

Legal Review of Land Disputes in Urban Areas

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Abstract Land disputes in urban areas are increasingly complex legal issues due to the high economic value of land, population growth, and weak land administration. This article aims to analyze the factors causing land disputes in urban areas and review the application of agrarian law in resolving them. Through a qualitative approach with literature studies and normative legal reviews, this article examines the legal aspects, the role of state institutions, and obstacles in resolving land disputes. The findings show that land conflicts in urban areas are generally triggered by overlapping ownership, document falsification, and physical control without rights. On the other hand, the implementation of the Basic Agrarian Law (UUPA) has not been fully effective, especially in administrative arrangements and law enforcement. Dispute resolution is often hampered by lengthy legal processes, lack of coordination between institutions, and minimal protection for low-income communities. Therefore, integrated and participatory law-based agrarian reform is needed to create agrarian justice in urban areas.

Keywords: Land disputes, agrarian law, urban areas

Introduction

Urban areas in Indonesia have experienced rapid development in recent decades. The rapid urbanization process has triggered significant population growth, as well as expanding the need for infrastructure and housing. This directly increases the demand for land, both for housing, public facilities, industry, and commercial. However, amidst the limited availability of land in urban areas, various complex problems have emerged, one of which is land disputes.

Land disputes in urban areas are becoming an increasingly widespread and worrying phenomenon. These disputes involve various actors, including individuals, communities, private companies, and the government. Claims of dual ownership, land grabbing, conflicts between residents and developers, and cases of forced evictions are a daily occurrence in big cities such as Jakarta, Surabaya, Medan, and Bandung. Land disputes not only have an impact on legal uncertainty, but also have social, economic, and psychological impacts on the affected communities.



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This problem is exacerbated by the weak land administration system that is not yet fully transparent and integrated. Double land certificates, fake ownership documents, and land mafia practices are realities that are difficult to eradicate. The government through the National Land Agency (BPN) has made various reform efforts, including through the Complete Systematic Land Registration Program (PTSL) and digitization of land data, but implementation in the field still faces major challenges, especially in terms of data accuracy, officer integrity, and community participation.

Indonesia's agrarian legal system based on Law Number 5 of 1960 concerning the Principles of Agrarian Law (UUPA) has provided a legal framework to regulate land use and control. However, after more than six decades of implementation, UUPA still leaves various implementation problems. Many implementing regulations are not harmonious, there is overlapping authority between central and regional institutions, and there is no mechanism for resolving disputes that is fast, fair, and transparent. In practice, agrarian conflicts in urban areas often end up in court with a long legal process and often do not favor the common people.

On the other hand, urban development interests often clash with land rights that have long been controlled by the community. Cases of eviction without deliberation and without providing alternative housing indicate weak legal protection of citizens' rights. The right to decent housing as part of human rights is often neglected in the process of urban development. Therefore, land disputes in urban areas are not only a matter of formal legality, but are also closely related to the principles of social justice and human rights protection.

The development of information technology actually opens up opportunities to increase transparency and efficiency in land administration. Data digitization, GIS-based mapping, and national database integration enable more orderly and accountable land management. However, until now its utilization is still limited and not evenly distributed across all regions. In addition, public access to land information is still low, especially among the urban poor who are most vulnerable to eviction and land grabbing.

Historical aspects also play a role in the root of many urban land conflicts. The legacy of colonial law and land policies during the New Order era created legal dualism and inequality in land ownership. In some areas, ex-Western land rights, state land, and customary land are objects of dispute that are complicated to resolve. The weak recognition of customary rights and the absence of a strong legal umbrella for urban indigenous communities complicate the resolution of these disputes.

The urgency of handling land disputes systematically and fairly is becoming increasingly urgent amidst the unstoppable flow of urbanization. Land law reform is needed that is not only administrative, but also substantive and participatory. The role of civil society, legal aid organizations, and the media is important in overseeing the process so that it is not biased solely by elite interests.

This paper aims to examine in depth the dynamics of land disputes in urban areas of Indonesia from a legal perspective. This study focuses on three main aspects, namely: (1) the main factors causing land disputes; (2) the effectiveness of available legal instruments in resolving these disputes; and (3) the challenges and prospects of agrarian law reform in the context of urbanization. Through a qualitative approach with literature studies and normative legal reviews, it is hoped that this article can contribute constructive thinking in formulating fair and sustainable legal solutions.

By understanding the root causes and complexities of urban land disputes, we can begin to build a more inclusive and adaptive land law system. A rights-based approach, community participation, and consistent law enforcement are the main foundations for realizing agrarian justice in urban areas. Because in the end, land is not only an economic asset, but also a living space, identity, and future for urban communities. Urban areas in Indonesia have experienced rapid development in recent decades. Urbanization, population growth, and expansion of infrastructure development have driven high demand for land. On the other hand, limited land availability has increased pressure on the national land system. As a result, land disputes have become a common phenomenon, especially in urban areas. This phenomenon not only causes social unrest, but also has an impact on legal, economic, and political aspects.

Land disputes in big cities such as Jakarta, Surabaya, Medan, and Bandung have become strategic issues that require serious attention from the government, academics, and legal practitioners. Land conflicts often involve many parties, from individuals, corporations, to government institutions. Various forms of these disputes include claims of multiple ownership, control without legal basis, forced evictions, and falsification of land documents. This condition is exacerbated by the weak land administration system and low legal literacy of the community.

National agrarian law, especially Law Number 5 of 1960 concerning the Principles of Agrarian Law (UUPA), has become the main basis for land regulation in Indonesia. However, even though it has been in effect for more than six decades, UUPA still faces various implementation challenges in the field. One of the main causes is the lack of harmonization of implementing regulations, overlapping authority between institutions, and weak supervision of land mafia practices.

In the urban context, agrarian issues have more complex dimensions compared to rural areas. This is due to the high economic value of urban land, high intensity of social interaction, and the

involvement of strategic actors such as property developers, foreign investors, and local governments. In many cases, the interests of economic development often clash with the rights of the community, especially vulnerable groups such as the urban poor, urban village dwellers, and urban indigenous communities.

In addition, the uneven development of technology and land digitalization also contributes to legal uncertainty in land transactions and control. Although the government has launched the Complete Systematic Land Registration (PTSL) program and the digitalization of land certificates, there are still many obstacles in the field, especially related to data accuracy, officer integrity, and community participation.

Historical factors also influence the configuration of land conflicts in the city. The legacy of colonial law, dualism of land law, and exploitative development policies during the New Order era are the roots of many land conflicts that have not been resolved until now. In many areas, ex-western land rights, state land, and customary land have become objects of conflict that are complicated both legally and sociologically.

In this context, it is important to comprehensively review how national land law responds to the dynamics of land disputes in urban areas. This article attempts to critically examine the factors causing the disputes, the available settlement mechanisms, and the legal challenges in creating certainty and agrarian justice. By using a normative legal approach and qualitative analysis of case studies and regulations, it is hoped that this study can contribute to the development of responsive and solution-oriented legal policies for land disputes in cities.

The issues discussed in this paper include: (1) What are the main factors causing land disputes in urban areas? (2) How effective is the agrarian legal system in resolving these land conflicts? (3) What are the challenges and opportunities for land law reform in the context of urbanization? The answers to these questions are important in formulating strategic steps to reorganize the national land system to be fair, transparent, and sustainable.

Through this introduction, it is expected that readers can understand the background of the problem, the urgency of the study, and the scope of the analysis which will be discussed further in the methods and discussion sections. Land disputes are not only about formal legality, but also concern human rights, sustainable development, and social justice amidst the dynamics of modern cities.

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Research methods

This study uses a qualitative approach with normative juridical and normative juridical approaches. Data were obtained from legal literature, legislation, court decisions, and relevant academic

journals. The analysis was conducted descriptively-qualitatively by emphasizing the interpretation of legal norms and representative case studies.

Discussion

Land disputes in urban areas are a complex and multidimensional phenomenon, reflecting structural inequalities in spatial governance and access to land rights. The factors that trigger these conflicts are rooted in a long history of ignoring the legality of documents, weak land data, and development dynamics that ignore the socio-economic rights of the community. Amidst massive urban growth, land has become a commodity fought over by various parties, from individuals, corporations, to the state.

One of the main causes of land disputes is the weak legality of ownership documents. Many urban residents still rely on girik, petok, or letter C as proof of ownership, which do not have sufficient legal force. This situation is exacerbated by the lack of access to transparent and affordable certification processes. As a result, legal loopholes have emerged that are exploited by other parties to claim ownership illegally.

The next problem is overlapping ownership data that occurs due to the lack of synchronization of records between the National Land Agency (BPN) and local agencies such as sub-districts or districts. This inaccuracy gives rise to duplicate certificates, worsening legal uncertainty. The geographic information system that has not been integrated nationally is also a major obstacle in enforcing land rights fairly.

On the other hand, the existence of land mafia is a real threat to agrarian justice. They use various methods ranging from document manipulation to intimidation of legitimate owners. Their existence is inseparable from corrupt practices and weak supervision of law enforcement officers and land officials. This phenomenon shows the need for serious institutional reform.

Development interests, especially in the infrastructure and property sectors, often clash with the rights of city residents. Large projects that do not consider spatial justice have triggered forced evictions, even though residents have lived there for generations and have proof of tax payments. This imbalance of power reflects the still weak legal protection for marginalized communities.

The historical aspect also cannot be ignored. The colonial legacy and New Order era policies have caused inequality in land ownership and dualism in the agrarian legal system. Many former western rights and state lands do not have clear legal status, while customary land in urban areas is barely recognized. This condition is a time bomb of conflict that could explode at any time when the economic value of the land increases.

In terms of legal instruments, the Basic Agrarian Law (UUPA) 1960 is the main basis for regulating land rights. However, in practice, various obstacles arise, especially in the litigation path. The court process tends to be expensive, slow, and not inclusive of the poor. In addition, judges often do not understand the sociological context of land conflicts, so that their decisions do not always reflect substantive justice.

Alternative dispute resolution through non-litigation channels such as mediation or deliberation is an important option. This method is more adaptive to local conditions and encourages peaceful resolution. However, its effectiveness depends on the good faith of the parties and the capacity of the mediator. Institutions such as the BPN, local governments, and NGOs have a strategic role in facilitating this mechanism.

In the context of rights violations, the role of Komnas HAM and the Ombudsman becomes vital. When evictions are carried out without fair procedures, the community's rights to decent housing and a sense of security are disrupted. Komnas HAM can be a supervisor and revealer of violations, while the Ombudsman monitors maladministration in public services in the land sector.

Several case studies show the real face of land disputes. In Kampung Pulo, evictions due to river normalization projects were carried out without deliberation, even though residents had administrative evidence. In Tamansari Bandung, the construction of terraced houses caused conflict due to minimal community participation. In Medan Marelan, prolonged conflict occurred due to overlapping certificates and weak BPN supervision.

Challenges to law enforcement include overlapping regulations, weak data, corruption of officials, and low legal literacy among the public. Access to legal aid is also a major issue, as most victims of disputes are the urban poor. Therefore, systematic efforts are needed to strengthen law enforcement and ensure justice for all levels of society.

Looking ahead, the prospects for urban agrarian reform must include regulatory harmonization, digitization of land data, and strengthening of institutions. Transparency and accountability are the keywords. The government needs to build an inclusive and participatory land information system, and strengthen the role of citizens in spatial planning. Thus, land disputes can be minimized, and land rights as basic rights of citizens can be realized fairly and sustainably.

Conclusion

Land disputes in urban areas are a major challenge in agrarian governance. The main causes are overlapping claims, weak land administration, and land mafia practices. Existing laws and regulations have not been able to provide a comprehensive solution due to weak implementation and coordination between institutions. To reduce disputes, it is necessary to reform the land system

by strengthening the legality aspect, accelerating the digitalization of land certification, and increasing legal literacy in the community. A participatory and transparent approach in resolving agrarian conflicts is key to creating justice and legal certainty.

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