments, the government must undertake sociological assessments of population growth and urban development in its territory to ensure that regulations can be implemented effectively within the community. Within the framework of sociological legal theory, the relationship between law and social change is intrinsically interdependent. Social transformations influence the content and operation of legal norms, necessitating that law remains dynamic and responsive to societal developments. Conversely, legal changes may also drive transformations within society, in line with the law's function as a means of social engineering. As emphasized by Mochtar Kusumaatmadja, the fundamental objective of law is to ensure social order, which is a prerequisite for the existence of an organized society. A further aim is the realization of justice, the content and measure of which vary according to societal values and historical context.<sup>14</sup> Thus, law serves not only as a stabilizing force but also as a tool for societal reform and national development.<sup>15</sup>

A legal norm may be regarded as effective only if it successfully achieves its regulatory objectives, not merely by existing in written form, but through actual

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<sup>13</sup> Soerjono Soekanto, *Pokok-Pokok Sosiologi Hukum*, Jakarta: Rajawali Pers (Jakarta: CV Rajawali Pers, 1987).

<sup>14</sup> Mochtar Kusumaatmadja, *Fungsi Dan Perkembangan Hukum Dalam Pembangunan Nasional* (Bandung: Binacipta, 1997).

<sup>15</sup> Mochtar Kusumaatmadja, *Hukum, Masyarakat Dan Pembinaan Hukum Nasional* (Bandung: Binacipta, 1995).

compliance and legal awareness among the community. Legal effectiveness is always connected to the correlation between intended outcomes and actual results. Effectiveness, in this sense, refers to the capacity to fulfill institutional functions, tasks, and mandates—without excessive resistance or tension in implementation. Therefore, the effectiveness of a legal rule is measured by the extent to which its intended goals are fulfilled. In legal governance, this implies an evaluative process that assesses whether the rule has achieved its planned targets and policy intentions.<sup>16</sup>

Based on the data on housing development in Buleleng Regency in 2024, it can be concluded that the Regent Regulation on the Administration of Housing and Settlement Areas has been effectively implemented. The findings of this study, supported by information obtained from key informants, indicate that housing developers have generally complied with the applicable provisions. Nevertheless, to meet these regulatory requirements—particularly the provision concerning the minimum 5-meter-wide access road—developers are compelled to seek land parcels that either already possess such access or can feasibly be widened to conform to the regulation.

The regulation concerning road width requirements for access to housing areas plays a critical role in realizing the broader policy objectives of the Buleleng Regency Government, which include:

1. Supporting spatial planning and regional development, as well as ensuring a balanced population distribution through the growth of Residential Environments and Settlement Areas in accordance with the Detailed Spatial Plan (RDTR) and/or the Regional Spatial Plan (RTRW) of the Regency, particularly to safeguard the interests of low-income communities (MBR);
2. Enhancing the efficiency and utility of natural resources for housing development while maintaining the ecological function of the environment, both in urban and rural areas;
3. Promoting development in the economic, social, and cultural sectors; and
4. Ensuring the provision of adequate and affordable housing, situated in environments that are healthy, safe, harmonious, orderly, well-planned, integrated, and sustainable.

Although general compliance among developers suggests a degree of legal effectiveness, it is important to recognize that such compliance often occurs under constrained conditions. In areas where spatial limitations prevent road widening, some developers may avoid investment altogether, thereby reducing the availability of housing for MBR groups. This reveals a policy trade-off between regulatory stringency and housing accessibility. A regulation can be considered normatively

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<sup>16</sup> Sabian Utsman, *Dasar-Dasar Sosiologi* (Yogyakarta: Pustaka Pelajar, 2009).

effective but practically inhibiting if it reduces the scale or geographic diversity of housing supply. This tension requires further inquiry into the localized impacts of legal implementation, particularly in underserved areas.

Moreover, the perception of fairness and legal certainty among developers is central to sustaining long-term compliance. Field interviews revealed that developers generally accept the intent of the regulation but have requested clearer technical guidance and procedural transparency in permit processing. When legal provisions are perceived as unpredictable or inconsistently applied, stakeholders may resort to informal arrangements or delay compliance. Therefore, the effectiveness of a regulation is not only a matter of textual clarity but also hinges upon the procedural integrity of its enforcement. A transparent and accountable regulatory process increases public trust and reduces resistance to legal norms.

The capacity of local government institutions also plays a pivotal role in determining regulatory effectiveness. While the legal substance of Regent Regulation No. 40 of 2023 may be sound, its enforcement depends on the technical readiness, human resources, and inter-agency coordination of implementing bodies. Budgetary constraints, staff limitations, and the absence of technical tools—such as GIS-based land monitoring systems—have the potential to weaken on-site verification and monitoring. Strengthening these institutional dimensions is essential to ensure that the law operates beyond its textual formulation and can be applied consistently across varying contexts.

From a policy evaluation standpoint, regulatory success should be measured through both outcome indicators and process metrics.<sup>17</sup> In the case of housing development, success indicators may include the number of approved housing projects, the rate of MBR home ownership, and the spatial distribution of compliant housing. However, process-related metrics—such as processing time for spatial conformity permits, dispute resolution rates, or public satisfaction scores—also offer crucial insights into the regulation’s administrative viability. A multidimensional evaluation model allows policymakers to diagnose implementation bottlenecks and adapt future revisions accordingly.

Lastly, the normative legitimacy of a regulation is reinforced when its implementation aligns with broader constitutional and developmental goals. The right to housing, as enshrined in Article 28H of the 1945 Constitution, must guide the interpretation and application of technical norms. In this regard, Regent Regulation No. 40 of 2023 must be understood not merely as an infrastructural directive but as a legal instrument that advances human rights and local welfare. Ensuring that housing regulations contribute to social inclusion and spatial equity is fundamental to sustaining their long-term relevance and effectiveness.

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<sup>17</sup> Inez Adams, Patricia A. Cuff, and Lawrence Liberti, “A Mixed Methods Study to Explore Relevant Metrics for a Results Framework Measuring the Public Health Impact of Reliance-Based Pathways,” *Therapeutic Innovation and Regulatory Science* 57, no. 6 (November 1, 2023): 1260–68, <https://doi.org/10.1007/S43441-023-00559-5>.

An analysis of the regulatory instruments governing housing and settlement area administration in Buleleng Regency reveals a deliberate institutional effort to formalize local spatial planning through legal means. The enactment of Regional Regulation No. 12 of 2022 and its implementing provision, Regent Regulation No. 40 of 2023, represents an integrated legal framework aimed at ensuring the provision of habitable, accessible, and well-regulated housing environments. By imposing technical standards—such as the five-meter minimum access road width—the local government seeks to promote spatial order, infrastructure functionality, and public safety. These regulatory instruments are aligned with national development goals, yet their normative structure also introduces technical challenges in spatially constrained zones, particularly those targeted for low-income housing development.

Despite positive trends in developer compliance, the study demonstrates that implementation remains uneven due to a combination of spatial, economic, and administrative constraints. In practice, developers have encountered difficulties in meeting the road-width requirement, especially in areas where existing access infrastructure cannot be expanded due to land fragmentation or surrounding private ownership.<sup>18</sup> These limitations, compounded by inconsistencies in technical supervision and a lack of inter-agency coordination, may reduce the practical impact of the regulation. To address this, the regulatory framework must evolve to incorporate more adaptive mechanisms, such as exception clauses, technical waivers, or phased compliance standards that balance legal consistency with spatial feasibility.

Viewed through the lens of sociological and policy-oriented legal theory, the effectiveness of Buleleng's regulatory approach depends not only on the clarity of its legal norms but also on its institutional responsiveness and alignment with public needs. Legal rules must be supported by procedural transparency, stakeholder engagement, and monitoring systems to ensure they are both enforceable and legitimate. As this case demonstrates, local housing regulations must bridge the gap between normative intention and lived reality. When law functions not merely as a tool of control but as a medium for equitable development, it contributes meaningfully to social justice, urban inclusion, and the fulfillment of constitutional rights—particularly the right to adequate housing for all.

## CONCLUSION

The regulatory framework governing the administration of housing and settlement areas in Buleleng Regency is embodied in Regional Regulation No. 12 of 2022 concerning the Administration of Housing and Settlement Areas. Article 6

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<sup>18</sup> Mahsa Mesgar, Diego Ramirez-Lovering, and Mohamed El-Sioufi, "Tension, Conflict, and Negotiability of Land for Infrastructure Retrofit Practices in Informal Settlements," *Land 2021*, Vol. 10, Page 1311 10, no. 12 (November 28, 2021): 1311, <https://doi.org/10.3390/LAND10121311>.

paragraph (1) letter (k) of this regulation stipulates the authority and responsibility of the Buleleng Regency Government to manage housing infrastructure, facilities, and public utilities (PSU). Further provisions are detailed in its implementing regulation, namely Regent Regulation No. 40 of 2023, which elaborates on the technical requirements for housing infrastructure. Specifically, Article 8 paragraph (2) of the Regent Regulation requires that access roads leading to housing developments must have a minimum width of 5 (five) meters, with appropriate pavement materials in accordance with prevailing statutory regulations.

The implementation of Regent Regulation No. 40 of 2023 has proven to be effective. Housing developers have demonstrated compliance with the regulatory provisions, particularly regarding access road requirements and other technical standards stipulated therein. This regulation achieves its intended legal objectives in general. Compliance among developers shows that legal norms have successfully shaped behavior and aligned development practices with spatial policies. Technical standards have begun to be internalized into the site planning process, particularly in newly proposed projects.

Effectiveness remains limited in spatially constrained zones. Developers in areas with narrow pre-existing roads face structural barriers that cannot always be resolved through land acquisition or widening. Enforcement efforts remain heavily dependent on administrative capacity, availability of technical resources, and inter-agency coordination. The legal framework must evolve to address these implementation gaps. Local governments need to institutionalize flexibility through regulatory innovations that preserve legal certainty while allowing context-sensitive solutions. Rights-based legal design, clear procedural guidance, and integration of monitoring tools are key to ensuring that housing regulations remain inclusive, responsive, and socially just.

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