

ABSORPTION WITHOUT SUCCESSION: REVOKING A COASTAL ZONING INSTRUMENT IN INDONESIAN SPATIAL LAW

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ABSTRACT

When a legal system consolidates two instruments into one, the doctrinal question is whether the surviving instrument succeeds to the functions of the instrument revoked, or merely replaces it. This article examines a consolidation in which the distinction is consequential and unresolved. Article 138 of Provincial Regulation No. 8 of 2024 on the Spatial Plan of Central Java Province revokes, among other instruments, the provincial coastal and small islands zoning plan of 2018 and the detailed spatial plan for one strategic area of 2016, integrating coastal planning into the general spatial plan pursuant to Article 245(b) of Government Regulation No. 21 of 2021. The consolidation is lawful and its policy rationale is intelligible. What the article identifies is a gap in succession: the revoked coastal instrument operated at a resolution and with a subject matter that the surviving general plan does not reproduce, and the seventeen strategic areas the new regulation designates have no detailed plans through which the finer resolution might be restored. The province holds 828.82 kilometres of coastline, 540.27 of it facing the Java Sea in a margin subject to documented tidal inundation and subsidence. The article argues that absorption of a specialised instrument into a general one should be accompanied by an express statement of which functions transfer and which lapse, and that in the absence of such a statement the revoked functions are not preserved by implication.

1. INTRODUCTION

Legal consolidation is ordinarily treated as a technical improvement. Two overlapping instruments become one, duplication is removed, and the resulting framework is simpler to administer. The doctrinal question consolidation raises is nevertheless substantive: whether the surviving instrument succeeds to the functions of what it replaces, or whether some functions are extinguished along with the instrument that carried them.

This article examines a provincial consolidation in which the question is live. A regulation adopted in 2024 revokes a specialised coastal zoning plan and integrates coastal planning into the general spatial plan, in conformity with a government regulation directing exactly this integration. The consolidation is lawful. What the article asks is narrower and, so far as the published instruments disclose, unanswered: which of the revoked instrument's functions the general plan now performs.

The question matters because the two instruments differ in resolution and in subject matter, not merely in scope. A coastal zoning plan allocates marine and littoral space by zone and regulates activities within it; a general spatial plan allocates terrestrial functions at regional resolution. Where the second absorbs the first, the finer regulation must be reproduced somewhere or it ceases to exist. In this case the instruments through which it might be reproduced — detailed plans for designated strategic areas — have not been made.

2. LITERATURE REVIEW

2.1 Revocation, succession and implied preservation

The doctrinal starting point is that revocation is a positive act with defined effect. Where an instrument is revoked and another designated as covering the same field, the question of what survives is answered by the revoking instrument, not by inference about what the drafter presumably intended. Cheong (2024), examining the principle of legality in statutory interpretation, argues that provisions expressed as objectives rather than as prescribed effects do not generate the consequences readers attribute to them. Applied here, an integration clause states that coastal planning is now conducted within the general plan; it does not by itself state that every regulatory function of the revoked instrument continues.

Khabook (2024) develops the related distinction between legality and legitimacy, showing that a measure may be validly enacted while failing to supply the normative content its purpose requires. Chng (2023) argues in the context of judicial review of delegated legislation that the intensity of scrutiny should track what has actually been delegated rather than the form of the instrument — a principle that translates directly into asking what has actually been consolidated rather than what the consolidation is called.

Lim (2023), analysing the legal architecture of cooperative intergovernmental fiscal relations, and Poirier and Hartery (2022), examining informal constitutional change through intergovernmental agreements, both identify a recurring pattern in which allocation of benefit is stated expressly and allocation of obligation is left implicit. Consolidation of planning instruments raises the structurally identical question, and this article treats it as an instance of that pattern rather than as a problem peculiar to spatial law.

2.2 Why resolution is a legal property, not only a technical one

The claim that a general plan cannot reproduce a detailed plan's function is not merely practical. Planning instruments operate by attaching consequences to defined territory, and the precision with which territory is defined determines whether a consequence attaches at all. Emamgholian, Pouliot and Shojaei (2024) develop automated conflict detection for three-dimensional land-use restrictions precisely because permit decisions require parcel-level specification that regional plans do not supply. Davy (2024) shows for the German system that statutory valuation, planning and land policy interlock only where instruments specify at the parcel scale.

Mattila and Heinilä (2022) supply the conceptual vocabulary. Distinguishing soft spaces and soft planning from binding instruments, they show that institutionalization can proceed at the soft level while the binding level remains empty — a designation acquires standing without acquiring effect. Kryczka (2024) documents development proceeding contrary to general plans where detailed specification is absent, and Rogatka, Kowalski and Starczewski (2023) find smaller jurisdictions systematically under-instrumented at the detailed level. Banikoi, Dakyaga and Cobbinah (2024) and Liu and Zhou (2021) both argue that planning effectiveness resides in the arrangement of instruments across tiers rather than in any single document.

2.3 What a coastal instrument regulates that a terrestrial one does not

The subject matter difference is the second element. Coastal zoning addresses a domain with distinctive characteristics: a boundary that moves, hazards that compound, and uses — capture fisheries, aquaculture, port operation, coastal defence — that have no terrestrial analogue in a general plan's function categories.

The hazard literature establishes why the domain resists coarse treatment. Jiang, Zhang, Liu, Li and Fang (2023) show that land subsidence materially increases inundation depth and extent, so that a zone boundary fixed at one date does not remain accurate. Wang, Xiao, Nicolsky, Romanovsky, McComb and Farquharson (2023) demonstrate the compounding of subsidence, erosion and flooding, which a static allocation of functions cannot represent. Bukvic, Mitchell, Shao and Irish (2023) trace the relocation pressures that follow in coastal municipalities, and Park, Sohn, Piao and Lee (2023) show that grey coastal infrastructure provides protection for which other measures are not short-run substitutes — implying that the siting of such infrastructure is a planning decision of a distinctive kind.

Roy (2021) argues for risk-informed land use planning grounded in explicit cost-benefit assessment, and Dadashpoor and Sajadi (2024) set out distributive principles where risk and access are unevenly distributed. Thinphanga and Friend (2024) and Geyer (2023) both document what follows where planning instruments do not reach the domain they nominally cover: negotiation and contestation replace regulation. These findings do not establish that integration is unsound; they establish what the integrated instrument must be capable of doing.

3. METHOD

The analysis is doctrinal. The primary materials are Provincial Regulation No. 8 of 2024 on the Spatial Plan of Central Java Province 2024–2044 in its promulgated text, principally Articles 53 to 65 and Article 138; the instruments it revokes, identified in that article; and the national framework it implements, principally Article 245(b) of Government Regulation No. 21 of 2021, together with Law No. 26 of 2007 on Spatial Planning and Law No. 27 of 2007 on the Management of Coastal Zones and Small Islands. Implementation evidence is drawn from the governor's accountability report for fiscal year 2025 and from the provincial regional work plan documents.

Two limitations should be stated. The article examines the instruments as published and does not have access to the preparatory materials from which the drafters' intentions might be established; the argument accordingly concerns what the instruments provide rather than what was intended. And implementation evidence covers a single year following adoption, which is a short window from which to infer a settled position.

4. RESULTS AND DISCUSSION

4.1 *What Article 138 revokes*

Provincial Regulation No. 8 of 2024 was promulgated on 17 October 2024. Article 138 revokes four instruments: the provincial spatial plan of 2010; its amendment of 2019; the coastal and small islands zoning plan of 2018; and the detailed spatial plan for one strategic area adopted in 2016. The recitals state expressly that the integration is made pursuant to Article 245(b) of Government Regulation No. 21 of 2021, and the legal basis includes Law No. 26 of 2007 on Spatial Planning and Law No. 27 of 2007 on the Management of Coastal Zones and Small Islands — the two statutes under which the consolidated and the revoked instruments respectively were made.

The first two revocations are ordinary succession: a new general plan replaces an old one covering the same field at the same resolution. The third and fourth are not. The coastal instrument regulated a different domain; the detailed strategic area plan operated at a different resolution. Neither is replaced by an instrument of like character. Table 1 characterises each of the four revocations.

Table 1. Character of the four revocations under Article 138

Instrument revoked	Domain	Resolution	Successor of like character
Spatial plan 2010	Terrestrial, general	Regional	Yes — Perda 8/2024
Amendment 2019	Terrestrial, general	Regional	Yes — Perda 8/2024
Coastal zoning plan 2018	Marine and littoral	Zone	Absorbed, not reproduced
Detailed strategic area plan 2016	Terrestrial, specific	Parcel	None

Source: Provincial Regulation of Central Java No. 8 of 2024, Article 138, as promulgated.

4.2 *The instruments that would restore resolution do not exist*

Articles 53 to 65 designate seventeen provincial strategic areas. A detailed spatial plan for such an area is the instrument at which parcel-level regulation is made and through which the finer content of a revoked specialised plan could be reconstituted.

None has been adopted. The single detailed strategic area plan previously in force was revoked by Article 138 of the instrument that designates the seventeen, so the position moved from one to none at the moment of adoption. Accountability reporting for 2025 records no detailed plan adopted

in that year; the outputs reported are dissemination of the new regulation to district agencies and two supporting studies.

The consequence is that the resolution at which the coastal instrument operated is presently reproduced nowhere. The general plan allocates functions across the province; the detailed plans that would specify within designated areas have not been made; and the specialised instrument that formerly performed the function has been revoked.

4.3 The territory concerned

The province holds 828.82 kilometres of coastline, of which 540.27 kilometres face the Java Sea to the north and 288.55 kilometres the Indian Ocean to the south. The northern margin is the subsidence-affected coast. Provincial hazard classification identifies 935,504 hectares of flood hazard, of which 446,255 hectares are classified high.

These figures are context rather than argument. They indicate that the domain from which a specialised planning instrument has been withdrawn is not a marginal one, and that the functions in question — zone allocation on a moving boundary, siting of coastal defence, regulation of littoral use — are functions with present application.

Three propositions follow, and they differ in the confidence the materials support.

The first is secure. Article 138 revokes instruments of three distinct characters and provides expressly for succession in respect of one of them. For the coastal instrument it provides integration, which is a statement about where planning occurs rather than about what is regulated; for the detailed strategic area plan it provides nothing. Whether the general plan reproduces the revoked functions is therefore a question the instrument leaves open rather than one it answers.

The second is well supported but not conclusive. On the reasoning developed in Section 2.2, functions requiring parcel-level or zone-level specification cannot be performed by an instrument operating at regional resolution, and the literature on planning instrument hierarchies is consistent on this point. It follows that integration without detailed plans leaves the revoked functions unperformed rather than performed differently. The qualification is that the general plan's own provisions might specify more finely than its character suggests, and establishing this would require clause-level analysis of the full 362-page text against the revoked instruments — an exercise this article does not undertake and which would be the natural next step.

The third is a normative recommendation rather than a finding. Where an instrument absorbs a specialised predecessor, the revoking provision should state expressly which functions transfer and which lapse. The reason is the one Cheong (2024) and Chng (2023) develop in different contexts: a provision stating a destination does not thereby state a content, and readers will infer preservation that the text does not supply. Lim (2023) and Poirier and Hartery (2022) show that this asymmetry — express benefit, implicit obligation — is a general feature of consolidating and cooperative instruments rather than an oversight peculiar to this one.

It should be said plainly that this article does not conclude the consolidation was wrong. Integration of coastal and terrestrial planning follows a national direction, addresses genuine

overlap, and may well produce a more coherent framework once the detailed plans are made. The finding concerns the interval — a period in which a specialised instrument has been withdrawn and the instruments intended to carry its functions have not yet been created. That interval is presently open-ended, and its length is the variable that determines whether the consolidation is a transition or a gap.

4.4 What the surviving plan would have to contain

If the general plan is to perform the revoked instrument's functions, its provisions must supply four things the coastal instrument supplied. The first is zonal allocation of marine and littoral space, distinguishing capture fisheries, aquaculture, port operation, conservation and coastal defence, at a resolution permitting a permit decision. The second is a treatment of the boundary itself, which on a subsiding coast is not fixed and cannot be represented by a single line drawn once. The third is siting criteria for coastal protection works, structures whose location is determined by hazard rather than by land-use demand. The fourth is a rule for resolving conflict between marine and terrestrial allocations where they meet, which is the function a dedicated instrument performs by existing separately.

Whether Provincial Regulation No. 8 of 2024 supplies these cannot be settled without clause-level comparison of its 362 pages against the revoked instrument, which this article does not undertake. What can be said is that the four functions are of a kind the planning literature associates with detailed rather than general instruments. Emamgholian, Pouliot and Shojaei (2024) develop automated conflict detection precisely because permit-level decisions require three-dimensional specification; Davy (2024) shows that statutory valuation and planning interlock only at parcel scale; and Kryczka (2024) documents development proceeding contrary to general plans where that scale is absent.

The comparative literature indicates that this is a recurring rather than an Indonesian problem. Živanović, Tošić, Berisha and Perić (2023) show that planning systems sharing a nominal family diverge sharply in how their instruments operate, so formal classification is a poor guide to effect. Pagliarin (2022) finds supra-local practice determining suburban patterns in ways general plans do not capture. Rogatka, Starczewski and Kowalski (2021) find the connection between stated resilience objectives and operative provisions weak in Polish city plans. Daunt, Inostroza and Hersperger (2021), assessing planning and conservation efficiency on the Brazilian coast, and Liu and Zhou (2021), analysing territorial planning within China's governance system, both locate effectiveness in the arrangement of instruments across tiers rather than in the content of any one.

4.5 The interval and what determines its length

The article's finding concerns an interval: the period between revocation of the specialised instrument and adoption of the detailed plans intended to carry its functions. The interval is presently open-ended, and its length determines whether the consolidation is a transition or a lapse.

Three considerations bear on how long it is likely to be. The first is the number of instruments required: seventeen strategic areas, each needing a separate detailed plan, against a base of none. The second is the burden per instrument, which for a detailed spatial plan includes strategic environmental assessment, public consultation and provincial legislative approval. The third is competing demand on the same planning capacity, since the province simultaneously validates district-level detailed plans — fourteen strategic environmental assessments in 2025 alone. Banikoi, Dakyaga and Cobbinah (2024) argue that spatial planning effectiveness in multi-level systems depends on capacity distributed across tiers, and the provincial function here is supporting district instruments while its own remain unmade.

None of this establishes that the interval will be long. It establishes that its length is determined by capacity rather than by intention, and that the published record discloses no target date. A transitional provision stating when detailed plans for designated strategic areas are to be adopted would convert an open interval into a bounded one, and would be consistent with the drafting practice the same regulation follows elsewhere.

4.6 Limitations

Four limitations bound the analysis and should be read alongside the conclusions. The first is methodological: the article is doctrinal, and its claims concern what the instruments provide rather than how they operate in practice. Establishing the latter would require observation of administrative conduct that the published record does not disclose.

The second concerns access to preparatory materials. The legislative history of Law No. 1 of 2022 and of the implementing regulation was not available, so the article cannot say whether the features it identifies were considered and accepted or arose unremarked. The distinction matters for how the findings should be received, and the article accordingly frames them as properties of the instruments rather than as inferences about intention.

The third is a source-quality caution. The official portable-document versions of the statute and the government regulation are scanned images carrying an optical character recognition layer, and numerals in that layer are unreliable. Every figure relied on here was verified against the words in parentheses accompanying each numeral in the authentic text, and against the corresponding provisions of the provincial regulation, which is native digital text. Readers working from the scanned versions should apply the same check.

The fourth concerns generality. The analysis rests on one statutory scheme in one jurisdiction. Whether the pattern identified recurs in other Indonesian instruments, or in comparable systems, is a question this article raises and does not answer. The conceptual claims are stated in terms intended to be testable elsewhere, and the extensions proposed in Section 5 indicate where that testing would begin.

4.7 The reporting consequence

One practical consequence follows from the position identified and is worth separating from the doctrinal argument. The province reports availability of spatial plans as a performance indicator, recorded at 50.99 per cent for 2025 against an annual target of 50.99. Whatever that figure measures, it does not distinguish between a plan that exists and a plan whose functions have been absorbed into an instrument operating at a different resolution.

This matters because the indicator is what an external reader consults. A reader seeing availability near half would not infer that the specialised coastal instrument had been revoked, that the seventeen designated strategic areas have no detailed plans, or that the single such plan previously in force was withdrawn by the regulation designating them. None of these is concealed — each appears in the published record — but none is visible in the measure through which the function is reported.

The remedy is narrow. Reporting the number of designated strategic areas alongside the number holding a detailed plan in force would make the position legible without adding any data-collection burden, since the province holds both figures. Where a general plan has absorbed a specialised instrument, a note recording which functions the absorbing instrument reproduces would serve the same purpose for the coastal dimension.

4.8 Implications for planning practice

Three implications follow for practice, and they are ordered by how quickly each could be acted on. The first is immediate: where a revoking provision absorbs a specialised instrument, the revoking authority should publish a concordance stating which provisions of the surviving instrument carry which functions of the revoked one. This is a drafting product rather than a policy decision, it can be prepared from documents already held, and it converts an inference into a record.

The second concerns sequencing. Where detailed instruments are the vehicle through which absorbed functions are to be restored, revocation and adoption should be sequenced rather than separated. Adopting at least one detailed plan for a designated strategic area before revoking the specialised instrument would have avoided the position in which the province now stands, and would have cost only a change in order.

The third concerns the coastal domain specifically. A margin subject to subsidence has a planning requirement that terrestrial instruments are not built to meet, because the boundary the plan allocates across is itself moving. Whether that requirement is best met by a dedicated instrument, by a distinct chapter within a general plan, or by a rolling revision cycle is a question of design on which reasonable positions differ. What the present arrangement does is meet it by none of the three, and that is a transitional position rather than a settled one.

4.9 Summary of findings

Three findings are established and one is proposed. The first is that Article 138 revokes instruments of three distinct characters and provides expressly for succession in respect of only one of them. The

second is that the seventeen strategic areas designated by Articles 53 to 65 hold no detailed spatial plan, the single such plan previously in force having been revoked by the same article. The third is that accountability reporting for the year following adoption records preparatory activity rather than adoption of any detailed instrument. Each is a matter of record.

What is proposed rather than established is the doctrinal reading: that absorption of a specialised instrument into a general one does not preserve the specialised functions by implication, and that a revoking provision stating integration without stating succession leaves the question of what survives unanswered. This is an interpretive claim on which the clause-level comparison identified in Section 4.4 would bear directly, and it is offered as such.

4.10 Scope of the claim

The claim advanced is narrow in three respects worth stating before the conclusion. It concerns succession rather than validity: the consolidation is lawful, it implements a direction given by Article 245(b) of Government Regulation No. 21 of 2021, and nothing in the analysis suggests otherwise. It concerns the published instruments rather than administrative practice, so a planning authority may in fact be applying coastal criteria that the instruments do not record. And it concerns an interval whose end is not yet determined, so a position that is a lapse today may prove a transition.

Set against those qualifications, what remains is a straightforward observation. A specialised instrument was revoked; the instruments through which its functions would be reconstituted have not been made; and the revoking provision does not state which functions the surviving instrument carries. Each of the three is separately unremarkable. Together they leave a 828.82-kilometre coastline, 540.27 kilometres of it on a subsiding margin, governed by an instrument operating at regional resolution and by no instrument at any finer one.

5. CONCLUSION

A provincial regulation revoked a coastal zoning plan, a detailed strategic area plan, and two general plans, integrating coastal planning into the instrument that replaced the last two. For the general plans this is succession. For the other two it is absorption without an instrument of like character to receive the absorbed functions, and the seventeen designated strategic areas through which the finer resolution might be restored have no detailed plans.

The general claim is doctrinal: absorption of a specialised instrument into a general one does not preserve the specialised functions by implication, and a revoking provision that states integration without stating succession leaves the question of what survives unanswered. Where the domain concerned is 828.82 kilometres of coastline on a subsiding margin, the answer is not merely of academic interest.

Two extensions would settle what this article leaves open. A clause-by-clause comparison of the surviving general plan against the revoked coastal instrument would establish which functions are in fact reproduced. And tracking detailed plan adoption across the seventeen designated areas

would establish whether the present position is a transition with a foreseeable end or a lapse without one.

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