
URBAN LAND CONSOLIDATION POLICY IN CREATING A SUITABLE ENVIRONMENT IN ACCORDANCE WITH SPATIAL PLANNING IN INDONESIA

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ABSTRACT

The research aims to understand how urban land consolidation can solve these problems and improve environmental quality and maintenance of natural resources by involving active community participation. The research method is qualitative, with documentation techniques as one of the data collection methods, by viewing and analyzing documents created by the subject himself or other people about the topic. Data analysis, which consists of three main activities, namely data presentation, data reduction, and conclusion drawing/verification, is a series of activities inseparable from one another. This research shows that the primary substance in land consolidation is that community participation is necessary to donate part of their land, which will then be used to construct public and social facilities. Therefore, it is essential to socialize land consolidation with land rights holders or participants so that they understand the process and mechanism for implementing the land consolidation project correctly. With this understanding, urban land consolidation can be a problem solver and solution for creating a suitable living environment according to spatial planning and making land available for public and social purposes.

Keywords: Urban Land Consolidation, Environmental Management, Community Participation.

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INTRODUCTION

Along with high population growth, the use of land and space is also increasing because humans need space to live and carry out their activities. If this is not controlled early on, a disorderly environment will result. This kind of situation needs to be immediately anticipated because future developments will give rise to many very complex problems, not only involving physical problems but also non-physical problems such as the problem of unavailability of road access for land owners.

Land problems have become increasingly complex, especially in urban areas (Prihatin, 2015). This is due to high levels of urbanization, which creates an imbalance between the supply of land and the balance of supply and use of the number of people who need land while the land area is fixed (NUGRAHA, nd). As a result, residential settlements are haphazard or chaotic, and settlements appear as slums with low environmental quality due to the lack of infrastructure and facilities (Suacana, 2022).

Land prices tend to increase in urban areas, resulting in difficulties for the government in providing land for development needs (Ramadhona, 2017). The lack of city development funds affects the services the government provides to the community, and in quantity, they are smaller than the actual needs. If this happens for a long time, city growth will be uncontrolled, creating a disorganized city with low environmental quality and slums.

With the increasing need for land, it is necessary to accommodate various activities in a spatial plan. The facts show that many conflicts occur due to the unavailability of road access to the main routes for land plot owners. This shows the need for a land management system that regulates land use and provides welfare for the community. One way to achieve this is through land consolidation activities.

Soil consolidation is usually carried out in several stages. These stages include preparation, data collection, arrangement, and construction. Preparation activities include selecting a location, exploring the area, counseling, and determining the area. The evaluation results show that the location selection stage determines the success of implementing land consolidation. In general, problems that arise in the implementation of land consolidation are caused by errors in the previous location selection stages.

There is concern that when carrying out the location selection process, there needs to be an intensive communication process between all agencies that are members of the Provincial Control Team and the Regency/City Coordination Team. This means substantial communication has yet to occur when selecting and determining land consolidation locations.

Based on the background above, the objective of this research is to understand and analyze how urban soil consolidation can provide solutions to these problems and improve environmental quality and natural resource conservation by involving active community participation. Therefore, the benefits of this research can help identify effective soil consolidation techniques in the urban context. The implementation of solutions found can improve the city's environmental resilience to natural disasters such as landslides, erosion, or floods. And through active community participation in research and solution implementation, people can feel responsible for the environment in which they live. This not only increases environmental awareness but also builds stronger relationships between residents and local governments, as well as among community members.

METHOD

The research focuses more on a qualitative approach considering the nature and scope of research problems, which are multidisciplinary, blend, and intersect with each other, so the analysis results are presented in the form of analytical descriptions (Kutha Ratna, 2004, 46). The choice of qualitative research type is also based on considerations of the phenomenon to be studied, namely regarding the relationship between data and facts, local wisdom, bureaucratic culture, and public services, which are plural in terms of ideas/thoughts that develop in specific social communities.

Most types of research data include qualitative data, while others include quantitative data. Qualitative data takes the form of expressions and explanations from several key community figures in the form of descriptions, narratives, and points of thought. The research instrument is an unstructured, in-depth interview guide in the form of open questions, which allows each question to develop in a more specific direction. Apart from that, it is also equipped with a recording device and digital camera, as well as field notes and overview cards, which record what was seen, heard, experienced, and thought during the data collection process.

The informants in this research are relevant officials and academics who are considered to understand the problem. Determining informants is first carried out by purposively searching for

several potential informants, namely by selecting people who are chosen carefully to be relevant to the research design. The selection of informants is based on a snowball system, namely one respondent who has been selected and then carries out a "follow your nose" work system, namely sharpening your sense of who else can provide information to complement the research results.

Research data collection techniques are carried out interactively and non-interactively. Interactive data collection was carried out through observations and in-depth interviews. Meanwhile, the non-interactive method uses documents.

Table 1. Stages of research activities

No	Activity	Indicator
1.	Preliminary Survey (Primary research and members)	Description of Urban Consolidation in Indonesia
2.	Preparation of a list of data requirements	List of data required for research
3.	Field data collection	Research data
4.	Interview	Information on Urban Land Consolidation Programs in Indonesia
5.	Data tabulation	Tabulated data
6.	Data Editing	The data is ready to be analyzed.
7.	Data analysis	Analysis results
8.	Discussion of research findings	Refinement of analysis results and reporting
9.	Reporting research results, seminars, and scientific publications	Refinement of study results Seminars and journal publications

Data analysis, which consists of three main activities, namely data presentation, data reduction, and conclusion drawing/verification, is a series of activities inseparable from one another. Data presentation is based on similarities, differences, relationships, categories, main themes, concepts, ideas, and logical analysis of initial results and weaknesses or gaps in the data. After the data is presented, it is described by building categories that place behavior on the processes that occur by organizing the data around topics or main questions.

The results of the data analysis are presented by combining informal methods (descriptive-narrative) with formal methods (creating various charts, tables, and images). The informal method of presentation (descriptive-narrative) or using descriptions in words is carried out by explaining the condition of the subject being investigated as it is, based on facts at the time the research was carried out. Data presentation is made systematically and efficiently so that it is easy to understand and can provide optimal clarity.

RESULTS AND DISCUSSION

Foundation for Implementing Urban Land Consolidation

An activity carried out by the government, such as urban land consolidation, must have a strong foundation because implementing this activity concerns the public interest. With a strong foundation, urban land consolidation can be carried out well without any worry that once urban land consolidation is carried out, it will cause new problems. The basis for urban land consolidation is as follows:

1) Philosophical Foundations

The philosophical basis for urban land consolidation is Pancasila, in this case, the Principle of Social Justice for All Indonesian People, inspired by other Pancasila principles. With the fifth principle of Pancasila, it is hoped that the Indonesian people will be able to develop noble deeds that reflect the attitude and atmosphere of family and cooperation.

2) Constitutional Foundation

The constitutional basis for urban land consolidation is the 1945 Constitution, especially Article 33 paragraph (3), which states that the earth, water, and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people. The explanation of Article 33 of the 1945 Constitution states that the earth and water and the natural riches contained in the planet are the principles of people's prosperity. The provisions of Article 33 paragraph (3) of the 1945 Constitution show the state's position in managing the natural resources contained in Indonesia's territory.

3) Legal Foundation.

The legal basis for implementing urban land consolidation can be categorized into 3 (three) parts, namely:

- a) The introductory provisions contained in the UUPA are Article 2, Article 6, Article 12, and Article 14 of the UUPA;
- b) b) The material legal basis (the basis that determines) whether or not urban land consolidation can be carried out on a plot of land that has been planned and the rights and obligations of urban land consolidation participants, namely the law of engagement arising from the agreement between BPN as the implementer of urban land consolidation and the owner or who controls land as a participant in urban land consolidation. This material legal basis can be seen from the provisions of Article 4 paragraph (2) of Head of BPN Regulation No. 4 of 1991, which states that land consolidation can only be carried out after the owner or person controlling the land gives their approval. It is clear that the binding force of this material law is Article 1338 of the Civil Code, which states that agreements made legally apply as law for those who make them;
- c) The formal legal basis (internal administrative) is Head of BPN Regulation No. 4 of 1991 concerning Land Consolidation, Letter from the Head of BPN No. 410-4245 dated 7 December 1991 concerning Guidelines for Implementing Land Consolidation, and others.

Implementation of Urban Land Consolidation Independently

Regulation of the Head of the National Land Agency (BPN) No. 4 of 1991 concerning Land Consolidation is the basis for implementing urban land consolidation in Indonesia (Wijaya & Ana Silviana, 2016). Article 4 of BPN Head Regulation No. 4 of 1991 states that urban land consolidation can only be carried out if at least 85% of the land owners whose land area covers at least 85% of the total land area to be consolidated express their approval (Arnowo, 2022).

Land Consolidation is one of the Government's policies in Reorganizing Land Control, Ownership, Use, and Utilization (P4T) (Arif, 2007). Land consolidation can also be used as a supporting instrument for Agrarian Reform to improve the welfare and quality of life of the people, guarantee the availability of land for various development activity needs, and improve

environmental quality by involving community participation while providing legal certainty of rights to ownership/control of community land (Arisaputra & SH, 2021).

The introductory provisions for implementing Land Consolidation activities have been stipulated in the Regulation of the Head of the National Land Agency Number 12 of 2019 concerning Land Consolidation (Ardani, 2019). From time to time, necessary adjustments have been made through Circular Letters to address matters that have yet to be regulated according to current developments. However, for the commonality of perception in implementing Land Consolidation in the field, Technical Guidelines for implementing Land Consolidation have been prepared.

Land consolidation aims to achieve optimal land use through increasing the efficiency and productivity of land use as well as providing benefits for participants in land consolidation, and not infrequently in its implementation; there are problems in the field that the implementation team and land consolidation participants must resolve.

Policy choices as guidelines in overcoming problems faced by both the government and society must have aims and objectives and emphasize the impact of the policies taken by the government. The government faces various difficulties in providing land or government land; in this case, the Head of the National Land Agency issues policies by issuing regulations that refer to regional spatial planning plans, which are guided by the Head of BPN's regulation no. 4 of 1991 concerning land consolidation stated that the land of the Indonesian nation must be utilized for the greatest prosperity of the people (Ridwan & Achmad Sodik, 2023). To achieve this utilization, it is necessary to consolidate land to increase the usability and results of land use and to align individual interests with the social function of land in implementing development.

Land consolidation as a development instrument is an alternative development policy that can answer the problems that occur because of the implementation process and can contribute positively to regional development. The Regulation of the Head of the National Land Agency Number 4 of 1991 concerning land consolidation (Ariyani & Parsa, 2019) stated as follows:

1. Land consolidation land policy regarding the restructuring of land control and land use as well as land acquisition efforts for development purposes, to improve environmental quality and maintenance of natural resources by involving active community participation (Article 1) by realizing an orderly and regular order of land control and use (Section 2).
2. Active community participation forms an agreement between land rights holders and land cultivators. The state, the object of land consolidation, becomes a participant in land consolidation to relinquish land rights and physical control over the land concerned, some of which is reorganized into new units that will be returned to them. The other part is a contribution to the construction of road infrastructure and other facilities as well as financing for the implementation of consolidation (Article 1, Article 6, Article 8).
3. The granting of rights to new land units is carried out by applicable legislation by providing specific relief for land consolidation participants regarding their financial obligations (Article 8).

Self-funded urban land consolidation is a development model for providing land for road infrastructure and public facilities. To make this happen, active participation from the community and the private sector is needed, as well as a concrete manifestation of implementing the social functions of land and creating an ATLAS (Safe, Orderly, Smooth, and Healthy) residential

environment. The implementation of urban land consolidation is functionally carried out by the Regency/City Urban Land Consolidation Task Force, which was formed by a Regent/Mayor Decree (Ramadhona, 2017). Through this urban land consolidation, land tenure status will become legally sure because the final product of urban land consolidation in Indonesia is a certificate that is the most decisive proof of control and ownership of land rights.

With this urban land consolidation, physical land planning will also be carried out so that after the implementation of urban land consolidation, the use of residential land will be more effective and efficient, and this land can be used optimally in a balanced and sustainable manner. This urban land consolidation can be carried out at the government's expense or independently from the community participating in urban land consolidation. The costs of implementing urban land consolidation independently from the community can help reduce the government's burden on land acquisition issues in residential areas for road infrastructure and other public facilities and improve the quality of the residential environment.

To expedite urban land consolidation activities, the government issued implementing regulations, namely Regulation of the Head of the National Land Agency (BPN) No. 4 of 1991 concerning Land Consolidation, which is the basis for implementing urban land consolidation in Indonesia (Harisandi, 2015). Article 4 of BPN Head Regulation No. 4 of 1991 states that urban land consolidation can only be carried out if at least 85% of the land owners whose land area covers at least 85% of the total land area to be consolidated express their approval (Nur Handayati, nd).

In implementing the arrangement and use of land for urban land consolidation objects, participants or land owners hand over part of their land as land donations for development, which will be used for road infrastructure and other public facilities. The amount of land donated for development is determined based on mutual agreement with the land consolidation participants by referring to the regional spatial plan. These provisions are guided by Article 6 of BPN Head Regulation No. 4 of 1991 (IRISA, 2015).

Returning to the discussion of land consolidation problems, there are several factors behind the emergence of these problems, including:

1. Many rural areas tend to become slums due to the increasing need for land for humans, so residents are forced to take the initiative to organize themselves in providing public infrastructure without paying attention to the interests of the wider environment.
2. Rural development is relatively rapid due to increasing population and industrial and trade activities, which give rise to population and social problems such as the emergence of slum environments.

If this situation is not immediately handled in terms of utilization or there is a delay in the government's procurement of public infrastructure and facilities. As a result, the community will take the initiative to self-regulate, namely building settlements and public infrastructure, without paying attention to the interests of the region/environment at large. This situation is both within and on the city's outskirts and will spread if nothing is done immediately.

Prevention is the best effort is prevention before the development of this environment. If this is done after the environment has developed, it can cause problems in the economic, social, and psychological fields. As a result, it can give rise to slums and illegal settlements with inadequate

public facilities and chaotic utilities. These slum settlements will be prone to fires and infectious diseases and are vulnerable in the security sector. Therefore, the formation of slum settlements needs to be prevented. If it has already happened, it is better to organize it, considering that it supports government policy in providing land for public use, resolving land and space problems, housing for low-income people, and the need for vertical space development. It is necessary to develop options for providing land in urban areas through community self-help land consolidation mechanisms.

Self-help consolidation of urban land is an initiative of the community or other stakeholders outside the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, which has not been included in the activity plans of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency by the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of Land Agency Republic of Indonesia National Number 12 of 2019 concerning Land Consolidation (Suliantoro & Lutfi, 2022). In this Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency concerning Land Consolidation, it is intended that the arrangement of control, ownership, use, and utilization of land through independent urban land consolidation can create an excellent living environment by the spatial plan and the availability of land for public use by involving active community participation. Self-funded urban land consolidation is carried out in a participatory and voluntary manner/based on an agreement between the land consolidation participants.

CONCLUSION

Urban land consolidation serves as a crucial land policy aimed at restructuring land control and usage to facilitate development, enhance environmental quality, and sustain natural resources. This approach emphasizes active community involvement in decision-making processes, ensuring that the benefits of development are shared equitably among residents.

The implications of this research are manifold. Firstly, it underscores the importance of community participation in urban development initiatives, highlighting the need for collaborative efforts between government entities and local residents. Secondly, it emphasizes the significance of socializing land consolidation policies to stakeholders to ensure transparency and understanding throughout the implementation process. Thirdly, it emphasizes the necessity of meticulous planning and coordination in executing urban land consolidation projects, from team formation to data collection and implementation. Lastly, it highlights the potential of self-funded urban land consolidation initiatives, which empower communities to shape their living environments in accordance with their needs and spatial planning considerations, fostering a sense of ownership and responsibility among participants.

In summary, urban land consolidation, when implemented with active community participation and careful planning, holds the potential to not only improve environmental quality and optimize land usage but also to foster social cohesion and empower local communities in urban development processes.

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