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Occupation of State Land by Residents in Kampung Baru Harjamukti Depok: A Study of Legal Certainty and Social Justice

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ABSTRACT

The occupation of state land in urban Indonesia often generates complex conflicts between residents' needs and the demands of formal legality, with implications for legal certainty and social justice. This study comprehensively analyzes the occupation of state land by residents in Kampung Baru Harjamukti, Depok, to examine the attendant problem of legal certainty, identify its implications for the realization of social justice for residents, and evaluate land governance in order to formulate an integrative solution model. Utilizing a normative legal research method that incorporates statute, conceptual, and limited case approaches, this study examines primary, secondary, and tertiary legal materials. It finds that thousands of residents have occupied state land without a valid title since the 1990s, a situation driven by informal transactions and complicated by a historical land legacy. Key findings indicate that this ambiguous legal status directly causes 4,800 residents, including 1,800 individuals without official residency documents, to lose access to essential public services and experience systemic marginalization, reflecting a social justice deficit. Furthermore, the study identifies weak inter-agency coordination and the ineffective exercise of governmental authority in conflict management. It is concluded that the agrarian conflict in Kampung Baru is a multidimensional crisis that demands an integrated solution—encompassing comprehensive land data collection, legalization of residents' identity, and participatory cross-agency mediation—to sustainably achieve both legal certainty and social justice.

Keywords: Agrarian Conflict; Land Occupation; Legal Certainty; Social Justice; State Land.

INTRODUCTION

The dynamics of agrarian resource management in contemporary Indonesian urban areas are frequently characterized by complex issues, particularly concerning the occupation of state land that directly intersects with the fundamental public need for living space (Syam & Muzakkir, 2022). This phenomenon often precipitates protracted conflicts that extend not only to juridical dimensions but also to social, economic, and even humanitarian aspects. The tension between the state's formal claims to the land and the reality of long-standing physical occupation by residents necessitates a comprehensive study that balances the principle of legal certainty with the imperative of social justice—a dichotomy that lies at the core of numerous land disputes in the nation (Junaedi et al., 2025). The urgency of addressing this issue is escalating with the rapid pace of urbanization, which significantly intensifies the pressure on land availability and accessibility in economic growth centers (Zainuddin, 2022).

One tangible manifestation of this urban agrarian crisis occurs in Kampung Baru, Harjamukti Urban Village, Depok City, West Java Province. This area has come under scrutiny due to the significant occupation of state-owned land by thousands of residents, the majority of whom lack valid title to the land under the prevailing laws and regulations. Data indicates that state land is managed by various institutions, including the State Secretariat (3.5 hectares), the Depok Municipal Government (1.5 hectares), and State-Owned Enterprises (SOEs) such as PT. PP Properti and Kavling

Pertamina—has been inhabited by approximately 4,800 individuals (Parsaulian, 2025; KDM Channel, 2025). A substantial portion of these residents, many of whom are migrants from outside Depok City, have resided in the area since the 1990s, often through informal acquisition mechanisms or unrecorded transactions that do not meet the formal legal requirements.

The juridical and social consequences of occupying land without a valid title are severe for the residents' livelihoods. The absence of formal ownership documents, such as land title certificates or other official permits, results in approximately 1,800 residents lacking state-recognized residency documents, including the Indonesian Identity Card and Family Card, that correspond to their actual domicile (Ramadhanty & Pratama, 2025). This condition directly curtails, and in some cases eliminates, their access to essential public services, including the right to vote in elections, access to formal education for their children, and adequate healthcare guarantees. The systemic marginalization experienced by these residents ultimately fosters an accumulation of frustration and social tension, which culminated in an incident involving the arson of a police vehicle on April 18, 2025—an event that exposed the long-simmering embers of social conflict arising from the insufficient recognition and protection of the residents' fundamental rights (Bustomi, 2025). Furthermore, the absence of a formal Neighborhood Unit and Community Unit structure in the settlement further exacerbates the residents' isolation from the local government's administrative and service systems.

The complexity of the agrarian problem in Kampung Baru cannot be detached from the historical roots of land management in the Depok region, a legacy of the colonial-era private land (*tanah partikelir*) system under the stewardship of Cornelis Chastelein (Firnas, 2024). The post-independence transition of these private lands to state land status, which officially occurred on April 8, 1949, was not accompanied by comprehensive and accurate data collection and documentation. According to Mulyadi, this documentary void and the weakness of land administration during that transitional period created a legal loophole that permitted unauthorized land occupation, which was subsequently exacerbated by the proliferation of unrecorded land transactions beginning in the early 1990s (KDM Channel, 2025). Although some residents claim hereditary occupancy, such claims are often unsupported by evidence of ownership recognized by the National Land Agency. The situation is further complicated by suboptimal coordination among government agencies with claims or authority over land management in the area, including the State Secretariat, the Depok Municipal Government, and the National Land Agency itself, as has been frequently reported by various media outlets (Whisnu, 2025). This weak enforcement of the principle of legal certainty in the management of state assets, which fundamentally contravenes the mandate of Article 2 of Law Number 5 of 1960 and the spirit of Article 33 section (3) of the 1945 Constitution, indicates a fundamental governance problem.

Previous studies have examined the issue of state land occupation, often with a limited focus and scope. The research by [Kunu \(2012\)](#), for instance, tended to analyze the state's right to control land from a normative perspective based on Law Number 5 of 1960, without deeply integrating the concrete social impacts, such as the residency crisis or the loss of public service access experienced in Kampung Baru. Similarly, [Tanto \(2021\)](#) research focused more on the problem of overlapping land ownership resulting from negligence in the data verification process by the National Land Agency. However, its analysis was confined to formal certification cases and did not specifically address the dynamics of long-term informal occupation by residents. Meanwhile, [Jayadi et al. \(2023\)](#) made a significant contribution by delineating the mechanisms for applying for a title to state land under Government Regulation Number 18 of 2021 and Ministerial Regulation Number 18 of 2021, which require complete physical and juridical data. That research, however, did not comprehensively integrate the dimension of social justice or the implications of the residency administration crisis that is central to the problem in Kampung Baru. Other studies, such as [Abdullah \(2021\)](#) on a land dispute in Talonang Village, West Sumbawa, are relevant to the context of agrarian conflict but possess rural characteristics that differ significantly from the urban context of Depok City, which is influenced by high urbanization pressures and complex demographic issues.

This gap in the literature highlights that the agrarian law discourse in Indonesia has yet to holistically and comprehensively analyze the complex interrelationship between the factual occupation of state land by communities, the attendant issues of legal certainty, and the resulting multidimensional social impacts, particularly within a dynamic and evolving urban context. Proceeding from the identification of this analytical void, this research is directed explicitly at conducting an in-depth and comprehensive investigation of the state land occupation by residents in Kampung Baru Harjamukti, Depok. The selection of this case study is based on the consideration that this location tangibly represents the various dimensions of the urban agrarian problem that urgently require further examination to formulate a resolution that is not only effective but also more just and sustainable for all parties involved.

The primary objectives of this research are formulated explicitly as follows: *first*, to comprehensively analyze the legal status of the state land occupation by residents in Kampung Baru Harjamukti, Depok, and its implications for the realization of legal certainty for the affected residents. *Second*, to identify and deeply analyze the social, economic, and humanitarian impacts of this state land occupation on the residents' lives, particularly concerning access to fundamental rights and public services, from a social justice perspective. *Third*, to evaluate the effectiveness of existing public policies and the exercise of authority by relevant government agencies in conflict management and resolution, and to formulate an integrative policy model to achieve

both legal certainty and social justice. Through the achievement of these objectives, this study is expected to yield significant benefits, both academically, by enriching the theoretical corpus in the study of urban agrarian law, public policy, and human rights, and practically, by presenting concrete recommendations for consideration by stakeholders in resolving similar agrarian conflicts and formulating a more just, humane, and people-oriented land governance framework in Indonesia.

METHOD

This study is fundamentally normative legal research, oriented towards prescribing what ought to be based on legal norms, principles, and doctrines (Qamar & Rezah, 2020). To achieve the formulated research objectives—namely, to analyze the occupation of state land by residents in Kampung Baru Harjamukti, Depok, from the perspective of legal certainty and social justice—a series of comprehensive methodological approaches is applied. The primary method is the statute approach, which emphasizes the analysis of various laws and regulations relevant to land and agrarian issues. Furthermore, this study adopts a conceptual approach to deepen the understanding of key concepts, including legal certainty, social justice, the state's right to control land, and land occupation. Additionally, a case approach is utilized in a limited sense, treating the factual situation of the land occupation in Kampung Baru as a concrete legal event to be analyzed within the existing framework of legal norms and concepts, rather than as an extensive empirical field case study.

To support an in-depth analysis, this research draws on various relevant legal materials, which are categorized into primary, secondary, and tertiary sources (Sampara & Husen, 2016). The primary legal materials serving as the main reference include Law Number 5 of 1960, Government Regulation Number 24 of 1997, Ministerial Regulation Number 18 of 2021, and various other legislative products that are directly or indirectly related to the substance of the research. Secondary legal materials comprise various scholarly works, including agrarian law textbooks, reputable law journals, prior research findings, and the doctrines and opinions of legal scholars that offer explanations and interpretations of primary legal materials. Tertiary legal materials encompass supplementary information and guides; this category includes a recorded interview with the Governor of West Java and residents, broadcast through electronic media, which is positioned as a description of a legal fact and the ongoing social dynamics related to the research object. All these legal materials were systematically collected through library research and documentary study techniques to ensure the completeness and validity of the information obtained.

Subsequently, a series of comprehensive analytical techniques is applied to all collected legal materials. The data analysis in this study is essentially descriptive qualitative, aiming to describe the legal norms and the legal event under review in

a systematic, factual, and accurate manner (Irwansyah, 2020). The process of legal interpretation—whether grammatical, systematic, or teleological—is applied to excavate the philosophical and juridical meanings contained within each legislative provision. For specific materials, such as public statements or the discourse surrounding the Kampung Baru case, including the content of the interview video, content or discourse analysis is employed to understand the messages, contexts, and implications contained therein. Solid legal argumentation is constructed through the application of relevant theories of law, social justice, public policy, and governmental authority to explain the observed phenomenon and address the research problems. Finally, this study conducts a critical evaluation by applying logical and systematic legal reasoning to assess the effectiveness, coherence, and justice implications of the existing legal framework and practices in state land management.

By detailing these methodological aspects, this research is designed to logically and systematically address each of the formulated research objectives, thereby enabling the production of a comprehensive and in-depth analysis of the problem of state land occupation in Kampung Baru Harjamukti Depok, within the framework of legal certainty and social justice.

RESULTS AND DISCUSSION

A. The Legal Status of State Land and the Problem of Legal Certainty in Kampung Baru

The agrarian conflict emerging in Kampung Baru, Harjamukti Urban Village, Depok City, is rooted in a fundamental discrepancy between the formal legal status of the land and the reality of physical occupation that has persisted for decades. Juridically, the area constitutes state land, with its management falling under the authority of various central and regional government agencies, as well as SOEs. Data confirms that formal control is divided among lands managed by the State Secretariat (3.5 hectares), the Depok Municipal Government (1.5 hectares), and other areas claimed by PT. PP Properti (SOEs) and designated as Kavling Pertamina (Parsaulian, 2025; KDM Channel, 2025). This formal status affirms the state's position as the holder of the highest right to control the land. However, the reality on the ground presents a diametrically different picture, where thousands of residents have established a settlement and have been living on this land—most since the early 1990s—through unofficially recorded acquisition processes, typically through the practice of unrecorded transactions (KDM Channel, 2025).

This practice of de facto occupation by residents, although considered socio-economically legitimate among themselves, fundamentally contradicts the national land law framework, which prioritizes the principle of land registration to

guarantee legal certainty. Article 19 of Law Number 5 of 1960 explicitly mandates the registration of all land parcels throughout Indonesia's territory to provide legal certainty and protection to titleholders. This mandate is operationally detailed in Government Regulation Number 24 of 1997, which stipulates that any transfer of rights or creation of a new right must be based on valid proof of ownership and supported by verified physical data (such as measured location, boundaries, and area) and juridical data (such as legal status, ownership history, and titleholder) (Yustini, 2022). The unrecorded sale and purchase transactions, as occurred in Kampung Baru, clearly fail to meet these requirements and, therefore, cannot serve as a basis for registering rights and acquiring a certificate as authentic proof of ownership. Furthermore, the mechanism for applying for rights to state land, as regulated in Government Regulation Number 18 of 2021 and Ministerial Regulation Number 18 of 2021, also requires a legally accountable basis of control, a condition not met by the majority of residents at the research location (Jayadi et al., 2023).

The complexity of the land's legal status in Kampung Baru is further deepened by the historical residue of the colonial-era land system. As delineated by Firas (2024), a significant portion of the Depok area, including the currently disputed territory, was formerly classified as private lands (*tanah partikelir*) under the management of Cornelis Chastelein. Although the status of these private lands was officially abolished and transferred to state ownership through post-independence nationalization policies on April 8, 1949, their administrative transition and documentation process at that time were imperfect. The absence of accurate and systematic records during the post-transition era created a legal 'gray area,' which opened opportunities for land occupation without a clear formal legal basis. Historical or hereditary occupancy claims frequently put forward by residents (KDM Channel, 2025), although possessing social validity within their community, often lack sufficient juridical evidentiary strength before the National Land Agency, thereby further complicating efforts to resolve and clarify the land's legal status.

This chaotic situation ultimately culminates in a central problem: the collapse of the principle of legal certainty for the residents occupying the land. From the perspective of legal theory, law functions to create order and predictability in society through a hierarchical system of norms that is consistently applied (Kelsen, 1945). In Kampung Baru, an apparent failure in the implementation of the *stufenbau* or hierarchy of legal norms is evident. The highest norms (the 1945 Constitution and Law Number 5 of 1960), which mandate that land be used for the prosperity of the people and ensure legal certainty, are not effectively manifested in the implementing norm of Government Regulation Number 24 of 1997 at the ground

level, a failure marked by the massive scale of unregistered land and occupation without title. The National Land Agency's failure to comprehensively execute its land registration mandate, as also highlighted by Tanto (2021) in the context of overlapping ownership due to verification negligence, creates a detrimental legal vacuum. However, unlike Tanto's focus on the administrative aspects of formal certification, the Kampung Baru case demonstrates that the root of the problem is deeper, involving historical aspects, entrenched informal practices, and a vast scale of occupation, thus demanding an analysis of legal certainty that transcends merely technical registration issues. The direct consequence of this absence of legal certainty is that the residents are left in a juridically vulnerable position, facing the threat of eviction, and are unable to leverage the land they occupy as a formal economic asset.

B. Implications of State Land Occupation for the Realization of Social Justice for Residents

The precarious legal status of the state land in Kampung Baru, as previously described, directly gives rise to a series of significant and fundamental social implications for the thousands of residents who inhabit it. This juridical uncertainty is not merely an administrative issue; instead, it has transformed into the root of systemic marginalization that erodes the fundamental rights and quality of life of approximately 4,800 individuals. Of this number, data indicates that at least 1,800 residents do not possess official residency documents corresponding to their domicile in Depok City, such as the Indonesian Identity Card or the Family Card (KDM Channel, 2025; Ramadhanty & Pratama, 2025). This condition effectively creates a hidden 'residency crisis,' wherein a large segment of the population becomes 'invisible' within the state's administrative system, thereby severing their connection to the various guarantees and services that should be the right of every citizen.

The absence of valid residency documents for the majority of Kampung Baru residents directly impedes their access to fundamental public services essential for achieving a decent standard of well-being. The right to education for their children is constrained due to administrative requirements that cannot be met. Similarly, access to formal healthcare services, whether public or private, becomes increasingly difficult to obtain. Participation in democratic life, such as exercising the right to vote in general elections, is also automatically foreclosed to those not officially registered as residents. Furthermore, government social assistance programs designed to alleviate the burden on poor and vulnerable groups, such as the Family Hope Program (PKH) or Direct Cash Assistance (BLT), have become inaccessible to residents who lack official identification (Parsaulian, 2025). This situation is in apparent contravention of the constitutional mandate, specifically

Article 27 section (2) of the 1945 Constitution, which guarantees the right of every citizen to work and to a decent livelihood. Concurrently, this situation also contradicts Article 28H section (1) and section (3) of the 1945 Constitution, which affirm the right to live a prosperous life in body and soul, to have a place to live, to enjoy a good and healthy environment, to obtain healthcare services, and the right to social security.

The accumulation of these various forms of social and economic exclusion, in turn, triggers latent social tension within the Kampung Baru community. The residents' frustration over their uncertain fate, the lack of state recognition, and the absence of constructive dialogue reached its culmination point in the incident involving the arson of a police vehicle on April 18, 2025—an event that became a symbol of both resistance and desperation against the marginalization they experience (Bustomi, 2025). From the perspective of theory of social justice, this situation reflects the state's failure to apply the difference principle, which requires that social structures and existing inequalities be arranged to the greatest benefit of the least-advantaged members of society (Rawls, 1971). In this case, the residents who lack legal land status and official identity constitute the most vulnerable and disadvantaged group. Yet, they face systemic discrimination that further worsens their bargaining position.

The residents' perspective, as revealed in a dialogue with the Governor of West Java, indicates a claim to a 'moral right' to occupy the land, based on the fact that they have built lives, formed a community, and in some cases feel they have inhabited the area for generations, albeit without a formal legal basis recognized by the state (KDM Channel, 2025). This moral claim often clashes with the rigidity of positive law, creating a dilemma between social legitimacy and formal legality (Sanghera & Satybaldieva, 2012). The absence of formal institutional structures, such as a Neighborhood Unit and Community Unit in the settlement (Bustomi, 2025), also further exacerbates the residents' social and administrative isolation, making it difficult for them to channel their aspirations in an organized manner or to obtain effective mediation from local government officials.

The social dynamics in Kampung Baru exhibit different characteristics when compared to several agrarian conflict studies in other contexts. For instance, Abdullah (2021) research in Talonang Village, West Sumbawa, which analyzed land disputes between indigenous communities and the government, focused more on the clash between claims based on customary law and state land management policies in a rural area. In Kampung Baru, however, factors such as massive urbanization, demographic pressure from migration from various regions including from outside West Java Province, the complex historical legacy of private lands, and the residency crisis resulting from the lack of official identity create a

unique constellation of socio-juridical problems that demands a more contextual analysis of social justice. The disregard for the residents' fundamental rights due to their unclear land status is not merely an administrative violation. However, it is a manifestation of systemic social injustice, necessitating comprehensive policy interventions that support marginalized groups.

C. Evaluation of Land Governance and the Formulation of an Integrative Conflict Resolution

The resolution of the state land occupation conflict in Kampung Baru Harjamukti Depok fundamentally depends on the effectiveness of land governance and the implementation of public policy by the various government agencies that hold authority. The reality on the ground, characterized by a stalemate and escalating tension, indicates significant problems in this aspect of governance. Resolution efforts that have been, or should have been, undertaken, including mediation mechanisms as stipulated in Ministerial Regulation Number 21 of 2020, appear incapable of delivering a comprehensive and just solution for all parties. This failure necessitates a critical evaluation of existing policy designs and the exercise of state authority when confronting complex agrarian disputes with a high social dimension, such as the one in Kampung Baru.

From the public policy analysis perspective articulated by [Dunn \(2017\)](#), the effectiveness of a policy is primarily determined by the ability to accurately define the problem, formulate rational solution alternatives, and implement them through solid cross-sectoral coordination supported by adequate resources. The dialogue mediated by the Governor of West Java in April 2025, which brought together residents with representatives from the State Secretariat, the Depok Municipal Government, PT. PP Properti (SOEs) and the National Land Agency—actually revealed the minimal level of coordination and the persistence of strong sectoral egos among these institutions. Each party tended to hold firm to its formal ownership claims without producing concrete breakthrough solutions ([KDM Channel, 2025](#)). Furthermore, media reports also highlight that limitations in budget and human resources, both at the National Land Agency and the Depok Municipal Government, are serious obstacles to the proactive and conclusive implementation of agrarian policy and dispute resolution ([Whisnu, 2025](#)). These factors collectively demonstrate a deficit in the application of the principles of effective public policy as formulated by Dunn.

Beyond the issue of policy effectiveness, the exercise of authority by the relevant government agencies also requires a profound evaluation using the theoretical framework of authority. [Hadjon \(1987\)](#) asserts that legitimate governmental authority must be based on the principle of legality (the existence

of a clear legal basis), aimed at providing public services (*dienstbaarheid*), and executed with full accountability. In the context of Kampung Baru, the failure of the National Land Agency to comprehensively execute its land registration mandate according to Article 19 of Law Number 5 of 1960, and the inability of the Depok Municipal Government to facilitate an inclusive dispute resolution that protects the fundamental rights of its citizens, indicate problems in the realization of these principles of authority. Overlapping claims and the ambiguity of responsibility-sharing among institutions (the State Secretariat, Depok Municipal Government, SOEs, and the National Land Agency) further weaken the overall effectiveness of state authority in managing land and resolving conflicts, which ultimately sacrifices the broader public interest, particularly that of the affected residents.

This finding aligns with the analysis of [Kunu \(2012\)](#), who noted that the implementation of the state's right to control is often ineffective due to overlapping regulations and the fragmentation of authority. Similarly, the research by [Jayadi et al. \(2023\)](#), which emphasizes the importance of data verification and the availability of adequate resources to support successful land registration and mediation, highlights aspects that are also crucial yet have been neglected in the Kampung Baru case. This governance failure is not merely a technical-administrative problem; it reflects a more fundamental problem concerning the state's commitment to realizing agrarian resource management that is just and promotes welfare ([Sidqi, 2024](#)). Therefore, the formulation of an integrative and sustainable conflict resolution becomes an urgent imperative.

Resolving the agrarian conflict in Kampung Baru requires a comprehensive, participatory, and rights-oriented policy breakthrough. The fundamental first step is the implementation of comprehensive and transparent land data collection throughout the Kampung Baru area, as also proposed by the Governor of West Java ([KDM Channel, 2025](#)). This data collection process must involve the meticulous verification of physical data (boundaries, area, use) and juridical data (history of control, basis of claim), utilizing digital technology to ensure accuracy and ease of data access. This data collection is a prerequisite for unraveling the actual status of ownership and control, and for meeting the provisions of Government Regulation Number 18 of 2021 ([Jayadi et al., 2023](#)), which serve as a basis for restructuring land rights. Simultaneously, the legalization of residency documents for the approximately 4,800 affected residents must be a humanitarian priority to promptly restore their access to public services and other constitutional rights. This step will directly address the problem of social injustice, as analyzed from the perspective of [Rawls \(1971\)](#), and ensure the fulfillment of fundamental rights, which is the core of substantive legal certainty, as outlined by [Kelsen \(1945\)](#).

Furthermore, a participatory, cross-agency mediation mechanism must be redesigned and earnestly implemented. This mediation process, which should ideally refer to the spirit of Ministerial Regulation Number 21 of 2020, must involve not only representatives from the State Secretariat, the Depok Municipal Government, the National Land Agency, and the SOE parties, but also legitimate representatives of the residents and local community leaders. The active involvement of residents in formulating solutions will increase the sense of ownership and acceptability of the resulting agreement, consistent with the principles of effective public policy, as noted by [Dunn \(2017\)](#). Concurrently, reform of the land registration system by the National Land Agency needs to be prioritized, including simplifying procedures, enhancing human resource capacity, and providing education and legal assistance to the public to better understand their rights and obligations in the land registration process. These steps are crucial for restoring the public service and accountability functions of the National Land Agency as mandated by [Hadjon \(1987\)](#) theory of authority.

Finally, the success of this entire series of solutions is highly dependent on the availability of an adequate special budget allocation from both central and local governments. This budget is necessary to support the complex land data collection activities, sustainable mediation processes, the residency legalization program, and the enhancement of relevant institutional capacities. Without sufficient financial support, various plans and policies could potentially reach a stalemate once again. Thus, this integrative conflict resolution formula—which combines juridical restructuring, restoration of social rights, improvement of policy governance, and strengthening of authority accountability—is expected not only to resolve the dispute in Kampung Baru fairly and sustainably but also to serve as a model for handling similar agrarian conflicts in other urban areas in Indonesia.

CONCLUSIONS AND SUGGESTIONS

Based on the results and discussion previously elaborated, it can be concluded that the problem of state land occupation by residents in Kampung Baru Harjamukti, Depok, is a manifestation of a multidimensional and systemic urban agrarian crisis. The legal uncertainty experienced by the residents—rooted in the land's ambiguous status following the transition from the private land era, decades of informal occupation without valid title, and the failure of land registration mechanisms to comply with the mandate of Law Number 5 of 1960 and its implementing regulations—has fundamentally eroded the guarantee of land rights protection. This condition is inherently intertwined with and exacerbates a situation of social injustice, wherein thousands of residents, including those without official residency documents, are marginalized, and their

access to essential public services and fundamental constitutional rights is impeded. Furthermore, the evaluation of land governance reveals public policy inefficiencies and a deficit in the exercise of authority by various relevant government agencies, characterized by weak coordination, overlapping authority, and a lack of participatory approaches in conflict resolution efforts, thereby prolonging the cycle of uncertainty and injustice experienced by the community.

The failure to realize legal certainty and social justice in Kampung Baru essentially reflects the state's suboptimal role in implementing the constitutional mandate to utilize land for the greatest prosperity of the people and to guarantee every citizen's right to a decent life and social welfare. The intersection of juridical-formal problems, socio-humanitarian impacts, and weak governmental governance creates a complex vicious circle that cannot be resolved through merely partial or sectoral approaches. Therefore, the Kampung Baru case stands as a significant precedent that highlights the need for reform in the management of state land in urban areas, particularly in cases involving vulnerable communities and long-term land occupation.

Confronted with the complexity of this problem, a series of integrative, comprehensive, and rights-oriented solutions is required. To this end, this study recommends that the Central Government and the Depok City Regional Government, in synergy with the National Land Agency and other relevant agencies, including representatives from state corporate entities with claims, immediately establish a special cross-agency team with apparent authority to conduct a comprehensive re-surveying of the land in Kampung Baru. This re-surveying process must include the accurate, transparent, and participatory verification of physical and juridical data utilizing digital technology, the results of which can form the basis for restructuring the land's legal status and settling claims fairly. The next crucial step is the immediate facilitation of the legalization process for the residency documents of all affected residents, especially the issuance of the Indonesian Identity Card and Family Card, to restore their rights to public services and end the ongoing residency crisis.

Furthermore, substantive and participatory cross-sectoral mediation mechanisms must be optimized as the primary channel for dispute resolution, ensuring the full involvement of legitimate resident representatives and local community leaders in every stage of negotiation, as mandated by the spirit of Ministerial Regulation Number 21 of 2020. Concurrently, the reform of the land registration system by the National Land Agency has become imperative, which includes not only simplifying procedures and enhancing service capacity but also implementing legal education and assistance programs for the public to increase awareness of the importance of land title legality, as outlined in Article 19 of Law Number 5 of 1960. The successful implementation of all these recommendations is highly dependent on strong political

commitment and an adequate special budget allocation to support the entire process of data collection, mediation, identity legalization, and institutional capacity building.

Finally, further research is highly recommended to continue developing and testing innovative urban agrarian conflict resolution models that can more effectively and sustainably integrate legal, technological, and socio-cultural approaches, with a focus on inclusivity. Such studies will be highly relevant for other Indonesian cities facing similar challenges due to high rates of urbanization and the complexities of land management. The application of a holistic and just solution will not only address the specific crisis in Kampung Baru but will also significantly contribute to the realization of the national agrarian reform agenda and the better management of state land for the welfare of all Indonesian people.

REFERENCES

- The 1945 Constitution of the Republic of Indonesia. <https://www.dpr.go.id/dokumen/jdih/undang-undang-dasar>
- Abdullah, L. (2021). Analisis Hukum Konflik Pertanahan di Pedesaan (Studi Kasus Sengketa Lahan Antara Masyarakat Desa Talonang dengan Pemerintah Kabupaten Sumbawa Barat). *Juridica: Jurnal Fakultas Hukum Universitas Gunung Rinjani*, 2(2), 83-103. <https://doi.org/10.46601/juridica.v2i2.186>
- Bustomi, M. I. (2025, April 22). *Terbongkar Sisi Kelam Kampung Baru Depok Usai Pembakaran Mobil Polisi*. Kompas.com. Retrieved May 6, 2025, from <https://megapolitan.kompas.com/read/2025/04/22/20463911/terbongkar-sisi-kelam-kampung-baru-depok-usai-pembakaran-mobil-polisi>
- Dunn, W. N. (2017). *Public Policy Analysis: An Integrated Approach* (6th Edition). Routledge. <https://doi.org/10.4324/9781315181226>
- Firnas, M. A. (2024, July 30). *Kota Depok: Konteks Sejarah dan Dinamika Sosial Politik Awal Terbentuk*. FISIP UIN Jakarta. Retrieved May 6, 2025, from <https://fisip.uinjkt.ac.id/id/kota-depok-konteks-sejarah-dan-dinamika-sosial-politik-awal-terbentuk>
- Government Regulation of the Republic of Indonesia Number 24 of 1997 on Land Registration (State Gazette of the Republic of Indonesia of 1997 Number 59, Supplement to the State Gazette of the Republic of Indonesia Number 3696). <https://peraturan.go.id/id/pp-no-24-tahun-1997>
- Government Regulation of the Republic of Indonesia Number 18 of 2021 on Management Rights, Land Rights, Condominium Unit, and Land Registration (State Gazette of the Republic of Indonesia of 2021 Number 28, Supplement to the State Gazette of the Republic of Indonesia Number 6630). <https://peraturan.go.id/id/pp-no-18-tahun-2021>

- Hadjon, P. M. (1987). *Perlindungan Hukum Bagi Rakyat di Indonesia: Sebuah Studi tentang Prinsip-Prinsipnya, Penanganannya oleh Peradilan dalam Lingkungan Peradilan Umum dan Pembentukan Peradilan Administrasi Negara*. PT. Bina Ilmu.
- Irwansyah. (2020). *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel*. Mirra Buana Media.
- Jayadi, H., Widyani, I. D. A., & Simbolon, P. G. M. (2023). Analisis Mekanisme Pengajuan Hak Milik Atas Tanah yang Sejak Semula dikuasai Oleh Negara Berdasarkan Peraturan Perundang-Undangan Republik Indonesia. *Multidisciplinary National Proceeding*, 1, 151-157. Retrieved from <https://publishing.impola.co.id/index.php/prosiding/article/view/10>
- Junaedi, J., Saputro, A., & Sami'an, S. (2025). Challenges in Electrical Infrastructure Permitting: A Case Study of Substation Development in South Sumatra. *SIGN Jurnal Hukum*, 6(2), 313-327. <https://doi.org/10.37276/sjh.v6i2.393>
- KDM Channel. (2025, April 23). *Ini Penjelasan Kapolres Metro Depok - Kasus Cimanggis: Sikap KDM Hadapi Premanisme* [Video]. YouTube. <https://youtube.com/watch?v=Vwc1crrYWx4>
- Kelsen, H. (1945). *General Theory of Law and State*. Harvard University Press.
- Kunu, A. B. D. (2012). Kedudukan Hak Menguasai Negara Atas Tanah. *Fiat Justisia: Jurnal Ilmu Hukum*, 6(1), 1-10. <https://doi.org/10.25041/fiatjustisia.v6no1.343>
- Law of the Republic of Indonesia Number 5 of 1960 on Basic Provisions of Agrarian Principles (State Gazette of the Republic of Indonesia of 1960 Number 104, Supplement to the State Gazette of the Republic of Indonesia Number 2043). <https://www.dpr.go.id/dokumen/jdih/undang-undang/detail/1361>
- Parsaulian, D. (2025, May 6). *4.800 Warga Kampung Baru Depok tak Punya KK, KTP, Akta Kelahiran*. Media Indonesia. Retrieved June 3, 2025, from <https://mediaindonesia.com/nusantara/768305/4800-warga-kampung-baru-depok-tak-punya-kk-ktp-akta-kelahiran>
- Qamar, N., & Rezah, F. S. (2020). *Metode Penelitian Hukum: Doktrinal dan Non-Doktrinal*. CV. Social Politic Genius (SIGN).
- Ramadhanty, D. A., & Pratama, A. M. (2025, April 23). *1.800 Orang yang Tinggal di Kampung Baru Tak Punya KTP Depok*. Kompas.com. Retrieved May 6, 2025, from <https://megapolitan.kompas.com/read/2025/04/23/17441001/1800-orang-yang-tinggal-di-kampung-baru-tak-punya-ktp-depok>
- Rawls, J. (1971). *A Theory of Justice*. Harvard University Press.
- Regulation of Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 21 of 2020 on Handling and Resolution of Land Cases (Bulletin Gazette of the Republic of Indonesia of 2020 Number 1369). <https://peraturan.bpk.go.id/details/210603/permen-agrariakepala-bpn-no-21-tahun-2020>

- Regulation of Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 18 of 2021 on Procedures for the Determination of Management Rights and Rights over Land (Bulletin Gazette of the Republic of Indonesia of 2021 Number 1202). <https://peraturan.bpk.go.id/details/209828/permen-agrariakepala-bpn-no-18-tahun-2021>
- Sampara, S., & Husen, L. O. (2016). *Metode Penelitian Hukum*. Kretakupa Print.
- Sanghera, B., & Satybaldieva, E. (2012). Ethics of Property, Illegal Settlements and the Right to Subsistence. *International Journal of Sociology and Social Policy*, 32(1-2), 96-114. <https://doi.org/10.1108/01443331211201798>
- Sidqi, F. A. (2024). Efektivitas Reforma Agraria dalam Mencapai Keadilan dan Kesejahteraan Masyarakat. *Al-Mikraj: Jurnal Studi Islam dan Humaniora*, 4(2), 2070-2079. <https://doi.org/10.37680/almikraj.v4i02.6327>
- Syam, M. R. A., & Muzakkir, A. K. (2022). Status and Position of the SHM of Condominium Units after a Fire: Makassar Mall Shopping Center. *SIGn Jurnal Hukum*, 4(2), 202-220. <https://doi.org/10.37276/sjh.v4i2.218>
- Tanto, A. (2021). Analisis Tumpang Tindih Penguasaan Bidang Tanah Berdasarkan Surat Pernyataan Penguasaan Fisik Bidang Tanah (SPPFBT) dengan Sertifikat Hak Pengelolaan (Studi Putusan Mahkamah Agung Nomor: 37/K/TUN/2018). *Indonesian Notary*, 3(4), 90-111. <https://scholarhub.ui.ac.id/notary/vol3/iss4/5>
- Whisnu, M. (2025, April 22). *Kepemilikan Lahan di Permukiman Kampung Baru Kota Depok Belum Jelas*. Metro TV. Retrieved May 6, 2025, from <https://metrotvnews.com/read/kewCMIqM-kepemilikan-lahan-di-permukiman-kampung-baru-kota-depok-belum-jelas>
- Yustini, L. W. (2022). Kekuatan Hukum Sertifikat Hak Atas Tanah yang Pendaftarannya Secara Sporadik Berdasarkan PP No 24 Tahun 1997. *Justicia Sains: Jurnal Ilmu Hukum*, 7(2), 386-403. <https://doi.org/10.24967/jcs.v7i2.1984>
- Zainuddin, Z. (2022). The Legal Due Diligence of Land Acquisition for the Public Interest: A Critical Review. *SIGn Jurnal Hukum*, 4(1), 46-57. <https://doi.org/10.37276/sjh.v4i1.159>