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VERTICAL LAND CONSOLIDATION FOR HANDLING URBAN HOUSING AND SLUM SETTLEMENT ARRANGEMENTS

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ABSTRACT

The proliferation of slums in cities with limited land availability calls for regulation on how best to utilize and control land, in addition to initiatives to streamline and improve land use in metropolitan areas through land consolidation. Therefore, the government can use land consolidation to ensure the quality of the urban environment and the social functions of land. Land consolidation itself is mainly carried out on city properties due to the high concentration of people and lack of planning that characterizes many urban environments. In urban slum programs, vertical land consolidation is an alternative land supply to reorganize slums. By reorganizing who owns what, where it can be used, and how it can be used, land consolidation is carried out with the aim of enhancing natural resource conservation and improving environmental quality through community involvement and public use of previously privately owned land. Community participation is a major part of the framework for improving the quality and quantity of land functions. Vertical land consolidation can serve as a useful solution to urban problems such as housing affordability and density. By consolidating land vertically, more housing units can be built in a smaller area, providing more affordable housing options for residents. In addition, vertical land consolidation helps reduce urban sprawl and results in more sustainable and livable cities. This paper uses normative legal research techniques, which include research into the application of positive law and legal principles or norms.

Keywords: Land Consolidation, Housing Arrangement, Urban Slums

INTRODUCTION

The increased speed of development of an area influences higher requirements for land use. There is a growing demand for land but a rather stable supply. Particularly in metropolitan areas that are administratively non-expandable but physically require land, especially for public interest development, land availability is becoming an increasingly problematic issue.

Most cities in Indonesia, especially those on the island of Java, are under bounded cities, i.e. cities whose morphological (physical) boundaries have exceeded their administrative boundaries.¹ This fact shows the uncontrolled development of cities in Indonesia. There are many causes of uncontrolled urban development, such as population growth, ineffective urban planning, and inadequate infrastructure. These factors can lead to the emergence of slums, informal settlements, and other areas with poor living conditions and limited access to public and social facilities. The irregular layout and form of buildings represent the physical features of urban slum environments. Criminal acts in slum areas that violate spatial standards but are not their responsibility. Housing and Settlement Areas are regulated in Article 1 number 13 and 14 of Law Number 1 Year 2011, Slums are unfit for human habitation, slums usually feature buildings with poor architectural design, high population density, and basic facilities such as piped water and electricity that do not meet standards, all of which lead to the inevitable development of slum housing.

With the rise of slums in urban areas with a limited amount of land, there is a need to regulate how land is used and optimally utilized. Land consolidation is also important to improve the effectiveness and efficiency of urban land use. It can be used as an alternative by the government to ensure the social function of land and an orderly and organized urban environment.² As Article 6 of the LoGA regulates the social role of land, land rights do not preclude state power over land acquisition and consolidation.³

Land consolidation is land ownership, spatial planning and land use, land acquisition for development, protection of natural resources, and improvement of environmental quality are all governed by this development process.⁴ In his book, Adrian Sutedi states that land consolidation is a land law that seeks to improve the environment and preserve

¹¹ Hadi Sabari Yunus, 2008, *Dinamika Wilayah Periurban Determinan Masa Depan Kota*, Pustaka Pelajar, Yogyakarta.

¹ Scivi Junifer Kapoh, 2017, *Pengaturan Konsolidasi Tanah Untuk Pembangunan Perumahan Menurut UU No. 1 Tahun 2011 Tentang Perumahan Dan Kawasan Permukiman*, Lex et Societatis Vol. V No. 6, URL : <https://ejournal.unsrat.ac.id/index.php/lexetsocietatis/article/download/17915/17442> , diakses tanggal 20 Mei 2019.

³ Yudhi Setiawan, 2009, *Instrumen Hukum Campuran (Gemeenschapelijkrecht) dalam Konsolidasi Tanah*, Rajawali Pers, Jakarta, hlm. 6

⁴ Hasni. 2010. *Hukum Penataan Ruang dan Penatagunaan Tanah dalam Konteks UUPA-UUPRUUPLH*. Cet.2. Rajawali Pers, Jakarta. hlm 309.

natural resources through land acquisition for development and re-organizing and controlling land in accordance with the Regional Spatial Plan. This requires the active involvement of both urban and rural people.⁵ Effective spatial planning or regional development and the provision of land for infrastructure and facilities necessary to support local government policies is called "land use".⁶

Urban areas often have some irregular land uses, densely populated areas, and slums, land consolidation is often carried out on urban land. According to Rindarjono, slums are settlements with unsuitable living conditions in the area. These include lack of open space, inadequate social infrastructure, lack of support for large buildings, and lack of appropriate sanitation and transportation infrastructure.⁷ This is the basis for the need to provide alternative land to meet development land needs, especially in the provision of housing and handling of slum areas.⁴

The concept of land consolidation will be a breakthrough to overcome the problems of structuring housing and urban slums. Land consolidation is also an effort to facilitate the provision of decent housing and alleviate slums, with government policies providing land for settlements and encouraging the acceleration of vertical housing development. In urban slum programs, vertical land consolidation is an alternative land provision to reorganize slum areas.

Based on the explanation above, it is formulated: 1. What is the concept of urban land consolidation in housing and settlement arrangement? 2. What is the vertical land consolidation policy model as a solution to deal with the arrangement of urban housing and slums?

METHODS

This research utilizes normative legal methodology. The normative research approach is concerned with examining the application of positive law and legal norms

¹⁸ Adrian Sutedi, 2009. Tinjauan Hukum Pertanahan, Pradnya Paramita, Jakarta, hlm. 17
² Bindung Sitorus, Antonius Sriono, Oloan Sitorus. 2007. Buku Materi MKK 73529/3 SKS/Modul I-IX Konsolidasi Tanah. Yogyakarta: STPN Press Urip Santoso. 2014. Hukum Perumahan. Kencana Prenadamedia Group, Jakarta, hlm. 10.
¹³ Rindarjono, Muhammad Gamal. 2012. Slum: Kajian Permukiman Kumuh Dalam Perspektif Spasial. Media Perkasa, Yogyakarta, hlm.65

or rules in the context of legal research.⁸ Normative research, commonly referred to as doctrinal research, is the study of normative materials such as laws and tomes from the reference section of a library.⁹ Normative juridical research methods are studies based on published materials, including books, articles of association, opinions of experienced lawyers, and other official documents that directly or indirectly support the study being conducted.¹⁰

This research uses literature review or document analysis as a data collection tool, which involves examining written material through content analysis.¹¹

In addition, information collected from various literature sources, documents, and academic journals using qualitative data analysis methodology was processed and interpreted. This means that data is classified according to quality, nature, symptoms, and legal events. Then, relevant legal materials were selected to connect pre-existing legal sources for each topic. After that, the data is processed and interpreted to obtain the necessary information.¹²

DISCUSSION

Concept of Urban Land Consolidation in Housing and Settlement Arrangement

Land consolidation is a great tool to aid urban planning. The shape, size and location of land have a positive impact on urban development. By consolidating land in developed areas of the city, sprawl can be controlled. In addition, development in urban areas can be carried out in a more planned manner. This shows how important land consolidation is in urban spatial planning.

The concept of urban land consolidation is that through community participation, irregular land arrangement activities are harmonized with the City and Regional Spatial Plan by reorganizing, consolidating, dividing, abolishing, and changing land rights both in the context of division and settlement, planning, and incorporation of social and public

¹⁶ Muhaimin, 2020. *Metode Penelitian Hukum*, Mataram University Press, Mataram, hlm. 29.

⁹ Soejono H. 2003. Abdurahman, *Metode Penelitian Hukum*, Bina Cipta, Jakarta, hlm.56

¹⁰ Amiruddin dan Zainal Asi Kin, 2010. *Pengantar Metode Penelitian Hukum*, Jakarta, hlm.30

¹¹ *Ibid*

¹⁵ Bambang Sunggono, 2006. *Metode Penelitian Hukum*, Rajawali Pers, Jakarta , hlm. 24-25.

services needed by landowners in urban and suburban environments. Land consolidation is a concept of integrated settlement development, which involves a joint role with landowners in carrying out the ownership and use of property in an optimal, orderly, and regular manner, and invites community involvement.

Land consolidation according to Article 1 point 1 of Permen ATR/KBPN No.12 of 2019 concerning Land consolidation is land use planning is the process of reorganizing property and allocating resources to best serve the needs of the community, including input from residents. It enhances the maintenance of natural resources and the environment by increasing the amount and quality of land functions.¹³ Article 2 paragraph (2), the purpose of land consolidation is to control the use, ownership and administration of land. Involving the community in the process can help ensure that land is accessible for public use and environmental protection in line with spatial plans.

In general, the objectives of land consolidation are:¹⁴

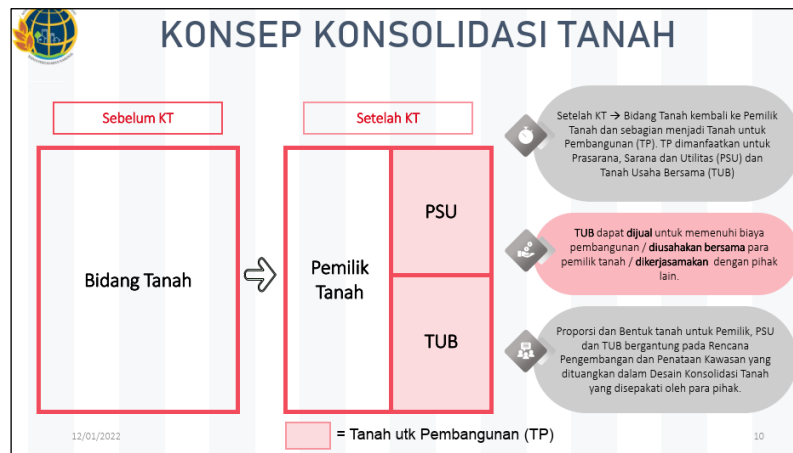
1. The realization of a regular and orderly system for the management, ownership, and use of land with legal certainty.
2. increased effectiveness and efficiency of land utilization.
3. the role of the community in property development
4. an organized environment to support regional development
5. Better quality of living environment.

Basically, the objectives of urban land consolidation are as follows: (1) incorporating uneven and erratic land that is systematically modified by spatial planning, (2) dividing existing land equitably among owners, (3) imposing restrictions on the shape and placement of ownership lots, and (4) providing appropriate infrastructure and environmental facilities on land that has been donated by owners will increase the economic value of the property.¹⁵

¹³ Hasni, *Loc.Cit*

¹⁴ Sindung Sitorus, Antonius Srimono, Oloan Sitorus. *Op.Cit.*, hlm. 56

¹⁵Nurwino Wajib, 10 Alternatif Model Penanganan Permukiman Kumuh, <https://kotaku.pu.go.id/view/3863/alternatif-model-penanganan-permukiman-kumuh>



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Figure 1. Concept of Land Consolidation ¹⁶

The main principles of land consolidation are as follows: (1) Consolidation does not require more funds; (2) land polling is the hallmark of land consolidation; (3) land rights do not change either before or after consolidation; (4) it includes the share and involvement of landowners; and (5) areas returned to owners are now worth more than before the consolidation of heavily occupied areas. ¹⁷

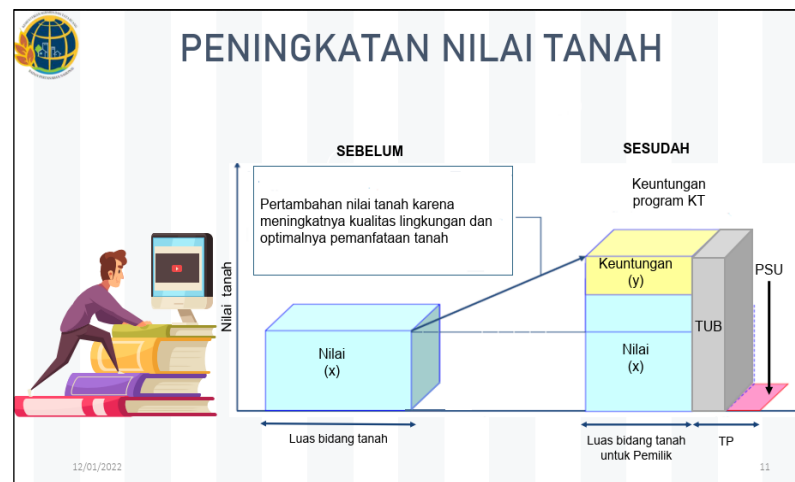


Figure 2. Increased Land Value ¹⁸

¹⁶ Direktorat Konsolidasi Tanah dan Pengembangan Pertanian Direktorat Jenderal Pengadaan Tanah dan Pengembangan Pertanian Kementerian Agraria dan Tata Ruang/Badan Pertanahan Nasional, Skema Pertanahan dalam Kerangka DAK Integrasi, 2021.

¹⁷ *Ibid*

¹⁸ *Ibid*

The concept of land consolidation according to ⁹Permen ATR/KBPN Number 12 of 2019 concerning Land Consolidation, the aim is to change the shape, area, and location of the reorganized land parcels so as to increase the land value. To achieve this goal, landowners hand over their land to the government so that it can be reorganized, partly for public infrastructure and the rest is utilized for Land in Lieu of Implementation Costs (TPBP).

To achieve this, land consolidation is a very important endeavor, which means an all-encompassing reorganization:¹⁹

1. The physical arrangement and issues of land and the legal relationship between landowners and their land, as well as other components related to the ownership, acquisition and use of land;
2. Redefinition of elements related to the harmonization of land users through zoning and land allocation;
3. Modification of land distribution to facilitate the development of essential public facilities and infrastructure; and
4. Reorganization of elements related to the conservation of natural resources and improvement of environmental quality.

Vertical Land Consolidation Policy Model as a Solution to Urban Housing and Slum Settlement Management

The problems of paralysis in metropolitan areas, estates, and spatial planning can be solved by integrated development, encouraging local participation in development without displacing existing residents (often through increased use of existing properties). As an alternative to urban land policies to deal with urban problems, urban land consolidation is selected based on the types of urban problems and the advantages of urban land consolidation in solving urban problems. The problem with urban land, especially with regard to settlements, lies in the vagueness and irregularity of how the land is controlled and used. On the other hand, the advantages of urban land consolidation are:

¹⁹ ²Ni Made Desy Ariyani dan I Wayan Parsa, 2019. Konsolidasi Tanah sebagai Upaya Meningkatkan Efisiensi dan Produktivitas Pemanfaatan Tanah Perkotaan secara Optimal, Kerta Negara Volume 7 Nomor 4, hlm.10

1. A strategy for expanding the city that restructures the ownership and use of existing properties;
2. It can overcome the problems of typical property acquisition procedures; and
3. An attempt to create and implement a General Spatial Plan (RUTR) for an area.²⁰

The physical layout of land will also be carried out through urban land consolidation, enabling more efficient and effective use of urban land once land consolidation is carried out. Optimally and in a balanced and sustainable manner. As land consolidation is a land development approach that combines the legal issues of land tenure and ownership and the physical characteristics of land use, it can be used as an alternative solution to land tenure and use difficulties in urban areas. Urban land consolidation is a land strategy that aims to reconcile land ownership and use.

Maximizing the use and potential benefits of land can be done using the land consolidation policy model. In implementing development, it also seeks to harmonize private interests with the social objectives of land.²¹ The term "land use" refers to the strategic allocation of real estate for the construction of buildings, roads, and other infrastructure essential to the successful execution of local government objectives.²²

Land Consolidation is further divided based on how the land will be used:

1. Land consolidation organized for the construction of horizontally oriented areas and structures is known as "horizontal land consolidation"; and
2. Land consolidation organized for the development of areas and structures with a vertical orientation is known as vertical land consolidation.

The availability of land in urban areas is very limited hence the need for alternative land supply instruments in urban areas such as horizontal and vertical land consolidation. This consolidation and reorganization must be done vertically if we are to accommodate a larger population. The Ministry of ATR/BPN proposes vertical land consolidation as a way to address the issue of unequal access to land for urban development and housing.

²⁰ Oloan Sitorus & Balans Sebayang. 1996. *Konsolidasi Tanah Perkotaan (Suatu Tinjauan Hukum)*. Mitra Kebijakan Tanah Indonesia, Yogyakarta, hlm.20

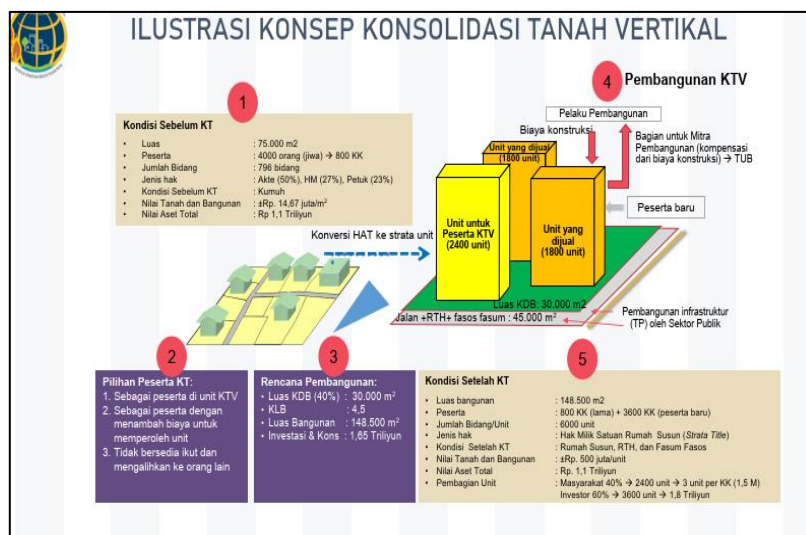
²¹ Scribd.com. 2017. *Konsolidasi Tanah Perkotaan Suatu Analisis Sosioyuridis*. Makalah. <https://www.scribd.com/doc/184655344/MakalahKonsolidasi-Tanah-pdf>

²² Sindung Sitorus, Antonius Sriono, Oloan Sitorus, *Loc., Cit*

Vertical land consolidation is an efficient method to address urban issues such as housing affordability and density. By consolidating land vertically, more housing units can be built in a smaller area, providing more affordable housing options for residents. In addition, vertical land consolidation helps reduce urban sprawl and results in more sustainable and livable cities.

Vertical land consolidation refers to the process of organizing communities for the purpose of developing vertically oriented areas and structures. Therefore, to ensure the preservation of natural resources and improvement of environmental standards, it is imperative to implement policies that facilitate the restructuring of property ownership, management, utilization and occupancy in harmony with spatial plans. This includes the allocation of land for utilization by the general public.²³

The best way to advance and integrate the idea of land consolidation and the construction of flats in urban areas may be to use a vertical land consolidation model. The quality of life of housing and settlement residents is improved, and social peace is promoted, with the idea of land consolidation. Another important point is that people living in combined properties will not be forced to move. Vertical land consolidation is a methodology that can be used to adapt the idea of house building to the urban environment.



²³ Direktoat Konsolidasi Tanah. Direktorat Jendral Penataan Agraria Kementerian Agraria dan Tata Ruang/Badan Pertanahan Nasional, Petunjuk Tenis Perencanaan Konsolidasi Tanah, tahun 2020

Figure 3. Illustration of Vertical Land Consolidation Concept ²⁴

The concept of vertical land consolidation allows the number of flats available to accommodate the demand for housing in urban areas. This merging and structuring should be done by vertical land consolidation (flats or apartments) to increase the number of dwellings. The concept of building flats is to transform densely populated and inadequate urban settlements into decent and livable housing by reducing the land area and increasing the floor area. Commercial, office and entertainment districts, as well as green infrastructure and social services, can be built on the remaining area.

CONCLUSION

Based on the discussion, the purpose of a land consolidation agreement is to increase the value of land by changing the shape, size and location of the property. The landowner donates his property to the government, which reorganizes it, partly for the construction of public facilities and the rest as Land in Lieu of Implementation Costs (TPBP). This concentration of land is done by agreement. An important step in this direction is land consolidation, which entails the rearrangement of all its constituent parts, but is not limited to:

1. Modification of the legal relationship between landowners and their properties, as well as the physical arrangement and issuance of land, are part of the process of reorganizing land ownership, management and use;
2. Integration of land users into spatial planning and land use improvement;
3. Improvement of land provision aspects for the construction of necessary public facilities and infrastructure; and
4. Reorganization of elements related to the need to conserve natural resources and improve environmental quality.

²⁴ Direktorat Konsolidasi Tanah dan Pengembangan Pertanahan Direktorat Jenderal Pengadaan Tanah dan Pengembangan Pertanahan Kementerian Agraria dan Tata Ruang/Badan Pertanahan Nasional, Skema Pertanahan dalam Kerangka DAK Integrasi, 2021

Another solution to address the structuring of urban housing and slums is a policy model for vertical land consolidation that maximizes land use and yield while also bringing people's interests into better alignment with the practical purpose of land during development. Land consolidation is defined as a well-designed spatial or regional development plan that provides property for the construction of buildings and infrastructure mandated by the government. Land consolidation is divided into two categories based on the way the land is used:

1. Horizontal Land Consolidation, i.e. Land that is consolidated for the development of horizontally oriented areas and structures; and
2. Vertical Land Consolidation, i.e. Land combined for area development and vertically oriented structures.

The availability of land in urban areas is very limited, which calls for alternative land provision instruments in urban areas such as horizontal and vertical land consolidation. This consolidation and reorganization must be done vertically if we are to be able to accommodate a larger population. The Ministry of ATR/BPN Housing proposes vertical land consolidation as a solution to the uneven and insufficient supply of urban land.

Vertical land consolidation is a viable option for addressing urban issues such as housing affordability and density. By consolidating land vertically, more housing units can be built in a smaller area, providing more affordable housing options for residents. In addition, vertical land consolidation helps reduce urban sprawl and results in more sustainable and livable cities.

Vertical land consolidation is implementing policies that reorganize land ownership, possession, use and exploitation can help conserve natural resources and improve environmental quality in a way that is consistent with spatial planning and the allocation of land for public use. This can be achieved through the active participation of communities in development areas and vertically oriented structures. The concept of vertical land consolidation allows the number of flats available to accommodate the demand for housing in urban areas. This merging and structuring should be done by vertical land consolidation, i.e. flats or apartments, to increase the number of dwellings. The concept of building flats is to transform densely populated and inadequate urban

settlements into decent and livable housing by reducing the land area and increasing the floor area. The remaining space can be better utilized for green infrastructure and social centers, as well as commercial and office development and entertainment centers.

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