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Administrative Control of Illegal Settlements on Former Cemetery Land in Surakarta

Dina Wahyu Pamungkasari^{1*}, Femmy Silaswati Faried², & Muhammad Aziz Zaelani³

^{1,2,3}Universitas Islam Batik
Surakarta, Indonesia

Correspondence

Dina Wahyu Pamungkasari,
Universitas Islam Nusantara,
Indonesia, Jl. Agus Salim No.10,
Sondakan, Kec. Laweyan, Kota
Surakarta, Jawa Tengah 57147, e-
mail: dinawahyupam@gmail.com

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Original Article

Abstract

Illegal settlements in the former Bong Mojo cemetery area of Jebres, Surakarta, constitute a significant challenge to urban spatial planning. The construction of unauthorized buildings on land held under Right of Use (Hak Pakai) status reflects high housing demand, weak regulatory oversight, and insufficient enforcement of land law. This study examines the role of the Surakarta City Office of Housing, Settlement Areas, and Land Affairs in addressing the misuse of Hak Pakai land and identifies the institutional and practical obstacles encountered. Employing an empirical legal research design with a qualitative approach, data were collected through field observations, in-depth interviews, and document analysis. The findings indicate that the agency plays a strategic role in supervision, data management, law enforcement, and cross-sectoral coordination. However, implementation is constrained by limited institutional capacity, community resistance, complex land tenure arrangements, and low levels of regulatory compliance. High housing demand coupled with limited purchasing power further incentivizes illegal land use. This study underscores the need to strengthen spatial control policies, enhance inter-agency coordination, and expand access to affordable housing in order to promote orderly land use and ensure legal certainty in Surakarta.

Keywords: *Informal Housing, Right of Use, Land Administration, Spatial Planning, Housing and Settlement Affairs Office.*

Abstrak

Permasalahan hunian liar di kawasan eks pemakaman Bong Mojo, Jebres, Surakarta, merupakan isu serius dalam penataan ruang perkotaan. Pendirian bangunan ilegal di atas lahan berstatus Hak Pakai Pemerintah Kota mencerminkan tingginya kebutuhan hunian, lemahnya pengawasan, serta kurang tegasnya penegakan hukum pertanahan. Penelitian ini bertujuan menganalisis peran Dinas Perumahan dan Kawasan Permukiman serta Pertanahan Kota Surakarta dalam menangani penyalahgunaan Hak Pakai, sekaligus mengidentifikasi kendala yang dihadapi. Metode yang digunakan adalah penelitian hukum empiris dengan pendekatan kualitatif melalui observasi, wawancara, dan studi dokumentasi. Hasil penelitian menunjukkan bahwa dinas berperan strategis dalam pengawasan, pendataan, penertiban, dan koordinasi lintas sektor. Namun, pelaksanaannya masih terhambat oleh keterbatasan sumber daya, resistensi masyarakat, kompleksitas status lahan, serta rendahnya kepatuhan terhadap regulasi. Tingginya kebutuhan hunian dan keterbatasan daya beli masyarakat turut mendorong pemanfaatan lahan ilegal. Penelitian ini menegaskan pentingnya penguatan kebijakan pengendalian ruang, peningkatan koordinasi antarlembaga, serta penyediaan alternatif hunian layak guna mewujudkan tertib pemanfaatan lahan dan kepastian hukum pertanahan di Surakarta.

Kata Kunci: *Hunian Liar, Hak Pakai, Pertanahan, Penataan Ruang, Dinas Perumahan dan Kawasan Permukiman*

1. INTRODUCTION

Housing constitutes a fundamental human need alongside food and clothing. Beyond its function as physical shelter from environmental conditions, housing plays a crucial role in family development, the transmission of social values, and the expression of a community's cultural identity.¹ Law Number 4 of 1992 on Housing and Settlements defines a house as a building that serves as a residence or dwelling and as a medium for family development.² Similarly, the World Health Organization conceptualizes housing as a physical structure that provides protection while supporting the physical, mental, and social well-being of its occupants.³ At the international level, the United Nations Committee on Economic, Social and Cultural Rights recognizes access to adequate, safe, and affordable housing as an integral component of human rights.⁴ Within the framework of national development, the availability of adequate housing constitutes a basic prerequisite for the realization of a prosperous, independent, and socially just society.

Notwithstanding its regulation across multiple legal instruments, the fulfillment of the right to adequate housing continues to encounter substantial obstacles. Constraints on urban land availability, rapid population growth, and persistent economic inequality have generated structural imbalances between housing demand and supply. Data from the Ministry of Public Works and Public Housing indicate that Indonesia's housing backlog remains considerable. In 2023, the homeownership backlog—the disparity between existing housing stock and actual housing needs—was estimated at approximately 12.7 million units. Statistical data from the Central Statistics Agency further demonstrate that this gap has fluctuated in recent years.⁵ Based on the National Socioeconomic Survey, the homeownership backlog declined to around 9.9 million units in 2023 from approximately 10.51 million units in 2022.⁶ These conditions are compounded by rising land prices and the weakening purchasing power of low-income households, leading to the proliferation of informal housing, including substandard dwellings, slum areas, and settlements established on land unsuitable for residential use.

¹ Urip Santoso, *Hukum Perumahan* (Jakarta: Kencana, 2014), hal. 2.

² Indonesia, “Undang-Undang Nomor 4 Tahun 1992” (1992) Bab I, Pasal 1 ayat (5).

³ Santi Rosalina, Heriziana. Hz, dan Hamyatri Rawalilah, “Penyuluhan Tentang Rumah Sakit dalam Upaya Pencegahan Penyakit Berbasis Lingkungan di Kelurahan 26 Ilir Palembang Tahun 2023,” *Safari: Jurnal Pengabdian Masyarakat Indonesia* 3, no. 3 (2023): 207–20, <https://doi.org/10.56910/safari.v3i3.854>.

⁴ Atin Meriati Isnaini dan Lalu Adnan, “Hak Warga Negara Dalam Pemenuhan Lingkungan Tempat Tinggal yang Layak Ditinjau dari Perspektif Hukum Hak Asasi Manusia,” *JATISWARA* 33, no. 1 (2018): 1–13, <https://doi.org/10.29303/jtsw.v33i1.158>.

⁵ Habitat for Humanity Indonesia, “Dukung Program Tiga Juta Rumah untuk Indonesia: Habitat for Humanity Indonesia Prioritaskan Golongan Ekonomi Paling Rendah dan Menengah-Bawah,” <https://habitatindonesia.org/dukung-program-tiga-juta-rumah-untuk-indonesia-habitat-for-humanity-indonesia-prioritaskan-golongan-ekonomi-paling-rendah-dan-menengah-bawah/>.

⁶ Oki Baren, “Angka Backlog Perumahan Turun Jadi 9,9 Juta Tahun 2023,” [industriproperti.com](https://www.industriproperti.com), 2023, <https://www.industriproperti.com/headline/angka-backlog-perumahan-turun-jadi-99-juta-tahun-2023/>

This situation illustrates a persistent disconnect between normative legal frameworks and the social realities of housing provision in Indonesia.

One significant consequence of the acute demand for housing is the proliferation of unauthorized settlements on former cemetery land. Such land possesses a distinct function and legal status that is formally protected under regional regulations. Nevertheless, in several regions, including the City of Surakarta, former burial grounds have been increasingly converted into residential areas without the requisite legal authorization. A prominent example can be found in the former Bong Mojo cemetery area in Jebres, Surakarta, where residents have unlawfully constructed dwellings on land designated as Right of Use (Hak Pakai) No. 71 and No. 62, which is owned by the municipal government.⁷ According to the Head of the Surakarta Housing, Settlement Areas, and Land Agency, Taufan Basuki Supardi, such practices have persisted since the early 2000s, with some occupants engaging in informal land transactions lacking any legal basis.

This condition has generated multiple adverse effects, including violations of spatial planning regulations, disputes over land ownership, and environmental health risks arising from inadequate sanitation infrastructure. More broadly, this situation illustrates deficiencies in local government supervision and control over land utilization. The Bong Mojo area has been occupied for an extended period, with the most extensive informal land transactions occurring in neighborhood units (RT) 001–003 of Kampung Sawah Karang, Jebres. Numerous old and newly constructed houses have been erected on former cemetery land, often in close proximity to large Chinese graves. Land prices in the former Bong Mojo cemetery area vary, with certain plots reportedly sold for approximately IDR 7 million for an area of 56 square meters. In general, residents occupy these parcels due to the absence of alternative land for housing and the relatively lower land prices compared to surrounding areas.⁸

Within the framework of regional autonomy, responsibility for land-use planning and supervision is vested in local governments. Pursuant to Surakarta City Regional Regulation Number 8 of 2021 on the Establishment and Organizational Structure of Regional Apparatus, and Surakarta Mayoral Regulation Number 12 of 2023 concerning the Position, Organizational Structure, Duties, Functions, and Work Procedures of the Housing, Settlement Areas, and Land Agency, this agency is mandated to administer governmental functions in the fields of housing, settlement areas, and land affairs. These responsibilities include the formulation of technical policies, as well as guidance, supervision, and enforcement related to land use. However, the practical exercise of

⁷ Labib Zamani dan Ardi Priyatno Utomo, “Cerita Warga Nekat Dirikan Bangunan Liar di Bong Mojo Solo meski Sudah Tahu Milik Pemkot: Tak Punya Rumah,” *kompas.com*, 2022, <https://regional.kompas.com/read/2022/07/15/102944378/cerita-warga-nekat-dirikan-bangunan-liar-di-bong-mojo-solo-meski-sudah-tahu?page=all>.

⁸ Tim Solopos, “Cerita Warga Beli Tanah Bekas Kuburan Mojo Solo Rp7 Juta Sebidang,” *solopos.espos.id*, 2022, <https://solopos.espos.id/cerita-warga-beli-tanah-bekas-kuburan-mojo-solo-rp7-juta-sebidang-1365404>.

this authority is frequently constrained by various factors, including limited human resources, inadequate inter-agency coordination, social resistance from informal occupants, and the complexity of land tenure status. Consequently, the effectiveness of the Housing, Settlement Areas, and Land Agency in enforcing spatial planning regulations constitutes a critical issue that warrants further in-depth examination.

In academic discourse, the phenomenon of informal settlements in urban areas is predominantly examined through the lenses of housing policy, spatial planning, or the socioeconomic conditions of urban low-income communities. A substantial body of scholarship identifies land scarcity, persistent housing backlogs, and unequal access to adequate housing as the principal drivers of informal settlement growth. However, such analyses tend to emphasize macro-level perspectives and often overlook the manner in which local governments exercise administrative authority in responding to the misuse of state-controlled land rights. Within the framework of regional autonomy, local government agencies occupy a strategic position as the primary actors responsible for implementing land and spatial planning regulations at the local level. The manner in which this authority is exercised is therefore decisive in determining whether land law operates effectively or becomes diluted in practice.

The limited attention given to the practical exercise of administrative authority becomes particularly significant in cases involving prolonged misuse of local government land that is intertwined with complex social dynamics. In these circumstances, local governments are required not only to enforce legal norms but also to navigate tensions between the demands of legal certainty and the need for social protection for communities that have long relied on informal settlements as a means of livelihood. Accordingly, an examination of the role of the Housing, Settlement, and Land Agency cannot be confined to a purely normative analysis; it must be grounded in an assessment of actual practices, policy implementation patterns, and the practical limits of administrative effectiveness. This analytical orientation provides the conceptual basis for the present study, which seeks to address an academic gap concerning the implementation of land law in the context of urban land-use disputes.

Against this background, this study aims to analyze the role of the Surakarta City Housing, Settlement, and Land Agency in addressing the misuse of land use rights for illegal settlements on the former Bong Mojo cemetery land in Jebres, Surakarta. The analysis focuses on land law enforcement measures, spatial planning policies, and the challenges encountered in controlling illegal settlements. The findings are expected to contribute to a more comprehensive understanding of the dynamics of housing policy implementation at the regional level and the extent to which such implementation conforms to applicable legal principles. From an academic perspective, this research seeks to strengthen the discourse on agrarian law and urban land governance, particularly within the context of regional autonomy in land administration.

Practically, the findings of this study are expected to serve as a foundation for policy recommendations aimed at assisting local governments in formulating more effective and equitable strategies for addressing illegal settlements. These recommendations are intended to align with the mandate of Law Number 1 of 2011 on Housing and Residential Areas, which underscores the obligation to ensure the provision of decent, safe, and healthy housing for all segments of society. The study also supports the implementation of Law Number 39 of 1999 on Human Rights and Article 28H paragraph (1) of the 1945 Constitution of the Republic of Indonesia, both of which affirm the right of every citizen to achieve physical and spiritual well-being, to have adequate housing, and to enjoy a decent living environment. Accordingly, this article seeks to contribute to the enrichment of scholarly discourse on land governance and to serve as a reference for the development of public policies in the field of sustainable housing.

2. RESEARCH METHODOLOGY

This study adopts an empirical legal approach aimed at examining the application of law in social practice, particularly in relation to the misuse of land use rights over the former Bong Mojo cemetery for illegal settlements and the role of the Surakarta City Housing, Settlement Areas, and Land Agency in addressing this issue. This approach is employed because the research emphasizes the interaction between legal norms and the realities of their implementation in the field. The study was conducted at the Surakarta City Housing, Settlement Areas, and Land Agency, as the institution vested with direct authority over land management, as well as in the former Bong Mojo cemetery area, which constitutes the locus of the misuse of land use rights. The research utilizes both primary and secondary data. Primary data were obtained through field observations and open-ended interviews with relevant stakeholders, while secondary data were collected through a review of applicable laws and regulations, official government documents, and legal scholarship. Data collection techniques included observation, interviews, and documentary research. The collected data were analyzed qualitatively, organized systematically, and presented in a descriptive manner to depict empirical conditions in accordance with the formulated research questions.

3. RESULT AND DISCUSSION

3.1. The Role of the Surakarta City Housing, Settlement Areas, and Land Agency in Addressing the Misuse of Land Use Rights for Illegal Settlements in the Former Bong Mojo Cemetery Area

The misuse of land use rights over the former Bong Mojo cemetery in Jebres, Surakarta, represents a manifestation of tension between community housing needs and the state's authority to regulate and control land utilization. From a legal perspective, the Bong

Mojo land is held under a Right of Use (Hak Pakai) by the Surakarta City Government and is not designated for residential purposes. Nevertheless, in practice, the land has long been occupied by illegal settlements, accompanied by informal land transactions conducted without any legal foundation. This condition reflects a functional transformation of state land that not only contravenes land and spatial planning regulations but also erodes the principle of legal certainty governing land tenure and use.⁹

Within this framework, the Surakarta City Housing, Settlement Areas, and Land Agency assumes a strategic role as a regional authority vested with administrative powers to regulate land use. This role is primarily exercised through monitoring and systematic data collection on land utilization that deviates from its designated purpose. Field supervision is undertaken to verify actual land-use conditions, while data collection focuses on identifying the number of structures, occupancy status, and patterns of land occupation. Such activities extend beyond mere administrative functions, serving instead as a preliminary basis for determining appropriate policy responses, including enforcement measures, activity restrictions, or potential rezoning.¹⁰

In addition, the Housing, Settlement Areas, and Land Agency facilitates the enforcement of unlawful land use through cross-sectoral coordination with the Public Order Agency (Satpol PP), sub-district authorities, and village administrations. This coordination underscores that the management of illegal settlements cannot be addressed in isolation but requires an integrated approach among institutions responsible for enforcing regional regulations and spatial planning controls. In practice, however, enforcement efforts have tended to be incremental and limited, with greater emphasis placed on preventing the expansion of new structures rather than undertaking comprehensive clearance. This approach reflects the local government's cautious stance in balancing regulatory enforcement with potential social repercussions.

Beyond enforcement measures, the agency also undertakes legal awareness initiatives aimed at informing the public about the legal status of the former Bong Mojo cemetery land. These outreach efforts emphasize that land occupation or acquisition without a legal basis does not confer ownership rights, regardless of the duration of such occupation. This persuasive strategy is particularly significant given the socioeconomic vulnerability of most occupants and their strong social attachment to the area. Accordingly, the role of the Housing, Settlement Areas, and Land Agency encompasses not only coercive regulatory functions but also educational efforts, the effectiveness of which largely depends on community compliance and acceptance.

⁹ Sasikirana Anastasia et al., "Implikasi Hukum Agraria terhadap Konflik Pertanahan Indonesia," *Arus Jurnal Sosial dan Humaniora* 4, no. 2 (2024): 545–533, <https://doi.org/10.57250/ajsh.v4i2.485>.

¹⁰ Wibisono, *Implementasi Kebijakan Penataan Wilayah Pertahanan Darat di Kota Bandung* (Sumedang: Mega Press Nusantara, 2024), hal. 89.

Another significant function involves facilitating the provision of alternative housing through government-managed rental housing schemes. This policy reflects an approach to addressing illegal settlements that extends beyond strict land law enforcement to encompass social protection considerations. The availability of alternative housing is intended to mitigate social conflict and to prevent the displacement of residents into new informal settlements elsewhere.¹¹ Nevertheless, the limited capacity of rental housing and the restrictive criteria applied to beneficiaries indicate that this measure has not fully responded to the urgent housing needs of low-income communities.

Accordingly, the role of the Surakarta City Housing, Settlement Areas, and Land Agency in addressing the misuse of land use rights for illegal settlements in the former Bong Mojo cemetery area may be characterized as administrative in nature, encompassing controlling, facilitative, and persuasive functions. These functions are implemented through supervision, data collection, limited enforcement, public outreach, and the provision of alternative housing. Despite these efforts, structural constraints continue to undermine the effectiveness of illegal settlement management. This condition demonstrates that the resolution of informal settlement issues cannot rely solely on the administrative authority of a single agency, but rather requires the strengthening of cross-sectoral policy frameworks and the integration of land law enforcement with housing policies that prioritize vulnerable populations.¹²

Although the Housing, Settlement Areas, and Land Agency has undertaken various administrative measures—including monitoring, data collection, limited enforcement, and the provision of alternative housing—the effectiveness of these interventions remains constrained by structural factors. An approach that is predominantly administrative and persuasive has proven insufficient to address the systemic and long-standing misuse of land use rights. This situation suggests that the exercise of state authority at the regional level has not been accompanied by a clearly articulated transition policy designed to relocate communities from illegal settlements into lawful housing arrangements. Consequently, policy responses tend to be reactive and defensive, preserving short-term social stability while failing to substantially reduce the risk of recurring land use violations. In practice, the implementation of these administrative roles reveals persistent legal, social, and institutional obstacles in addressing illegal settlements in the Bong Mojo area.

¹¹ Syugiarto, Khairul Umam Karim, dan Handi Wahyudi Kusnadi U. Tadjia Lembah, “Sengketa Lahan Pembangunan Hunian Tetap Kota Palu,” *Jurnal Administrator* 3, no. 1 (2021): 1–12, <https://doi.org/10.55100/administrator.v3i1.27>.

¹² Guntoro, “Menggagas Reforma Agraria Perkotaan: Perspektif Hak Asasi Manusia dan Good Governance Untuk Pemenuhan Hak Atas Tempat Tinggal,” *At-Tasyrih* 11, no. 1 (2025): 35–52, <https://doi.org/10.55849/attasyrih.v11i1.281>.

3.2. Legal, Social, and Administrative Challenges in Addressing the Misuse of Land Use Rights for Illegal Settlements in the Former Bong Mojo Cemetery Area

Efforts to address the misuse of land use rights for illegal settlements in the former Bong Mojo cemetery area are inseparable from a range of multidimensional challenges. These challenges arise not only from legal considerations but also from interconnected social and administrative factors. Such complexity constitutes a primary reason why land-use regulation and control have remained suboptimal, despite the formal authority vested in local government institutions.

From a land law perspective, the principal obstacle lies in the tension between the land's legal status and the reality of prolonged community occupation. Normatively, the former Bong Mojo cemetery land is held under a Right of Use (*Hak Pakai*) by the Surakarta City Government and, as such, is not transferable or intended for private residential use. In practice, however, segments of the community have occupied the land for an extended period, in some cases since the early 2000s. This prolonged occupation has fostered a misperception that long-term physical control may give rise to land rights. Such a belief directly contradicts the fundamental principles of national land law, which maintain that possession without a legal basis cannot generate ownership rights, thereby placing local authorities in a difficult position when pursuing enforcement measures.

These legal challenges are further intensified by the prevalence of informal land transactions in the area. Illegal sales conducted without certificates or legal recognition have not only expanded the number of informal occupants but have also generated new conflicts when purchasers perceive themselves as aggrieved parties during eviction processes. This practice reflects deficiencies in early-stage supervision and law enforcement, allowing initial violations to evolve into systemic issues that are difficult to resolve through legal mechanisms alone.

Beyond legal constraints, social factors constitute a substantial barrier to the management of informal settlements in Bong Mojo. Many occupants are economically vulnerable and lack access to affordable housing alternatives. The former cemetery area is often selected due to its relatively low costs and its proximity to centers of economic activity. These conditions contribute to strong social resistance to eviction measures, which are frequently perceived as direct threats to residents' livelihoods and shelter. Such resistance commonly manifests in opposition to relocation programs and non-compliance with prohibitions on new construction.

From an administrative standpoint, the Housing, Settlement Areas, and Land Agency also faces limitations in human resources and budgetary capacity, restricting its ability to conduct continuous and intensive field supervision. These constraints hinder sustained monitoring efforts and allow the recurrence of illegal construction in areas

subject to control. Moreover, although inter-agency coordination has been formally established, challenges remain in aligning institutional mandates and ensuring policy coherence. Divergent approaches among agencies in addressing illegal settlements risk undermining the overall effectiveness of enforcement at the operational level.

The convergence of legal, social, and administrative constraints has a direct bearing on the effectiveness of local governments in enforcing orderly land use. Responses to illegal settlements have tended to be reactive and fragmented, addressing symptoms rather than the underlying causes of the problem. This condition indicates that the persistence of informal settlements in the former Bong Mojo cemetery area is not merely a matter of legal non-compliance, but also reflects shortcomings in housing policy in providing adequate and affordable alternatives for low-income populations.

Accordingly, the challenges encountered by the Housing, Settlement Areas, and Land Agency in addressing the misuse of land rights for illegal settlements underscore the necessity of a more integrated policy framework. Land law enforcement must be complemented by housing policies that are responsive to social needs, alongside strengthened administrative capacity at the local level.¹³ In the absence of such integration, efforts to regulate land use and ensure legal certainty are likely to continue encountering social resistance and structural constraints that hinder sustainable resolution.

Over the long term, the failure to adequately address illegal settlements on land subject to specific land rights poses serious risks to land governance and the authority of law at the regional level.¹⁴ Prolonged tolerance of unlawful occupation without a clear and structured resolution tends to generate a misleading sense of social legitimacy, whereby practices that are legally impermissible become normalized within the community.¹⁵ This normalization not only exacerbates the scale of land use violations but also establishes adverse precedents in the management of local government land assets. In the context of Bong Mojo, the continued existence of illegal settlements risks obscuring the distinction between lawful and unlawful occupation, thereby undermining the principle of legal certainty that underpins the national land law system.

Furthermore, the limited effectiveness of measures to address informal settlements has contributed to a decline in the binding force of urban spatial planning policies. The lack of firm control over land use fosters social expectations that violations of spatial planning regulations will ultimately be tolerated or resolved through compromise. This condition creates the potential for the expansion of illegal housing into other areas with similar characteristics, particularly on underutilized land owned by

¹³ Vallensi Mizatul Khair dan Wahib Assyahri, "Optimalisasi Administrasi Pertanahan Indonesia: Tantangan dan Strategi Menuju Kepastian Hukum," *Journal of Public Administration and Management Studies* 2, no. 2 (2024): 55–62, <https://journal.umnyarsi.ac.id/index.php/JPAMS/article/view/114>.

¹⁴ Gunanegara, *Mafia Tanah & Primim Remedium* (Jakarta: Google Books, 2022), hal. 3-4.

¹⁵ Iwan Permadi, "Kejahatan Mafia Tanah Sebagai Ancaman Penguasaan Tanah yang Berkepastian Hukum," *Perspektif Hukum* 24, no. 1 (2024): 1–25, <https://doi.org/10.30649/ph.v24i1.250>.

local governments.¹⁶ Consequently, the issue of informal settlements can no longer be regarded as an isolated or incidental problem, but has evolved into a structural challenge that threatens the consistency of land and spatial planning policy implementation in urban areas.

Accordingly, the obstacles encountered in managing informal settlements in the former Bong Mojo cemetery area should be understood as an early warning of the risk of weakening the land law system if not addressed through more assertive and integrated policy responses. Without a shift toward an approach that combines legal certainty, social justice, and the sustainability of spatial planning, efforts to address informal settlements are likely to remain confined to repetitive, short-term interventions that fail to address the root causes of the problem.

The accumulation of legal, social, and administrative constraints in handling informal settlements in the former Bong Mojo cemetery area cannot be viewed solely as external impediments to the exercise of local government authority. Rather, these constraints also reflect limitations in the design of housing and land policies that have yet to fully respond to the housing pressures faced by low-income communities. The absence of a phased strategy that integrates law enforcement, realistic relocation measures, and guaranteed access to adequate housing has resulted in policies that function primarily as temporary controls rather than as structural solutions. In this context, the limited effectiveness of informal settlement management is a direct consequence of the misalignment between the objectives of spatial planning and the capacity of housing policy to respond to the realities of urban social conditions.

4. CONCLUSION

The misuse of land use rights for illegal settlements in the former Bong Mojo cemetery area in Jebres, Surakarta, illustrates a persistent tension between normative land law frameworks and the social realities of urban housing demand. From a legal standpoint, the land constitutes a local government asset that is not designated for residential purposes. In practice, however, its function has shifted as a result of weak land-use control mechanisms and sustained housing pressures that have not been adequately addressed through housing policy interventions.

The research findings indicate that the Surakarta City Housing, Settlement Areas, and Land Agency have exercised its administrative authority through supervision, data collection, limited enforcement actions, cross-sectoral coordination, and the provision of alternative housing. Nevertheless, these measures have not resulted in effective or sustainable control. A predominantly administrative and persuasive approach has tended to preserve short-term social stability while failing to address the structural

¹⁶ Nyoman Sukamara et al., *Dinamika Tata Ruang dan Keberlanjutan Lingkungan Binaan*, ed. oleh I Komang Gede Santhayasa (Denpasar: UNHI Press, 2021), hal. 17-19.

foundations of informal settlements, particularly the absence of a clear transition framework enabling movement from illegal occupation to lawful and adequate housing.

Moreover, the legal, social, and administrative challenges encountered in managing informal settlements are closely linked to deficiencies in the design of regional housing and land policies. The limited integration between land law enforcement and policies aimed at ensuring access to adequate housing has produced responses that are largely reactive and fragmented. In this context, non-compliance with land regulations reflects not only low levels of legal awareness but also restricted access to affordable and legally secure housing options.

Accordingly, achieving orderly land use and legal certainty in Surakarta City necessitates a more integrated and long-term policy orientation. Enhanced land-use control must be accompanied by the provision of viable housing alternatives, the strengthening of local administrative capacity, and the formulation of equitable transition mechanisms for affected communities. In the absence of such measures, the management of illegal settlements is likely to recur, positioning the state as a formal authority while undermining its substantive effectiveness in ensuring equitable urban governance.

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