URBAN LAND CONSOLIDATION: A CASE STUDY UNDERTAKEN IN THE ROGOYUDAN AND KRAGILAN SUBVILLAGES, SINDUADI VILLAGE IN MLATI, SLEMAN

By: Hery Listyawan

Abstract

An Urban Land consolidation (ULC) project, which was undertaken in Rogoyudan and Kragilan subvillage, Sinduadi village, Mlati, Sleman from 1989 up to 2000, produced unsatisfactory results.

The research is empirical descriptive, which is aimed at finding out factors that caused the project to produce unsatisfactory results, and seeking alternative ways to solve the problem. The research was conducted by way of field and library research. The field research was done by carrying out interviews with several informants and giving questionnaire to land holders whose land was used for the project, and taken by purposive sampling method.

The data were analysed qualitatively based on social-legal study. The research revealed some factors that caused the project to gain unsatisfactory result and the reasons why most of the society rejected it are: (1) the local community could not able to enjoy the benefits of the project including physical benefits, economic and social development, and legal certainty; (2) most of the local community was unsatisfied by the government's work performance. Alternatives approaches could therefore include: (1) the government should construct the infrastructure in the ULC as soon as possible; (2) all government agencies should give guidance, and explanation about the benefits of the project including the problems and possible alternatives solution to the land holders and other community actors in a very good and integrated way as soon as possible.

Key words: urban land consolidation project, unsatisfactory results

1. Background

Urban Land Consolidation (ULC) project in Rogoyudan and Kragilan which had been started since 1989 to 2000 produced unsatisfactory results. Why it is done in these areas? Because there is fast growing urban growth in Java, as well as in Sleman; less than 30% of land in Java has been registered in the form of land certificates; in the process of giving more secure land right and giving adequate information of land to government for regional development, and according to city plan, that area had been determined to be the extension of urban development project, moreover, many ULC under taken in other regions were successful.

This project took place on twenty hectares, most of which were under private land title. Certification of the land title was completed...
in the year of 2000, but up to now, physically, the land has no changes. As it was agricultural land and supposed to be the non agricultural land (urban land), yet it is still the same. Why? Because most of the local community rejects this project, as a result of many factors. This research would study those factors through four points of views:

a. The benefits of ULC for the community including in relation to physical, social, economic benefits, and in terms of legal certainty of the land rights;

b. The work performance of the government chq Provincial Land Agency;

c. The participation of the local community, especially the landowners;

d. The problem solving.

II. The Finding and Analysis

A. The Benefit of ULC for the Society

Land acquisition for urban development can be done by ULC. ULC is a system for re-adjusting land use, land position, boundaries, and titles. By this system, the value of the land will increase, because the boundaries of the land become more regular and suitable for mapping and titling, and each lot will have access to road, electricity, and other infrastructure facilities. This system is done by the government or can be private, and needs active participation from society, especially the landowner. The active participation of the society in the form of land contribution or others to build roads and other infrastructures. The determination is determined by negotiation; a money the participants and the government or the institution that runs the project. Therefore, urban development can be achieved by the society, from the society, and to the society, while the government acts as the facilitator. The most difficult aspect of ULC is to relocate and redistribute the land's participate.3

ULC is done based on Decision of the head of National Land Agency No.4/1991 concerning Land Consolidation, jis. Letter or distribution of head of National Land Agency No.410-4245 on 7 December 1991, and Circular of the Agrarian Minister Head of National Land Agency No.410-1978 of 18 April 1996 concerning technical mechanism of L/C.4 According to those regulations, the benefits of the ULC are:

1. Appropriate supply of land for roads and other infrastructure without any compensation.

2. Environment could be forged in a good order related to the city plan, which enabled to ensure the interest of the landowner.

3. Accelerate the urban development plan.

4. Accelerate the value of the land, and ensure certainty of land titles.

Although there are many benefits, the ULC could be done if only 85% of the landowners within 85% of all land present their agreement. The technical mechanism of ULC should follow these steps:

1. Choosing the location

2. Exploiting the project to the society

3. Negotiating and cooping agreement

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4. Stating the location by the letter of decision of Bupati/Walikota
5. Proposing a List of plan of ULC programs
6. Subject and object identification
7. Measuring and mapping
8. Map citing
9. Topography measuring and land use mapping
10. Making block plan
11. Designing landscape architecture
12. Negotiating the Plan of new lots
13. Relicensing land titles from the participants
14. Stating the land as ULC project
15. Staking out/re-location
16. Completing roads and other infrastructure construction
17. Redistribution/issuing letters of eligible land rights
18. Issuing certificates of land titles.

Although ULC project, which has been done in Regoyudan and Kragilan, has been completed up to the stage of issuing certificates, the participants neglected to take them. Why?

1. PHYSICAL ENVIRONMENTAL BENEFIT OF ULC FOR THE COMMUNITY

According to the regulation, one of the ULC benefits is to make appropriate supply of land for roads and other infrastructure without any compensations.

The physical environmental benefit of ULC in Regoyudan and Kragilan is not significant, as it cannot be enjoyed by most of the participants, because the condition of its environment has physically no changes. The survey showed that 73% of the respondents stated that

the infrastructure, such as roads, had not been constructed yet. While 27% of the respondents stated that only plumbing had been constructed. So, the ULC has failed to fulfill the first benefit objective, though the registration of the site map has been perfectly well done. This failure could be caused by:

a. The government work. In this case, PT Bina Marga, a company that has been chosen by the government to construct the roads, has not done the project. This condition pins the new lots made by the local land agency.

b. The participants.

The slowness of the government’s work performance stimulated the participants’ emotion. They protested by sticking pamphlets on trees, pulling out borders stakes, destroying plumbing, and reporting their complaint to the provincial Ministry of Representatives. The staging situation of the physical environment made the participants feel unsatisfied. Some even stated that the value of the land decreased.

### TABLE 1

<table>
<thead>
<tr>
<th>LAND VALUE</th>
<th>RESPONSES</th>
<th>PRECENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>INCREASE</td>
<td>5</td>
<td>13.3%</td>
</tr>
<tr>
<td>STABLE</td>
<td>9</td>
<td>22.5%</td>
</tr>
<tr>
<td>DECREASE</td>
<td>26</td>
<td>65.1%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>38</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

Source: Primary Data 2001

According to the regulation, one of the ULC benefits is to accelerate the value of the land and to assure certainty of land titles. The study shows that only few respondents (13.2%) stated that the value of the land after ULC has increased because their land got good locations. While 23.3% stated that the value of the land
is stable because physically their land has no changes after the ULC project was completed. Most of the respondents stated that the value of their land has decreased because the failure of the ULC project left the status of the land uncertain, and made it difficult to transfer. For examples: it is stated in the certificate that lot A belongs to Mr. X, but factually lot A is still under Mr. Y possession. This happens because before ULC the lot belonged to Mr. Y and he had build a big house on it, so he won't move and he neglects to get his own certificate. On the other side, the productivity of the land also has no changes, which makes the participants feel very unsatisfied toward the project.

**TABLE 2**

<table>
<thead>
<tr>
<th>FEELINGS</th>
<th>RESPONDENTS</th>
<th>PERCENTAGE</th>
<th>REASON</th>
</tr>
</thead>
<tbody>
<tr>
<td>Very unsatisfied</td>
<td>24</td>
<td>60.7%</td>
<td>Land is unproductive and unattractive</td>
</tr>
<tr>
<td>Unsatisfied</td>
<td>8</td>
<td>21.5%</td>
<td>The current location is too much</td>
</tr>
<tr>
<td>Satisfied</td>
<td>6</td>
<td>15.9%</td>
<td>Land get very good location</td>
</tr>
<tr>
<td>TOTAL</td>
<td>38</td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>

Source: Primary Data 2001

Most participants are unsatisfied toward the change of status of the land because the land is very fertile and produce high quality of crops. Besides they are farmers. Minority participants who feel satisfied toward the change status of the land realized that the price of non-agricultural land is higher than agricultural land without acquiring a licence to change the status of the land. Therefore some of them then change their profession from farmers to non-farmers.

2. THE BENEFIT OF ULC TO THE SOCIAL AND ECONOMIC CONDITION OF THE COMMUNITY

The physical benefit of ULC has a great influence on the social economic condition of the community, and increases in social economic conditions can be the parameter of the success of the ULC. The table shows the finding.

**TABLE 4**

<table>
<thead>
<tr>
<th>SOCIAL ECONOMIC CONDITION OF PARTICIPANTS AFTER ULC</th>
<th>RESPONDENTS</th>
<th>PERCENTAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>STABLE</td>
<td>25</td>
<td>68%</td>
</tr>
<tr>
<td>INCREASE</td>
<td>9</td>
<td>23.1%</td>
</tr>
<tr>
<td>DECREASE</td>
<td>4</td>
<td>10.2%</td>
</tr>
<tr>
<td>TOTAL</td>
<td>38</td>
<td>100%</td>
</tr>
</tbody>
</table>

Source: Primary Data 2001

Most respondents stated that their social economic condition remained stable after ULC, as they cannot find any benefit of ULC to their income, profession, and social relation. 23.7% of respondents stated that ULC decreased their social economic condition, because their lots became smaller, less productivity, and difficult to be transferred. Only a few of them (10.3%) stated that ULC could increase their social economic condition. This result is from those whose lot received a better location after ULC, and they are not farmers. Therefore, with the new status of the land, they did not have to acquire a licence to dry the land or change it to non-agricultural land, then they could use it for any other purposes or transfer it to other people for better
value. The survey found out that there were new buildings such as houses and bricks factory on the location. Most of the community could not take either physical or socio-economic benefit of ULC and therefore they still have to keep their profession as farmers and maintain their land as agricultural land.

It can be concluded that:

1) The ULC is not well prepared, and the mechanism is not consistent with Letter of distribution of the Agrarian Minister/Head of National Land Agency No.410-1978 of 18 April 1996 concerning technical mechanism of LC. Before issuing land certificates the government should complete the infrastructure, not vice versa.3

2) In choosing the location, the government did not determine the type of the land, which is very fertile. If the location has been plotted as an urban development area, the government should redeem the impact of ULC, such as by giving more explanation about all consequences of ULC clearly before the participants gave their agreement.

3) Most participants have not realized that in a special case, land should not have to be the name in the form of legally and physically. In this case, though it is stated in the certificate that the land has become non agricultural land, the landowner still maintain the land to get its benefit, such as by growing crops or others. If they want to build something, they do not have to acquire a licence to dry the land. Most of the society could not take either physical or socio-economic benefit of ULC and therefore they still have to keep their profession as farmers and maintain their land as agricultural land.

3. THE LEGAL CERTAINTY BENEFIT OF ULC

According to the regulation, one of the ULC benefits is to accelerate the value of the land, land慕ee certainty of land titles.4 The legal certainty benefit of ULC in Rogoydan and Kragilan has been achieved by issuing land certificates for the participants by Sieman Land Agency. Before ULC, the land has not been registered yet. After evaluating the process of issuing the certificates, some distortions have been found in collecting physical data, such as in measuring and mapping to determine the borderline of each lot. Most respondents (73%) stated that they did not follow this programme because they did not get any information about it. 10.53% stated that they followed this programme and were satisfied with the result. 5.26% stated that they followed this programme but were unsatisfied with the result. 10% intended not to come because they rejected the project. Some possibilities that occurred in their absence are: 1) the programme had not been informed appropriately to the participants; 2) the programme had been informed appropriately to the participants, but they hesitated to come or agreement could not be achieved between landowners and neighbours about the border line.; 3) The actual landowner did not attend the activity, for instance the former landowner if the land had been altered. If the first possibility occurred, it means that there was a fraud, as according to the land registration regulation, the real landowners and neighbours should come to the area measurement and land mapping by proper (written) invitation, and the consequence is that the programme is void. If the second possibility occurs, according to Article 19 Government Regulation No.24 of 1997 concerning Land registration, marks are placed on certificates of area measurements of lands, which are still the object of dispute.5 If

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3 See Letter of distribution of the Agrarian Minister / Head of National Land Agency No.410-1978 of 18 April 1996 concerning technical mechanism of LC.

4 See also Direktorat PPT BPN, 1991/1996, Konsolidasi Tanah (Land Consolidation), Jakarta.

5 Heryanto, Budi, 1999, Hak Agroforestry Indonesia, Perguruan Pemerintah USU/PI, Ibu Pusat Palu/Kamado (Indonesian Agrarian Law: History of Issuing Agrarian Decree, Its Content and Implementation), Djakarta, Jakarta.}

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decreased until it finally rejected the project.

The failure of the project then made the local community got angry and frustrated. So they hesitated to fetch the new certificates. Some people who could take it for granted felt vice versa. And those are powerful men in the community.

VI. Alternative Solutions

Alternative solutions that could be done by the governments, such as:

1. Providing adequate funds to construct qualified infrastructure. As stated by Sumarjono, generally, providing adequate infrastructure needed by the community can eliminate conflict of interest between landowners and institutions, which run the project for national development. If there are not enough funds, in the regional revenue registry, the government could propose funds from the provincial budget planning, otherwise from national budget planning.

2. Assembling landowners, local non-government organization, and other social leaders to be given a kind of briefing, advice, and very clear explanations about the benefit of ULC, and the obstacles of the project, and its solutions by ULC teams.

3. It is necessary to state the deadline, which is decided by both parties. If the deadline is overdue, according to article 1365 BW (Civil Code), the participants could sue the ULC team to District Court for the remedy as the legal base to propose certificates, cancellation to the National Land Agency.

4. Providing win-win solution is the best way and dealing with the court proceeding is the last alternative solution.

5. Instead of top-down mechanism, ULC be done by bottom-up mechanism especially in the form of mapping. So the local community can make a social mapping by drawing their own mapping. Though practically it sounds difficult, the idea seems reasonable anyway.

6. As the regulations enacted merely regulate Land Consolidation in general, it is necessary to promulgate a kind of new ULC regulation in the form of Government Decision or Statute as its concerning civil rights. The new regulation should contain clauses relating ULC failure, consequences and mechanisms.

7. To prevent the situation becoming worse, the government should make a cost benefit analysis before undertaking the project.

[Notes:

[Note: 46 See also Harsono, Budi, 1999, Hakum Agama Indonesia, Sijilah Pembelajaran UPH, in Don Fajansouru (Islam Law: A Summary of Islamic Law, Theory of Issuing Agama Decree, Its Content and Implementation), Ujibartha, Jakarta, p. 9]

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