

SPATIAL PLANNING AND HOUSING REGULATIONS FOR COSMO PARK THAMRIN CITY, CENTRAL JAKARTA

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Abstract

The development of the Jakarta metropolitan area encourages the emergence of mixed-use development concepts that integrate residential functions with commercial activities in a single vertical complex. Cosmo Park Housing, located above Thamrin City Mall, represents an innovation in vertical space utilization, yet raises issues regarding spatial planning compliance and regulatory adherence. This research employs a normative juridical approach with library research methods to analyze the conformity of space utilization with zoning regulations, compliance with spatial planning regulations, and implications of mixed-use models on space utilization control in strategic areas. Research findings indicate discrepancies between initial Building Permits and construction realization, legal antinomy in determining ownership status, and regulatory void regarding technical integration of horizontal housing with vertical commercial structures. Regulatory gaps and licensing practices indicate weak supervision mechanisms and harmonization of legal instruments. This research recommends the formulation of specific regulations, strengthening institutional capacity, implementation of public participation, and harmonization of legislative regulations to ensure sustainable mixed-use development that complies with spatial planning principles.

Keywords: Spatial Planning, Spatial Planning Regulation, Mixed-Use Development

I. INTRODUCTION

The development of metropolitan cities in Indonesia, particularly Jakarta, faces complex challenges in accommodating the ever-increasing demand for housing amid limited urban land. This phenomenon has led to the emergence of the concept of mixed-use development, which integrates various functions such as residential, commercial, and supporting facilities into a single vertical building complex (Carolin & Kurniati, 2025). One tangible manifestation of this concept is the presence of Cosmo Park, a townhouse residential complex located above Thamrin City Mall in Central Jakarta, which represents innovation in the utilization of vertical space in a strategic central business district. This complex occupies a very strategic location with direct access to various urban facilities, but the concept of housing above a shopping center raises profound questions regarding spatial suitability and compliance with applicable spatial planning regulations.

However, the presence of housing above the mall raises questions about spatial planning suitability, space utilization permits, and integration with national and regional spatial planning regulations. In the context of national spatial planning regulations, Government Regulation No. 21 of 2021 concerning Spatial Planning provides a comprehensive framework for planning, utilization, and control of space that is more adaptive to the dynamics of urban development. This regulation emphasizes the importance of harmonizing residential and commercial functions in mixed-use areas, where clear zoning boundaries and spatial utilization control mechanisms are crucial to prevent unplanned expansion of functions. At the provincial

level, DKI Jakarta Governor Regulation No. 31 of 2022 concerning Detailed Spatial Plans and Zoning Regulations brings significant changes in the regulation of building intensity and technical requirements for vertical housing, including the determination of minimum housing area that can affect development models such as Cosmo Park (MEDTRY, 2021) . This regulatory transformation reflects the local government's efforts to optimize the use of vertical space while ensuring decent housing quality for urban communities.

The spatial complexity and regulations at Cosmo Park are increasingly interesting to study, given its unique characteristics as a residential area that is physically integrated with the commercial infrastructure of Thamrin City Mall. This type of spatial configuration requires special consideration in terms of zoning, given that mixed-use areas must be supported by clear zoning boundaries and measurable functional transition mechanisms (Widiyantoro, 2022) . Furthermore, the presence of residential units on the upper floors of the mall presents complexities in meeting the standards of safety, accessibility, and residential comfort as stipulated in various technical building regulations. This phenomenon of vertical development combining residential and shopping centers reflects an evolution in urban lifestyles that prioritizes efficiency and ease of access, yet simultaneously poses challenges in ensuring compliance with sustainable urban planning norms.

Studies on mixed-use spatial planning show that integrating residential and commercial functions requires a holistic planning approach that considers social, economic, and environmental aspects simultaneously (Noor Fadilah Romadhani, S.T. et al., 2023) . In practice, the development of mixed-use buildings in densely populated urban areas such as Jakarta not only reflects a response to land constraints but also demonstrates a paradigm shift in modern urban planning that prioritizes walkability, energy efficiency, and the creation of quality public spaces (Arifin, 2025) . However, the implementation of this concept often faces obstacles in the form of incompatibility with established spatial plans, conflicts of interest between residential and commercial functions, and technical problems in providing integrated utilities and security systems. Therefore, an in-depth evaluation of regulatory aspects and spatial planning compliance is urgent to ensure that developments such as Cosmo Park not only meet functional and economic aspects but also align with the principles of sustainable and resident-oriented urban planning (Bariun et al., 2024) .

Based on this context, this study focuses on analyzing the spatial planning suitability and regulatory compliance of Cosmo Park Housing, located above Thamrin City Mall. The research questions that are the focus of this study are, first, how suitable is the use of space in Cosmo Park Housing in accordance with zoning regulations and the Detailed Spatial Plan applicable in the Central Jakarta area; second, the extent to which the development of Cosmo Park complies with spatial planning regulations at both the national and regional levels, particularly those related to technical standards for vertical housing and mixed-use areas; and third, the implications of this mixed-use development model for the effectiveness of spatial utilization control in strategic areas of the city center. This study aims to provide a comprehensive understanding of the legality and suitability of spatial planning in the case of Cosmo Park, identify potential deviations or inconsistencies with applicable regulations, and formulate recommendations for improving the mechanism for controlling space utilization in similar developments in the future. Through this in-depth study, it is hoped that it can contribute to the development of spatial planning policies that are more responsive to the dynamics of urban housing needs without sacrificing the principles of orderly and sustainable planning.

II. RESEARCH METHODOLOGY

This study uses a normative legal approach with library research methods to analyze the spatial planning suitability and regulatory compliance of Cosmo Park Housing in Thamrin City Mall. The normative legal approach was chosen because the research focuses on analyzing legal norms, laws and regulations, and applicable spatial planning policies, which requires an in-depth study of relevant legal materials and planning documents. This literature research was conducted by collecting, reviewing, and analyzing secondary data sourced from various literature, official government documents, laws and regulations, scientific journals, and academic publications related to spatial planning, vertical housing regulations, and mixed-use development.

The legal materials used in this study consist of three main categories, including primary, secondary, and tertiary legal materials. Primary legal materials include laws and regulations directly related to spatial planning, such as Law No. 26 of 2007 on Spatial Planning, Government Regulation No. 21 of 2021 on the Implementation of Spatial Planning, DKI Jakarta Regional Regulation on Spatial Planning, and DKI Jakarta Governor Regulation No. 31 of 2022 on Detailed Spatial Planning and Zoning Regulations. In addition, technical planning documents such as building permits, traffic impact analysis documents, and strategic environmental assessments are also important sources of primary data. Secondary legal materials consist of spatial planning law textbooks, indexed scientific journals discussing mixed-use development, previous research on building code compliance, and scientific publications from credible academic institutions and research institutes. Tertiary legal materials include legal dictionaries, encyclopedias, and popular articles that explain technical terms in the field of urban planning and spatial planning.

Data collection techniques were carried out through documentation studies by identifying, inventorying, and reviewing all documents relevant to the research object. This process began with a systematic literature search of applicable national, provincial, and local laws and regulations governing spatial planning and vertical housing. Next, official planning documents published by the DKI Jakarta Provincial Government were collected, particularly those related to the zoning of the Central Jakarta area where Cosmo Park is located. Scientific literature searches were conducted using electronic journal databases such as Google Scholar, Portal Garuda, and institutional repositories to obtain the latest research on similar topics. The data was then classified based on its relevance to the research problem formulation, namely the suitability of space utilization, compliance with regulations, and the implications of the mixed-use development model on spatial control.

Data analysis was conducted qualitatively using a descriptive-analytical approach to evaluate the compliance of the existing conditions of Cosmo Park Housing with applicable normative provisions (Donal Catria et al., 2024). The analysis began with an inventory of all relevant legal provisions, followed by a comparison between the actual use of space in the field and the requirements in zoning regulations and RDTR. The normative comparison method is used to identify potential gaps or inconsistencies between development practices and the standards set out in the regulations. A systematic interpretation is carried out on the articles in the legislation to understand the intent and purpose of the mixed-use spatial planning regulations. All findings are then synthesized to draw conclusions about the level of regulatory compliance and provide constructive policy improvement recommendations. The validity of the analysis is maintained by triangulating data from various sources and cross-checking legal interpretations by referring to doctrines and expert opinions in the field of spatial law.

RESEARCH OBJECTIVES

This research was conducted to:

- 1) Analyze the suitability of the spatial layout and zoning of the Thamrin City area with applicable regulations.
- 2) Examine the relationship between the concept of *vertical mixed-use* and the principles of sustainable spatial planning.
- 3) Identify technical and administrative challenges that arise in the construction of housing above commercial buildings.

III. RESULTS AND DISCUSSION

Compliance of Cosmo Park's Space Utilization with Zoning Regulations and the Central Jakarta RDTR

The assessment of the suitability of land use in the Cosmo Park Housing Complex requires an in-depth analysis of the harmonization between factual conditions and normative provisions contained in the spatial planning instruments for Central Jakarta. Jakarta Governor Regulation No. 31 of 2022 concerning Detailed Spatial Planning and Zoning Regulations has established a comprehensive regulatory framework regarding land use intensity, area functions, and technical building requirements that must be met by every development in the capital city. Research conducted by the Jakarta Planning Institute (reveals that the construction of Cosmo Park experienced a discrepancy between the initial Building Construction Permit (IMB) and the actual use of the building during the implementation phase, where the IMB issued initially did not explicitly include horizontal residential functions above commercial structures as part of the approved development plan. This fundamental discrepancy indicates a gap in the spatial utilization control mechanism, which should serve as a preventive oversight instrument for local governments in ensuring that all developments proceed in accordance with the established spatial plan. (Zahir, 2020) emphasizes that the granting of permits is an implementation of spatial utilization control efforts, so that spatial utilization permits that are not in accordance with the regional spatial plan can be revoked by the government in accordance with the authority of each level of government.

The vertical zoning issue at Cosmo Park also reflects weaknesses in the allocation of space for mixed-use areas that have not anticipated innovative development models such as this. , as cited in Haq & Wardhana (2022), explain that mixed-use development aims to integrate various land functions to create a more vibrant and functional urban environment, but its implementation requires careful planning of zoning and functional separation aspects. In the context of Cosmo Park, the transformation of the function of a purely commercial building into a mixed-use complex without going through the proper RDTR change process raises serious questions about the consistency of spatial planning regulations in strategic areas of Jakarta. Further evaluation shows that this incompatibility in land use not only has an impact on formal legality, but also has implications for the carrying capacity of the area's infrastructure, which was not designed to accommodate the additional burden of residential functions. (Based on & Turunannya, 2025) identifies that legal antinomy in determining ownership status has resulted in uncertainty regarding the rights and obligations of residents towards the common areas of the building. The absence of a comprehensive study on the impact of the addition of residential functions on the utility system, parking capacity, and traffic volume indicates the weakness of

the environmental impact assessment process, which should be a prerequisite for granting spatial use permits for the development of highly complex mixed-use areas such as this.

The issue of spatial utilization suitability is also closely related to building intensity, which is measured using parameters such as the Building Base Coefficient, Building Floor Coefficient, and Green Base Coefficient established for the area. (Sitepu et al., 2024) explains that the horizontal residential model above commercial buildings presents new legal challenges related to the certainty of land and building rights, where regulatory uncertainty has the potential to cause legal uncertainty for residents, developers, and building managers. The addition of residential functions on top of existing structures can technically alter the building intensity calculations approved in the initial building permit, especially if the addition involves a significant expansion of building mass or increase in structural load. An evaluation of the technical planning documents indicates that the construction of townhouse units on the upper floors of Thamrin City Mall was most likely not taken into account in the building's structural load-bearing analysis during the initial planning stage, thus requiring additional technical studies to ensure long-term structural safety. The lack of transparency in this change of function process not only raises doubts about regulatory compliance, but also has implications for the potential safety risks of the occupants of these residential units, given that commercial buildings generally have different technical specifications from residential buildings in terms of fire prevention systems, evacuation routes, and air ventilation standards.

Cosmo Park Development's Compliance with Spatial Planning Regulations and Vertical Housing Technical Standards

Evaluating compliance with spatial planning regulations requires a comprehensive understanding of the hierarchy of laws and regulations governing spatial utilization and vertical housing development in Indonesia. Law No. 26 of 2007 on Spatial Planning, as the highest legal umbrella in the national spatial planning system, has established basic principles regarding spatial planning, utilization, and control that must be complied with by all stakeholders in carrying out development activities. (Gregorowicz-Kipszak et al., 2024) identifies an antinomy or conflict of legal provisions regarding the status of control over land and buildings in residential units at Cosmo Park, where there is ambiguity as to whether to use the Land Rights scheme as stated in Law Number 1 of 2011 concerning Housing and Settlement Areas or the Right of Ownership of Apartment Units as regulated in Law Number 20 of 2011 concerning Apartments. (Pangerang et al., 2021) explains that although each unit in Cosmo Park is granted Ownership Rights to Apartment Units, this causes inconsistency with the purpose of apartment management, which emphasizes legal certainty. Compliance with fire safety standards is a very critical aspect in the development of mixed-use areas where residential and commercial functions are integrated into a single vertical building structure. (Wijaya et al., 2024) emphasizes that the horizontal residential model above commercial buildings can be accommodated normatively through the Freehold Title to Apartment Units or Building Use Rights scheme, even though there are no explicit regulations that specifically regulate this type of residence. so that this regulatory ambiguity has the potential to create legal uncertainty for residents, developers, and building managers.

Compliance with technical building standards also reveals significant issues in terms of separating utility systems and supporting infrastructure between commercial and residential functions. Emphasizing (Umbarkar, 2023), building permits must be in line with actual construction to avoid legal issues in the future. However, in the case of Cosmo Park, there was an undocumented transformation of function during the permitting process. The integration of

electrical, clean water, and waste management systems that are not designed separately has the potential to cause operational disruptions and safety risks for residents and mall users in the long term. The dimension of compliance with regulations also includes the aspect of legal certainty in the issuance of ownership certificates for apartment units given to buyers of units at Cosmo Park. The horizontal residential model above commercial buildings can be accommodated normatively through the scheme of Ownership Rights over Apartment Units or Building Use Rights, although there are no explicit regulations that specifically regulate this form of housing, so that this regulatory uncertainty has the potential to cause legal uncertainty for residents, developers, and building managers. The issuance of ownership certificates for apartment units at Cosmo Park technically indicates that the building has met the requirements for apartment buildings as stipulated in Law Number 20 of 2011. However, the physical characteristics of the building, which is a horizontal townhouse on top of a commercial structure, do not fully comply with the definition of an apartment building, which requires the existence of common areas, common objects, and common land as constitutive elements. This conceptual inconsistency creates fundamental legal ambiguity, whereby the ownership status granted does not fully reflect the physical and functional reality of the building, thus potentially giving rise to future legal conflicts regarding the rights and obligations of residents towards parts of the building that should be common areas.

Compliance issues are also related to the absence of a comprehensive building certification mechanism for mixed-use development models such as this. Legal protection for owners of residential units above commercial buildings is sought through legal action in court, which indicates the weakness of preventive protection through a strict licensing system. Transparency and effectiveness in spatial planning are key to achieving sustainable development, but practices at Cosmo Park show that there are still significant gaps in the implementation of these good governance principles in the permitting and construction supervision processes.

Implications of Mixed-Use Development Models on the Effectiveness of Spatial Utilization Control

The implementation of the mixed-use development model in the case of Cosmo Park has significant implications for the effectiveness of the spatial utilization control system implemented by the DKI Jakarta regional government, particularly in the context of strategic central urban areas that have high economic value and intense development pressure. (Zahir, 2020) explains that mixed-use area planning is used to integrate land functions and urban design to create a place where people can work, shop, and live in an integrated area, with the main objective of strengthening the link between public investment in community infrastructure and private investment in housing and business. (Haq & Wardhana, 2022) argues that the development of property products such as malls and apartments is closely related to the economic conditions of the city, where the pandemic has resulted in changes in people's lifestyles and market trends that require developers to anticipate strategies in their development. The first implication that needs to be considered is the consistency of spatial planning regulations in other strategic areas in Jakarta, where the precedent set by the Cosmo Park case has the potential to become a reference for other developers to modify the function of buildings without going through the procedures for changing land use, which should be carried out in a transparent and accountable manner. The political goal of creating an active ground floor in low-density suburban areas may require government subsidies to avoid vacant spaces, indicating that the success of mixed-use development is highly dependent on

comprehensive and consistent policy support from the government.

The implications for the credibility of the spatial planning system are also a serious concern, where tolerance for inconsistencies between planning and implementation can set a bad precedent in urban development governance. The lack of legal regulations regarding horizontal dwellings above commercial buildings needs to be addressed immediately to prevent potential ownership conflicts in the future. Inconsistencies in the application of regulations can create perceptions of unfairness among developers who strictly comply with procedures, while others gain legitimacy despite deviating from plans that were approved in the initial licensing stage. The mixed-use development model also has implications for the government's ability to control the density and intensity of development in accordance with the carrying capacity of the area as calculated in spatial planning. (Haq & Wardhana, 2022) identifies that the unclear legal status of ownership can result in a lack of protection of community rights in the form of legal certainty regarding the rights and obligations of residents. The addition of residential functions without adequate impact assessments has the potential to cause degradation of the quality of the urban environment due to infrastructure overcapacity, increased traffic congestion, and a decrease in the availability of green open spaces, which ultimately harms the public interest at large.

Analysis of Regulatory Gaps and Licensing Practices in Mixed-Use Development

The gap between the existing regulatory framework and licensing practices in mixed-use development is a systemic problem that is clearly evident in the Cosmo Park case, where the lack of harmonization between various legal instruments governing spatial planning, building construction, and housing has created a gray area that developers have exploited to liberally interpret the applicable regulations. The licensing practices in the Cosmo Park case expose weaknesses in the monitoring and control system, which should be a crucial function of local government in ensuring that every development proceeds in accordance with the approved plan. An important point to note in the construction of housing on top of commercial buildings is that the building permit must be in accordance with the current state of construction, so that there are no discrepancies that could lead to legal and technical problems in the future. , explains that the legal regulations governing the construction and ownership of residential houses above buildings are regulated by Law Number 28 of 2002 concerning Buildings and Law Number 20 of 2011 concerning Apartments. but these two regulations do not specifically regulate the technical requirements for the integration of horizontal residential functions with vertical commercial structures, which have very different characteristics. Another dimension of the gap relates to the mechanism for public participation in the licensing process for mixed-use development, which should be an important instrument in democratic and inclusive urban planning governance.

Technical regulatory gaps are a crucial issue in ensuring the safety and comfort of residences integrated with high-rise commercial functions. The absence of explicit technical guidelines on structural standards, vertical access separation systems, and sound insulation mechanisms has led to each developer applying different standards based on their own interpretations, resulting in inconsistencies in the quality and level of safety provided to residents of mixed-use areas. Non-transparent licensing practices also create obstacles to public accountability in the decision-making process for strategic area development. (Haq & Wardhana, 2022) argues that legal antinomy in determining ownership status results in fundamental uncertainty for residents. The absence of an effective public consultation mechanism in the Cosmo Park licensing process resulted in the interests of the surrounding

community, which could potentially be affected by increased density and traffic load, not being accommodated in the development decisions that were made.

Recommendations for Improving the Mechanism for Controlling Space Utilization for Mixed-Use Area Development

Based on a comprehensive analysis of spatial planning and regulatory compliance issues in the Cosmo Park case, constructive recommendations are needed to improve spatial utilization control mechanisms that can accommodate innovation in urban development models while maintaining the principles of sustainable spatial planning. The first urgent recommendation is the drafting of specific regulations that explicitly govern the development of mixed-use areas with the integration of horizontal housing above vertical commercial structures. Legal regulations on horizontal housing above commercial buildings need to be addressed immediately to provide legal certainty and prevent potential conflicts over land rights in mixed-use areas. The second recommendation relates to strengthening institutional capacity and human resources in agencies that have authority in the licensing and supervision of development. The third recommendation emphasizes the importance of effective public participation mechanisms in the planning and licensing processes for mixed-use development. To realize sustainable housing development, transparent, effective, and participatory spatial planning is required. The fourth recommendation relates to the need for periodic evaluation and audit mechanisms for mixed-use buildings that are already in operation to ensure compliance with the technical standards set out in the building permit (IMB). The fifth recommendation emphasizes the need for harmonization of regulations at the national level to overcome legal antinomies that occur between various laws governing spatial planning, buildings, housing, and apartment buildings.

The third recommendation emphasizes the importance of effective and meaningful public participation mechanisms in the planning and licensing process for mixed-use development, whereby communities potentially affected by the development must be given adequate access to information and the opportunity to express their aspirations or objections to the development plan before a permit is issued. To realize sustainable housing and settlement development, it is necessary to implement transparent, effective, and participatory spatial planning in order to create comfortable, safe, productive, and sustainable spaces, so that public participation is not merely a procedural formality but must be a substantive instrument that has a real influence on licensing decisions. Public participation mechanisms that can be implemented include holding public hearings or open consultation forums for each mixed-use development proposal of a certain scale, publishing planning documents and impact analyses through online platforms accessible to the public, providing adequate time for the public to study the documents and submit responses, and requiring the competent authorities to provide written responses to objections or input submitted by the public, along with arguments as to why the input was or was not accommodated in the licensing decision.

(Haq & Wardhana, 2022) explains that legal protection for owners of residential units above commercial buildings can currently only be obtained through legal action in court, which demonstrates the weakness of preventive protection. The drafting of comprehensive regional or governor regulations on mixed-use development must include clear definitions of building typologies, technical requirements for functional integration, transparent licensing mechanisms, and management standards that ensure long-term operational sustainability for all functions integrated within the complex. Strengthening the digital technology-based licensing information system is also an urgent need to improve transparency and accountability

in the development licensing process. The conformity between the building permit and the actual development is key to avoiding legal problems in the future. The development of mixed-use areas aims to strengthen the link between public and private investment in creating a quality urban environment. An integrated information system will facilitate real-time monitoring of development progress, coordination between authorized agencies, and provide access to information for the public to actively participate in overseeing the development of strategic areas in the Jakarta region.

IV. CONCLUSION

This study reveals that Cosmo Park Housing above Thamrin City Mall is fundamentally inconsistent with zoning regulations and the Central Jakarta Detailed Spatial Plan, where there is a discrepancy between the initial Building Permit and the actual use of space. Compliance with spatial planning regulations shows a serious problem in the form of legal antinomy in determining ownership status, where the issuance of Ownership Rights for Apartment Units does not fully reflect the physical characteristics of the building, which is horizontal housing above a commercial structure. This mixed-use development model has implications for the weakening of the effectiveness of spatial utilization control and creates a precedent that could encourage similar deviations in other strategic areas. The gap between the regulatory framework and licensing practices exposes systemic weaknesses in the harmonization of legal instruments and development oversight mechanisms. Special regulations need to be drafted, institutional capacity needs to be strengthened, meaningful public participation needs to be implemented, and laws and regulations at the national level need to be harmonized to ensure that mixed-use development can take place in accordance with the principles of sustainable spatial planning and public interest.

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