

LAND OWNERSHIP STATUS AND HANDLING SLUMS: CASE STUDY KAMAL MUARA, DKI JAKARTA

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ABSTRACT: The development of a growing civilization in urban areas led to high levels of intensity of settlements. However, some of the resident's locations of Jakarta are not in line with the development plan of DKI Jakarta Province which emerged pockets of urban slums. Slums are identical to their land ownership. This study is to assess the handling of slums by linking the issue of land ownership in Kampung Kamal Muara. The method used is a qualitative approach. Data were collected primarily by interviews and observations as well as secondary data collection with literature review. Data were analyzed descriptively and supplemented by triangulation. The result shows that land ownership status for low-income people is not a top priority. They prefer living close to their livelihoods, ignoring their land ownership status, making it difficult for the government to handle slum settlements. Moreover, there is a policy gap that resulted in the lack of strong legal basis in handling slum settlements in DKI Jakarta. The socio-cultural-economic-environmental approach needs to be applied in overcoming slums on illegal land, by integrating social mapping and land consolidation, which strongly prioritizes cooperation between targeted communities and the political will of the government. Future research is expected to be able to examine more deeply how the implementation of the handling of slums is carried out.

Keywords: Land ownership, Slums, Low Income People, Social Mapping, Consolidation

1. INTRODUCTION

Every human being will need a home complete with all its amenities. In developing countries, with big city such as DKI Jakarta, not all people could get the same housing services, especially for the poor ones (low-income people/MBR). This problem happens because of urbanization and uncontrolled population growth, but in contrary the urban land availability is limited. In the end, these people occupy some areas that did not have the function as a place to live (sometimes most of the land ownership status is unclear), on the other side those areas are restricted places to be filled with settlement facilities, and it turns them to slums and squatter settlements. Slums settlements not only in the urban areas but also found in coastal areas, North Jakarta. One of the areas in North Jakarta which has land ownership issue is Kampung Kamal Muara (RW 04), where the citizens came from Kampung Siwa eviction, they were permitted to take the swamp area to live there and now became RW 04 as can be seen nowadays, they built homes without taking care of the administration of land legalities in the first place [1].

The problem of slum settlements arises due to the low interest of stakeholders on committing the importance of establishing public policy in supportive housing for the poor because the impact will be long-term which affects health, family lives

and eventually could trigger crimes, limited education, income and employment [2]. The government has done many ways to solve these problems, through slum handling activities that are funded from the Central Government and carried out directly by the government, as well as involving the role of the community itself to obtain the right target treatment. But in terms of policy which has been implemented so far, still not touching the aspects that can handle slums in an integrated and comprehensive manner. Slums settlement programs, especially on the land ownership issue, still focusing on the physical aspect (upgrading only the environment), but lack of economic and cultural aspects. Therefore, this study will analyze the slums settlements approach which based on land ownership issue, to give a comprehensive and effective solution to handling the slums.

The study purpose is to acknowledge the causes of land ownership problems; and how service standards have been received by the community in RW 04, Kampung Kamal Muara, Penjaringan District; to develop comprehensive handling concept in slums settlement in the illegal area of RW 04. And in the end, the concept of handling slums can be managed through collaborative planning through the economic – socio-cultural – environmental approach, which involves multi-stakeholders.

2. LITERATURE REVIEW

2.1 Slums

Based on the definition of Law Number 1 of 2011, slums are uninhabitable settlements, due to building irregularities, high levels of building density, and the quality of buildings and infrastructure that unmatched the requirements. Slums have the characteristics of residential conditions and the use of space reflects the inadequate or poor residents, the use of space is not in accordance with its original function so that it turns into a settlement function [3].



Fig.1 Slums area in Kamal Muara [1]

In reference to slums characteristics which have been stated in the regulation, the condition of slum facilities and infrastructure does not meet the public housing requirements with its roads, drainage, clean/drinking water supply, waste management, wastewater management, and fire protection [4].

2.2 Land Ownership

Regarding the linkage between land ownership and low-income people (MBR), MBR will live close to their source of livelihood (site selection) [1]. While land ownership as the major issue, and the settlement quality requirements that have been stated in the government policy, become the next and last consideration after site selection. In determining the location and slum settlement planning, location determination is carried out by the local government, but the data collection process is carried out in coordination between the local government and the involvement of community roles, the results of the location identification will be assessed and then start making the plan preparation.

In RW 04 Kamal Muara, there are slums area that located not in the proper zoning for housing, because MBR does not recognize 'illegal' term and government policy still not concerning a lot about

multi-aspect management system on handling slums, such as economic and social-cultural aspects, so these slums area will not be accommodated by housing facilities and infrastructures. The government needs to accommodate the un-facilitated MBR through an integrated economic, socio-cultural, and environmental approach.

Table 1 House and land ownership concept for low-income people (MBR)

Priority	1	2	3	Information
Classifi- cation	1	2	3	Information
Low-income families	House located close to the source of lively-hood	House & land owner-ship status	The shape & quality of the house	Houses availability close to work location and as a shelter/place to rent in an effort to maintain their lives

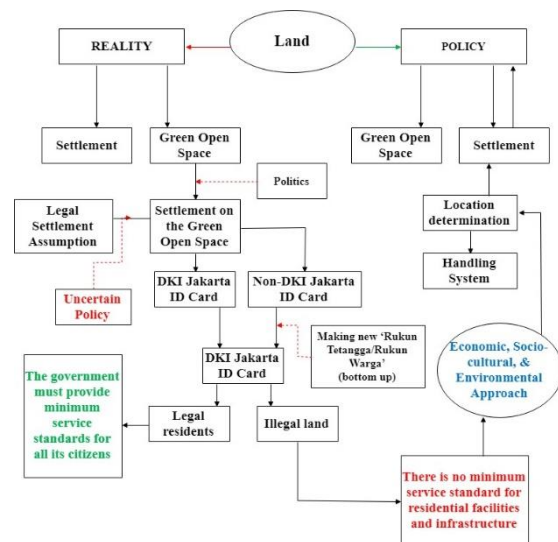


Fig.2 Research concept framework

3. METHODOLOGY

This study used a qualitative approach through field observation and in-depth interview (primary data), to explore the problems that occur in the research area to set the problem formulation. The next step is literature studies related to research objectives include land ownership issues, slum

concepts, and a comprehensive approach of handling slums (secondary data). We used descriptive analysis and triangulation. Then consider and compare the data and check the meaning of interpretation of field findings, using cases that related to the study, and discard the irregular relationships [5], thus producing the comprehensive handling concept on slum settlements on illegal land at RW 04, Kampung Kamal Muara, Penjaringan District.

4. RESULT AND DISCUSSION

4.1 Land Ownership Status

Land ownership status in Kampung Kamal Muara slums could be said to be quite complex, which means Kampung Kamal Muara land ownership status have strong relation with zoning plan on the area and related to community socio-economic condition. In terms of zoning, a deviation occurred. The meaning of this deviation is since 1980 until now, the area of Kampung Kamal Muara is not in accordance with the zoning plan so that effects the land ownership status. This fact shows the occurrence of 'omission' by both original people in the area and government policies formulation regarding land.

The author realizes that land issues in slums also concern the history of the land itself. Based on the interviews with several residents in Kampung Kamal Muara, around 1998, the residents of Kampung Siwa (which we know now as Gelora Bung Karno Sports Center) were evicted and got permission to set swamp areas in Kampung Kamal Muara as their new living place. Most of them were poor people who choose to build their houses first instead of managing their land administration documents. They also unwilling to manage the documents due to the high cost of administration at the time. Residents who want to get Rights to Use Certificate ('Sertifikat Hak Pakai') require a property tax certificate. The problem is most of the houses in Kamal Muara is stilted houses. For residents who own stilts houses, they cannot access the property tax certificate because of the government regulations.

According to Figure 3, most of the land ownership status of Kampung Kamal Muara residents is Rights to Use Certificates and Unregistered. This can indicate that slums are identical to these kinds of rights. In addition, these rights also illustrate that sometimes slums can also be referred to as "illegal" settlements because they do not have strong rights to their land.



Fig.3 Land ownership status in Kampung Kamal Muara [6]

The author tried to relate this phenomenon to the opinion which states that low-income people will choose living close to their sources of livelihood [1]. Land ownership status and the quality of their houses are the next priorities after the location of home-work places. And then again, this concept shows that low-income people always tend to live close to their sources of livelihood. North Jakarta Administrative City, especially in Kampung Kamal Muara, is constantly changing as this concept applies to its residents. Residents in RW 04 Kamal Muara also have the right to direct how they will live in their territory. The right to the city is not merely an individual but also a collective power to change their lives by changing the city where they live [7]. It is argued that politics is a process used to resolve conflicts that can arise due to differences of interests and values of various groups within the city. This means the complexity of Kampung Kamal Muara land cannot be separated from political elements.

4.2 Policy Gap

Government policies have regulated the prevention and improvement of the slum settlement quality as shown in the following figure:

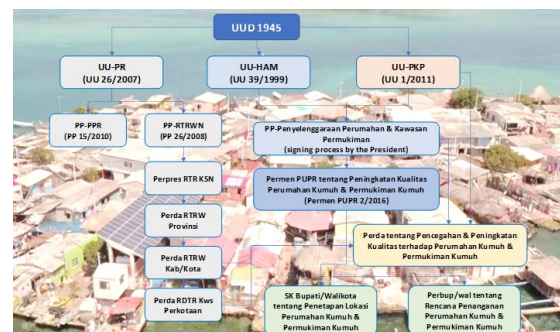


Fig.4 Slum settlement policies

Based on the figure above, all the policies refer to 1945 Constitution (UUD 1945) which has 3 derivative laws: UU 26/2007 of Spatial Planning, UU 39/1999 of Human Rights, and UU 1/2011 of Housing. On the national level, the policy that regulates slum settlements has not been completed 100%. Until now, it still in process of evaluation and signing process by the President. Therefore, many policy gaps are reflected. DKI Jakarta Government cannot issue Local Regulations (Perda) regarding the prevention and improvement of slum settlement quality. It means the Mayor's Decree in determining location and slums settlement plan cannot be implemented. Therefore, when the slums settlement plan cannot be implemented, it will still cause problems on land ownership status, even though the zoning has been changed.

4.3 Handling Slums

Handling slums requires efforts, commitment, and willingness from various stakeholders. The government will not be able to carry out the slums problems if there is no willingness from the community itself. Vice versa, the community will not be facilitated properly if there is no political will from the government. For RW 04 case, the government could at least attempt to do the socio-cultural approach to influence low-income people who live in an illegal slum area at RW 04, so that they want to move to the location suitable for the living but still not far from their workplace.

There are several ways to do the economic – socio-cultural – environmental approach in handling slums: The government should find the nearest location that has legal status, it can be built low rise residential (flats), but the design can be done together with the community who will become the tenants or residents of the flats through social mapping and community-based development identification [8].



Fig.5 Simple drawn map by the community [8]



Fig.6 Community meeting [8]

Figure 5 shows that the community living in slums are the ones who understand more about their surrounding environment condition. They are best suited to draw a map of their surroundings. And with and produced a social mapping, and with collaboration between stakeholders (government, community, private sector), they can produce social mapping as the basis to manage their settlement needs, which shown at Figure 6. Through this social mapping, there are 5 things that can be intervened, they are labors, skills, building materials, financing, and land.

Furthermore, if the land status was not belonging to the local government, and it must use other legal residents' land on the slums area, there is a way that can be done, which is through land consolidation. Land consolidation is a concept of integrated settlement development, rearranging the control, ownership, and use of the land optimally, orderly, and regularly, involving the participation of community landowners. This is where we apply the principle of "build without eviction" by including community participation in the form of "from, by and for themselves" [9]. The community benefits from an effective rearrangement of land (size and square), increased land value, and better-organized environment. The government also benefits from ease of providing effective settlement facilities and suitable with the zoning [10].

Urban land consolidation was carried out in several stages, it starts from the release of rights by landowners, structuring based on mutually agreed designs and the redistribution of land consolidation objects to landowners. Urban land consolidation can overcome the weaknesses of land acquisition, because it is gaining respect for the community aspirations, it does not require compensation, regional arrangements are more organized and have legal certainty [11].

So, the benefits of urban land consolidation can be felt by both the community and the government.

The community can enjoy the public infrastructures, each land plot neatly facing the road, easy access to transportation through road construction, increasing land prices, no land being evicted, obtaining services at a simple cost, obtaining land certificates as evidence of legal ownership. While the benefits for the government, it creates savings for the development, it can accelerate the expansion of public infrastructures, improve environmental quality, control the emergence of land speculators, obtain tax revenues on land, and increase income from land and building tax [12].

In this case, the importance of government roles in providing the regulations and minimum service standards for the provision of settlement facilities and managing them so that the quality can be maintained for a long time.

This kind of preparation usually called collaborative planning which increases interest in observing and analyzing a different kind of networks and interaction between stakeholders that involved in the planning process. And the main term is how to bring different perspectives and preferences altogether so that the planning of handling slums can be implemented more effectively and efficiently [13].

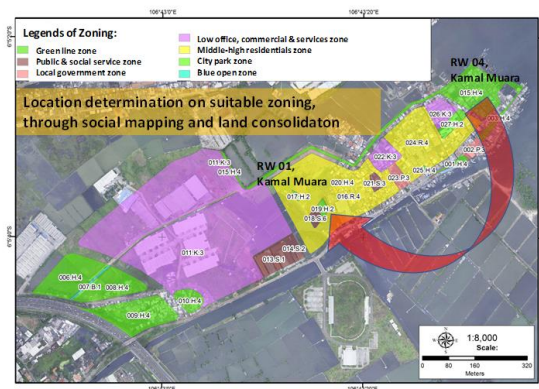


Fig.7 Handling slums through social mapping & land consolidation

In the case of RW 04 Kamal Muara, it can be done with a combination of social mapping and land consolidation, because most of the land RW 04 consist of green open space and the status mostly unregistered, so the social mapping to move the community to a more suitable location. And the most suitable location is RW 01 Kamal Muara which has residential zoning. And for land status which owned by other residents and the government or private sector, it can be done by land consolidation system.

Slum settlement management can be done by

forming self-help groups ('swadaya masyarakat') or by carrying out maintenance and upgrading activities. The formation of community self-help groups is an effort to optimize the role of the community to manage habitable and sustainable settlements, facilitated by the local government in the form of a) provision and socialization of norms, standards, guidelines, and criteria; b) providing guidance, training/counseling, supervision, and consultation; c) providing facilities and/or assistance; d) periodic coordination between stakeholders or as needed; e) the implementation of housing and settlement studies; and / or f) development of information and communication systems. The funding source is from the community itself.

For maintenance and upgrading activities, the Central Government coordinates with the local government and the community. As previously described that maintenance needs to be carried out periodically, while for upgrades carried out in areas that need rehabilitation/restoration. This is to ensure the sustainability of the functions of slum areas that have been handled, so it will not return to slums anymore.

5. CONCLUSIONS

Slum settlements are usually located in illegal areas, inhabited by middle to lower economic communities, due to building irregularities, high levels of building density and quality of buildings, and facilities that unmatched the requirements. Slums tend to have Rights to Use Certificate ('Hak Pakai') and most of them have not been registered. In addition, in dealing with slums, the government should review and understand in advance how the low-income people perception regarding land ownership status, through economic – socio-cultural – environmental approach which was previously explained. That way, in the revamping and handling slums, can be carried out by the government by implementing several social programs on community activities and physical programs in the form of structuring, maintaining and improving the area. Maintenance and repairs carried out by the government and everyone else through the form of a community-based management system. Future research is expected to be able to examine more deeply how the implementation of the handling of slums is carried out.

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