

Efforts to Prevent Land Changes Due to Natural Disasters in Tridi Village Malang City

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ABSTRACT

To ensure environmental sustainability and mitigate the risk of natural disasters such as flooding, the Malang City government has imposed a ban on residential development along the banks of the Brantas River through Malang City Regional Regulation No. 6 Year 2022. This study examines the measures adopted by the Malang City government to regulate the spatial layout of settlements in Kampung Tridi and prevent land degradation due to natural disasters, similar to the approach taken in Taman Bendungan Tirtonadi Solo in Central Java. Using Socio-Legal methodology, the study explores the perceptions and legal behaviors of riverside landowners and the government's strategies to protect the land. The findings of this study reveal that the Malang City government's efforts mainly focus on enforcing strict zoning in Kampung Tridi to comply with spatial regulations. This abstract is intended to provide a comprehensive overview of the study, highlighting the importance of the legal framework in urban planning and environmental protection.

Keywords:

Land
Degradation;
Environmental
Protection;
Urban
Planning.

INTRODUCTION

Land and buildings are fundamental to human existence, serving as a place to live and a source of livelihood. In Indonesia, rapid population growth has a significant impact on the demand for adequate land, emphasizing the need for effective land management, control and protection. The legal and philosophical foundations of land rights, rooted in the need for human survival, dictate the maintenance and protection of this important resource. (Gebremedhin and Swinton 2003).

Land management issues in Indonesia are fraught with controversy ranging from compensation disputes to the nefarious activities of the land mafia, resulting in considerable financial losses as evidenced by the high-profile case involving Nirina Zubir. (Al Farisi, Baharudin and Keteng 2021).. Damage from natural disasters such as the Palu liquefaction in 2018 further complicates land management. (News Indonesia 2018). Previous studies have addressed these issues separately, however, the lack of comprehensive research combining land management with disaster mitigation strategies suggests a gap in integrating legal, sociological and environmental approaches to land rights protection.

The urgency of this research is underscored by the continuing land degradation due to natural disasters and residential encroachment in protected areas, which threatens ecological balance and sustainable urban planning. With the increasing frequency of natural disasters, there is a critical need to understand and implement effective disaster mitigation strategies within the framework of spatial planning and land rights law.

The main legal issue revolves around the contradiction between existing agrarian law and the reality of disaster management and land degradation. The legal framework, as set out in the Basic Agrarian Law and the Disaster Management Law, provides a basis for addressing these issues, but lacks specificity in the context of disaster-related land degradation and its impacts on land.

The purpose of this research is to investigate how the legal and policy frameworks of the government in Malang City address the challenges of land degradation due to natural disasters and inappropriate land use. The research aims to propose modifications to spatial planning and disaster management strategies to enhance land rights resilience and ensure sustainable urban development.

METHOD

The type of research chosen by the author in this study is Socio-Legal research which is research with legal studies, which uses a social research methodological approach in a broad sense.(Irianto 2012). This research is also based on literature studies including research on legal principles, legal sources, laws and regulations of a scientific theoretical nature as a support for analyzing topics in accordance with the problem.

The theory used as an analysis knife in this research is the Theory of Legal Effectiveness, Effective when interpreted can be successful or implemented. According to the Indonesian dictionary, effectiveness means a condition in which it is played to monitor the effectiveness of the program.(Indonesia 2018). In this case the word "He" is a state apparatus that has the right to monitor the progress or effectiveness of the applicable law, especially laws related to the protection of land rights. Lawrence M. Friedman's theory states that a law can be said to be effective by looking at three elements in the legal system, namely legal structure, legal substance, and legal culture.(Lesmana 2021).

These factors are benchmarks that can be studied further and greatly affect the effectiveness of the applicable law. It is also related to the control efforts of the Malang city government and the owner of land rights, namely PT KAI and the local community in preventing land changes until the land is destroyed due to natural disasters, especially in the Brantas river border area, namely Kampung Tridi.

The efforts or mitigation of the Malang city government and the community are very important to protect the ownership of land and/or building rights if the object changes until it is partially or completely destroyed due to natural disasters such as floods. Moreover, the Brantas river border is a disaster-prone area. This also supports the principle of equality for all Indonesian citizens where the principle explains that every Indonesian citizen has the same opportunity to obtain a land right and to get the benefits and results, both for themselves and their families. (Muchsin, Koeswahyono, and Soimin 2007).

RESULTS

1. Efforts of the Malang City Government in conducting Spatial Control of Tridi Village Settlements and Preventing Land Changes Due to Natural Disasters in the Brantas River Basin.

Land, buildings or houses are also a source of life, therefore to be able to fulfill the needs of life, certain property must be owned, because for humans, there are certain goods that are "*the natural media on which human existence depends*".(Saddewa 2018). Land rights including use can be erased based on Article 40 letter f of Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles and one of the causes is that the object or land is destroyed, so there needs to be legal protection related to this problem.

The general provisions of Article 1 Item 1 of Law Number 24 Year 2007 on Disaster Management states that natural disasters are events or series of events that threaten and disrupt people's lives and livelihoods, whether caused by natural factors and/or non-natural factors or human factors that cause casualties, environmental damage, property losses and mental or psychological impacts on humans. This definition divides disaster categories based on their causes, namely natural disasters, non-natural disasters and social disasters.(Koida 2021).

In the early formation of Law Number 5 of 1960 concerning Basic Agrarian Principles, it did not pay attention to aspects of disaster in Indonesia, so it is necessary to further study mitigation as a preventive measure to minimize the impact of natural disasters. Mitigation can be applied in the arrangement, utilization and control of urban spatial planning.

The high number of natural disasters, can result in physical changes to the land until the land is destroyed so that the owner of the land rights will lose his rights or his rights are nullified because the object of the land is destroyed either in part or in whole.(Republic of Indonesia 1960). In reality, the provision of land destruction needs further elaboration and explanation in order to protect land rights owners.

Land destroyed is land that has changed from its original form due to natural events and can no longer be identified so that it cannot be functioned, used, and utilized properly. The definition is contained in the general provisions of article 1 point 12 of Government Regulation No. 18 of 2021 concerning Management Rights, Land Rights, Flat Units, and Land Registration.(Republic of Indonesia 2021a) *Juncto* Article 2 paragraph 2 of the Regulation of the Minister of ATR BPN Number 17 of 2021 concerning destroyed land.

Erasure of land rights due to land destruction also occurs due to the incompatibility of juridical data and physical data because the object changes or is destroyed either partially or completely, thus strengthening that the right is erased. Physical data is information on the location, boundaries and area of a plot of land and the buildings on it, while juridical data is information on the legal status of ownership of registered land rights.(Republic of Indonesia 1997).

The barometer related to land destruction is that the land can no longer be controlled physically, and can no longer be used because it physically cannot be recognized anymore.(Harsono 2013). Over time, destroyed land is regulated in the Regulation of the Minister of Agrarian Affairs and Spatial Planning of the National Land Agency Number 17 of 2021 concerning Destroyed Land. This is a very good innovation for Indonesian law in order to protect Land Rights Owners whose land objects are destroyed due to natural disasters.

The removal of land rights results in the loss of authority of the holder of the land rights, the loss of both material and immaterial losses. According to Wiryono Prodjodikoro, loss does not only mean only property but also other interests of a human being, namely the body, soul and honor of a person.(Prodjodikoro 2000). Based on this opinion, a person who loses land rights due to land destruction will experience losses.

The impact of physical changes to the land until the land is destroyed should be given clear direction and legal protection as Ricco Survival Yubaidi, in his journal states that:

"The Central Government is a representation of the people's mandate through UUPA. That the central government as the highest power organization must be able

to provide clear guidelines on the future of land ownership arrangements in Indonesia."(Yubaidi 2020)

The Malang city government, which has the authority to control land and spatial functions, must pay attention to this, because the settlement is indicated to violate the applicable regulations. Regulations must be anticipatory, adaptive and protective so that in this case it is necessary to mitigate the efforts of the Malang city government in preventing land from being destroyed in order to protect land rights owners.

Although the settlement is indicated to violate the city's spatial plan, the owner of land rights and the community in the Tridi settlement are entitled to legal protection if the land or residence owned is destroyed by natural disasters. This is also accompanied by maximum government efforts. The majority of building status in Kampung Tridi stands on the ownership of PT Kereta Api Indonesia DAOP 8, namely the Right of Use. In addition, the community there gave recognition that they were obedient to paying taxes. This reinforces the need for legal protection of land rights owners and communities, which philosophically is in accordance with Article 28 D Paragraph 1 of the 1945 Constitution of the Republic of Indonesia concerning the rights of an Indonesian citizen to legal guarantees and protection.

In addition, the Malang city government and PT Kereta Api Indonesia as the right of use holder can carry out spatial control for the creation of spatial order and protection of PT Kereta Api Indonesia assets and protection for the local community. The control needs to focus on preventing physical changes in land due to natural disasters that have an impact on land destruction.

In principle, the authority of the state as the highest authority in the organization of power, has the right to regulate the allocation, use, maintenance supplies of the earth, water, space and natural resources contained therein for the prosperity of the entire Indonesian nation as stated in Article 33 paragraph 3 of the 1945 Constitution and Article 2 of the UUPA which regulates that the state of legal relations (rights) between people and the earth, water, space and natural resources contained therein (concrete relationships), only owned by the Central Government. However, in its implementation, the authority can be delegated to the Regional Government, but it must not conflict with the national interest. (Peranginangin 1994).

In addition to the tridi village, there are several lands that are the result of the impact of natural disasters, one of which is the Tirto Dam which used to be a settlement that has turned into the Tirto Dam Park, playing an important role in mitigating the impacts of land use change and habitat loss caused by natural disasters.(Nagendra 2008)

Iman Soetikno emphasized that the State's authority in control consists of all the earth, water and space in the territory of the Republic of Indonesia, both of which:

- a. On top of that there are already individual/family rights, whatever they are called;
- b. On it there are still customary rights and such rights, whatever the name of the right; and
- c. There are no rights mentioned in sub a and b, and/or there are no holders of such rights. (e.g. former swapraja land, former western rights land, no man's land, state forests, etc.).(Soetikno 1990).

Based on this, control by the State, which is called the State's Right to Control, is a legal relationship between the State as a subject and natural resources, which in this case is land as an object. This legal relationship gives birth to the 'right to control

over land and at the same time 'obligations' for the State in the use and utilization of the land, namely for the greatest prosperity of the people. Thus, the State's Right to Control is an instrument, while its use for the prosperity of the people is an *objective*.(Sembiring 2016).

Based on the explanation of the State's Right to Control above, the State as the Central Government which has the authority can authorize the authority to the Regional Government as explained in Article 2 of the UUPA. Thus, autonomous regions or Government agencies may not exercise Agrarian authority or in the State's Right of Control without being delegated by a central Government agency and contained in a certain regulation and determining which authority is submitted.(A.P. 2015).

The Malang City Government based on Regional Autonomy has the freedom to regulate and manage the land sector within the framework of basic policies, and the main legal provisions that apply nationally as stated in the sentence: in accordance with laws and regulations.(Muchsin, Koeswahyono, and Soimin 2007)..

Thus the Malang City Government also has responsibility for spatial control. This is reinforced in Law No. 26 of 2007 concerning Spatial Planning, especially in article 11 which explains that the city government is given the authority to implement city spatial planning. In paragraph 2 it is stated that the city government in the implementation of spatial planning in the district / city has the authority to:

- a. District/city spatial planning;
- b. District/city spatial utilization; and
- c. Control of spatial utilization of the district/city area.

Then the authority is strengthened in article 20 of Government Regulation Number 21 of 2021 concerning the Implementation of Spatial Planning, where it is explained in the article regarding the authority of local governments to organize spatial planning.(Republik Indonesia 2021b).

Thus the Malang city government, which has received this authority, has issued Malang City Regional Regulation Number 6 of 2022 concerning the Malang City Regional Spatial Plan for 2022-2042 and Malang City Regional Regulation Number 1 of 2012 concerning Building, as a form of implementation.

The spatial planning of the city of Malang itself has been planned and its space utilization has also been regulated in accordance with the zoning and provisions in the Malang City Regional Regulation Number 6 of 2022 concerning the City Spatial Plan of Malang City Region 2022-2042 and Malang City Regional Regulation Number 1 of 2011 concerning Building. However, in reality, there are still many spatial planning problems in Malang city, especially in the aspect of controlling the spatial utilization of the city area.

Kampung Tridi, which is located in the Brantas river border area and is a protected area, is indicated to have violated several regulations, especially in the spatial planning of Malang City. Kampung Tridi is also an area prone to natural disasters such as floods and landslides, which can result in the destruction of land and damage to local buildings, causing losses to landowners and building owners.

To find out the spatial control efforts that have been implemented in the Kampung Tridi settlement in order to prevent land changes due to natural disasters in the Brantas river border area, in this research the Malang City Government is represented by several government agencies including:

- a. Infrastructure and Territory Section of the Regional Development Planning Agency of Malang City
- b. Settlement Area Arrangement Section of the Public Works, Spatial Planning, Housing and Settlement Area Office of Malang City.
- c. Part of the prevention and preparedness division of the Malang City Regional Disaster Management Agency.

The agencies mentioned above have been questioned by the author using the interview method to obtain data in accordance with spatial control efforts in the Kampung Tridi settlement and prevent land changes due to natural disasters in the Brantas river border area.

2. Analysis of the Efforts of the Malang City Government, PT Kereta Api Indonesia DAOP 8 and the Community in Preventing Land Changes Due to Natural Disasters in Tridi Village.

Based on the efforts that have been made by the Malang City Government, PT Kereta Api Indonesia DAOP 8 and the community in Tridi village, the author provides an analysis presented in tabular form as an effort to prevent land changes due to natural disasters in Tridi village. The table is as follows:

Efforts and Constraints of Malang City Government, PT Kereta Api Indonesia DAOP 8, and Tridi Village Community in Spatial Control and Preventing Land Changes Due to Natural Disasters

No.	Instance	Efforts	Obstacles
1	Infrastructure and Territory Section of the Regional Development Planning Agency of Malang City	1. Does not provide a zoning exemption for the Kampung Tridi area so that it remains in accordance with the Malang City Spatial Plan.	1. Lack of human resources in the field of spatial control. 2. Rapid development that is difficult to control in accordance with the space utilization and spatial planning of Malang city. 3. Lack of regional income funds hinders regional development.
2	Settlement Area Arrangement Section of the Public Works, Spatial Planning, Housing and Settlement Area Office of Malang City.	1. Nihil, has carried out the control of public facilities such as public roads but in Heritage Village through the City Without Slums program.	1. This unit is an implementing unit where in carrying out a development effort in Tridi Village, it must cooperate with the central government and the Brantas River Basin Center because the authority is divided. 2. There have been no reports and requests from the Kampung Tridi area to request the construction of river and ground water retaining walls.
3	Prevention and Preparedness Division of Malang City Disaster Management Agency	1. Provide socialization related to Natural Disaster Mitigation. 2. Provide information related to extreme weather so that residents can anticipate disasters.	1. Limited authority and unable to build and repair embankments because the authority is owned by DPUPRPKP Malang City.
4	PT Kereta Api Indonesia DAOP 8 efforts	1. Negotiating the restructuring of PT Kereta Api Indonesia DAOP 8's assets in Kampung Tridi.	1. There was a difference of understanding between the local community and PT Kereta Api Indonesia DAOP 8 so that

No.	Instance	Efforts	Obstacles
			the process is still running until now.
5	Tridi Village Community Efforts	1. Make a pipeline for the water to run through when it rains so that it does not pass through the main road of the village. 2. Reported the need for earth and water retaining walls on the riverbank to protect the settlement.	1. The Malang City Government's lack of responsiveness and concern for community reports in Kampung Tridi, especially regarding damage and the absence of water and soil retaining walls in the village.

As explained in the table above, the author analyzes this based on the laws and regulations and Lawrence M. Friedman's theory of legal effectiveness which argues that the effectiveness of a law can refer to three elements in the legal system, namely legal structure, legal substance, and legal culture or culture. (Lesmana 2021).

These three elements become the author's barometer in analyzing the legal effectiveness of the efforts made by the Malang City Government, PT Kereta Api Indonesia DAOP 8 and the Community in controlling spatial planning and preventing land changes due to natural disasters in Kampung Tridi Malang City.

1) Legal Structure

Based on Lawrence M. Friedman's theory, the author takes and gives a legal structure barometer in conducting the analysis. The barometers of the legal structure are:

- a. Malang City Government institutions and/or agencies
- b. Has the authority to carry out spatial control efforts

Based on this barometer, the institution or agency involved in controlling spatial planning and preventing land changes due to natural disasters in Kampung Tridi is the Malang City Government. This is reinforced by Article 11 of Law Number 26 of 2007 concerning Spatial Planning in *conjunction with* Article 20 of Government Regulation Number 21 of 2021 concerning the Implementation of Spatial Planning which provides authority for city or district governments to carry out spatial planning, utilization and control. Thus, the Malang City Government is an agency that has the right to control spatial planning.

The Malang City Government in carrying out spatial control and prevention of land changes due to natural disasters in Kampung Tridi is represented by several agencies, namely the Infrastructure and Territory Section of the Malang City Regional Development Planning Agency, the Residential Area Arrangement Section of the Malang City Public Works, Spatial Planning, Housing and Settlement Areas Office and Part of the prevention and preparedness of the Malang City Regional Disaster Management Agency.

The efforts made have not reflected Article 65 in *conjunction with* Article 66 of Law Number 32 of 2009 concerning Environmental Protection and Management where the government should provide a good and healthy living environment to the community because it is also a right for the community, especially in the Tridi village of Malang City.

In addition, the Malang City Government and related agencies need to make active disaster mitigation efforts (structural) or direct efforts by building embankments, increasing infiltration areas, making drainage channels, and the need for gradual

building control in Tridi village which is located on the Brantas river border in order to restore the function of the river border.(Rachmawati, Rahmawati, and Susilo 2018).. This is in line with Article 17 of Government Regulation Number 38 of 2011 concerning Rivers.

Active disaster mitigation must also be accompanied by passive (nonstructural) disaster mitigation, namely by conducting training or counseling by the Malang Regional Disaster Management Agency related to how to reduce disaster risk. In addition, in carrying out efforts to control the use of space or spatial planning, the Malang city government must pay attention to flood risk.(Republic of Indonesia 2011). In addition, the Malang city government must also pay attention to the guidelines that have been owned, namely Malang City Regional Regulation Number 6 of 2022 concerning the Regional Spatial Plan for Malang City Year 2022-2042 in implementing spatial utilization control or spatial planning.

In the regional regulation, especially article 65, it is explained that the provisions of the City Regional Space Utilization Control consist of 4 aspects(Republic of Indonesia 2022):

- a. General Conditions of Zoning;
- b. Provision of incentives and disincentives;
- c. Direction of sanctions; and
- d. Assessment of the implementation of Space Utilization.

Thus the Malang city government must adjust to these 4 aspects in order to comply with the laws and regulations.

In addition, PT Kereta Api Indonesia DAOP 8 is also an involved agency that is no less important because the Tridi village settlement stands on Right to Use land with certificate Number 6 of 2005 belonging to the agency. In this case PT Kereta Api Indonesia DAOP 8 as the holder of land rights is obliged to maintain, increase fertility and prevent damage to the object of land obtained from the right to control the state.(Republic of Indonesia 1960). Not only PT Kereta Api Indonesia DAOP 8 carries out these obligations but all parties who have a relationship with the land also have the same obligations including the community and the Malang city government.

The tridi village community is also an important element in the success of efforts made by the government to achieve spatial order. These efforts can also be balanced with protecting the environment, in order to ensure safety, achieve harmony, harmony and balance of the environment as stated in Article 67 of Law Number 32 of 2009 concerning Environmental Protection and Management.

Based on the efforts that have been made by the Malang City Government, PT Kereta Api Indonesia DAOP 8 and the local community as listed in table number 5 (five) and previously explained, all efforts made are still not optimal because there is no good collaboration in controlling spatial and preventing land changes due to natural disasters in Kampung Tridi Malang City.

The lack of regional income, minimal collaboration and enforcement efforts, and the priority scale of Malang city is still focused on selling Malang city's identity in the Malang Heritage area, which is a problem in controlling the spatial layout in Kampung Tridi. When reviewed further, Kampung Tridi is a village that is indicated to violate the spatial planning of Malang City and is located in a disaster-prone area, so there needs to be special attention for the feasibility and survival of the people in Kampung Tridi.

Thus, there is a need for priority selection, structured efforts and good collaboration for all Government agencies and related agencies in carrying out spatial

control and efforts to prevent land changes due to natural disasters that can result in the destruction of a building and the loss of a land right because the land is destroyed.

2) Legal Substance

The author provides a barometer for the substance of the law in this study based on the opinion of Lawrence M. Friedman, namely (Fata et al. 2022):

- a. Rule of law
- b. Written and unwritten
- c. Contains norms
- d. Binding
- e. As a guideline

Based on this, there are several written rules that explain, regulate, are binding and can be used as guidelines in this research, especially regarding Kampung Tridi Malang City which is located on the Brantas river border. According to the author's analysis, the settlement is indicated to have violated several aspects of the legislation including:

a) Spatial Aspects

Based on the spatial aspect, the location of the Kampung Tridi settlement is indicated to have violated Article 5 paragraph 2 of Law Number 26 of 2007 concerning Spatial Planning, because the settlement is located on the river border which is in a protected area and is a local protection area that must be used and functioned according to the city spatial map or a certain area (Republik Indonesia 2007b). (Republik Indonesia 2007b). In reality, the settlement is not fully in accordance with the spatial pattern plan map in Malang City, because in the spatial pattern plan map the area is a local protection area and is not intended as a settlement.

b) Aspects of Land Stewardship

In terms of land stewardship, the author argues that Kampung Tridi is indicated to have violated Government Regulation Number 16 of 2004 concerning Land Stewardship, especially in Article 13, which basically explains that the use and utilization of land in protected areas or cultivated areas must be in accordance with the function of the area in the regional spatial plan. The use must not interfere with natural functions, not change the landscape and natural ecosystems, must not be abandoned, must be maintained and prevented from damage. Moreover, the use does not contradict each other, does not interfere with each other, and can provide an increase in added value to the use of the land. (Republic of Indonesia 2004).

c) Water Resources Aspect

Based on the aspect of water resources, Kampung Tridi is also indicated to violate Article 25 *in conjunction with* Article 36 of Law Number 17 of 2017 concerning Water Resources because the construction of settlements in the Brantas river border can result in disruption of water conditions in the Brantas river basin, damage to water sources and / or infrastructure, water pollution and the occurrence of water destructive power which can result in the destruction of buildings on the Brantas river border, especially Tridi village.

d) River Aspect

Based on the author's review of the river aspect, Tridi village is indicated to violate Article 9 of Government Regulation Number 38 of 2011 concerning Rivers because the settlement or village is less than 10 m (ten meters), as the minimum requirement for building construction is 10 m (ten meters) from the left and right banks

of the river trough along the river channel, in the event that the river depth is less than or equal to 3 m (three meters).

The aspects mentioned above are studies related to indications of violations of Tridi village, but there are other aspects that are also important, namely related to natural disasters. The author argues that the location of Tridi village on the Brantas river border can trigger damage to buildings so that land rights holders lose some of their rights due to natural disasters.

Aspects of natural disasters do not solely occur due to nature itself but there are several other factors that can cause natural disasters to increase their destructive power and lack of prevention. This can be caused by human factors, namely the lack of control of space utilization so that it can harm many parties. This is also in line with the definition in the general provisions of the definition of disaster explained in the general provisions of Article 1 Points 3 and 4 of Law Number 24 of 2007 concerning Disaster Management that social / human factors (*man-made disasters*) are one of the factors supporting natural disasters (Republik Indonesia 2007a).(Republic of Indonesia 2007a).

The Tridi village area that is indicated to violate several laws and regulations mentioned earlier and the location of Tridi village in a disaster-prone area can harm several parties in the event of a natural disaster, the absence of space utilization control to mitigate natural disasters. These losses include damage to buildings for building owners in the Brantas river border, especially Tridi village, then the destruction of some assets which in this case the ownership of land rights in Tridi village is held by PT Kereta Api Indonesia DAOP 8 based on the right to use certificate number 6 of 2005. In this case, the asset is land that can be partially or completely destroyed due to natural disasters as stated in Article 61 letter h of Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Flat Housing Units, and Land Registration which explains that one of the causes of the loss of land rights is that it is designated as destroyed land (Republik Indonesia 2021a).(Republik Indonesia 2021a).

With the occurrence of natural disasters such as floods or landslides in the Tridi village, the land can be eroded and cause the land to change from its original form, can no longer be identified, and cannot be functioned, used, and utilized properly, so that the land can be declared as Destruction land. This is the fulfillment of the criteria for destroyed land from article 1 point 12 of Government Regulation Number 18 of 2021 concerning Management Rights, Land Rights, Flat Housing Units, and Land Registration in *conjunction with* article 2 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning of the National Land Agency Number 17 of 2021 concerning Destruction Land.

This has implications for changes in physical data that are not in accordance with juridical data so that it can harm the holder of land rights in this case, PT Kereta Api Indonesia DAOP 8.

All of the above aspects and regulations have met all of Lawrence M. Friedman's barometers related to legal substance and all related regulations reflect normative legal certainty because the regulations are made and promulgated with certainty and then regulate definitively and logically, especially related to the prohibition of building construction on riverbanks and control of space utilization by the government.(Kansil 2009).

3) Legal Culture

Legal culture or culture when associated with Lawrence M. Friedman's opinion refers to how the attitude of the people in Tridi village towards the rule of law, as well as how local people's awareness of the law.

Based on the results of surveys and interviews in the field, the ownership of buildings owned by the community in Kampung Tridi is based on an underhand sale and purchase agreement that contains the sale of buildings only. Thus, only the building is sold without any certificate or proof of land rights. Then the local community pays taxes regularly, so they assume that they have the right to occupy the area. The people in Tridi village are aware that the land is under the control of PT Kereta Api Indonesia DAOP 8 and the area is also prone to disasters. In addition, they hope that the house and land can be given as property rights.

This perception is inversely proportional to the statement from PT Kereta Api Indonesia DAOP 8 which states that in the past the land assets were leased and agreed with the land asset utilization agreement, so that they could be built and utilized as settlements with certain conditions and criteria. However, the agreement is considered the same as a certificate where in this case the local community sells the deed of agreement to the next owner. Supposedly when the agreement is changed, it should be returned first to PT Kereta Api Indonesia DAOP 8 as the owner of the land rights which in this case is the right of use, then the old party releases and returns its rights and PT Kereta Api Indonesia DAOP 8 makes a new agreement with the new party.

This has been socialized to the local community but there has not been a common perception and understanding of the land asset utilization agreement. Another factor that makes the community unwilling to understand the regulation is the cost that they estimate will be more expensive to make an agreement than the current situation of only paying taxes.

The author argues that in addition to space utilization control that is still not optimal, different perceptions and understanding are also one of the factors hindering a legal goal. With the same understanding and perception between stakeholders and the community, it will form a good legal culture so that the community also has awareness in obeying the regulations.

This difference in perception and understanding of the law must be immediately corrected in order to create an optimal legal culture. although the village is located in the Brantas river border area which is indicated to violate laws and regulations, especially spatial planning, the local community is also entitled to legal protection and a proper living environment. This is one of the responsibilities of the government, so there needs to be good collaboration between the Malang city government, especially with the community in Kampung Tridi.

Although the Malang City Government, represented by several agencies, has made efforts to control and utilize spatial planning for Kampung Tridi settlements on the banks of the Brantas River and prevent land changes due to natural disasters, the implementation has not yet reached an optimal level. This is due to weak law enforcement related to the prohibition of residential development on river banks as stipulated in Article 77 paragraph 2 letter e to paragraph 4 of Malang City Regional Regulation No. 6 of 2022 concerning the Regional Spatial Plan of Malang City Year 2022-2042 together with Article 27 of Regional Regulation No. 1 of 2012 concerning Building. In the context of natural disaster risk, the area is also known as a vulnerable

zone, so potential flooding can cause damage to buildings and even loss of residential land. This situation has a significant negative impact on building owners and land rights holders, especially since there is no levee system in the area. The Malang City Government, as the institution responsible for spatial control and utilization, has only given limited attention by not conducting zoning clearance in Kampung Tridi, while violations of spatial planning still occur. Limited financial resources are the main reason for the Malang City Government in delaying the relocation of settlements.

CONCLUSION

Efforts by the Malang City Government and PT Kereta Api Indonesia DAOP 8 to manage spatial utilization and mitigate natural disaster risks in Kampung Tridi, located on the vulnerable banks of the Brantas River, have highlighted significant challenges in law enforcement and community cooperation. While there are clear regulations prohibiting housing development in high-risk flood zones, as stated in Malang City's Regional Regulation No. 6 of 2022 and Regional Regulation No. 1 of 2012, consistent law enforcement is lacking. This inability is mainly due to limited financial resources, which has delayed necessary actions such as relocation of settlements from these hazardous areas. In addition, PT Kereta Api Indonesia DAOP 8's efforts to negotiate land use agreements have been hampered by economic disagreements with local communities, underscoring the complexity of balancing asset protection with community needs.

The active participation of the Kampung Tridi community in implementing measures such as drainage systems and proposing the construction of water and soil retaining walls demonstrates the community's commitment to disaster mitigation. However, these community-driven initiatives, while very important, cannot replace comprehensive and enforced urban planning and land management policies. The ongoing situation in Kampung Tridi presents a unique case study of the urgent need for an integrated approach that combines strict enforcement of regulations with community engagement and adequate funding. The findings of this study underscore the need to revise current policies to ensure that they are not only aligned with the legal framework, but also effectively address the socio-economic realities of affected communities, thereby increasing the resilience of urban settlements to natural disasters.

Reference

- Al Farisi, Baharudin, and Andi Muttya Keteng. 2021. "Latest News on Nirina Zubir's Family Land Mafia Case, Alleged Mastermind and Sponsor to Allegations of Strangulation." Newspaper. *Kompas.com* (blog). November 26, 2021. <https://www.kompas.com/hype/read/2021/11/26/070100466/kabar-terbaru-kasus-mafia-tanah-keluarga-nirina-zubir-dugaan-soal-dalang?page=all/>.
- A.P., Parlindungan. 2015. *Management Rights Under the UUP System*. Bandung: Mandar Maju.
- Fata, Choiru, Zaenul Mahmudi, Moh Toriquddin, and Abdul Rouf. 2022. "The Effectiveness of Regulation of the Director General of Islamic Guidance Number 189 of 2021 concerning the Implementation of Marriage Guidance for Prospective Brides in the Perspective of Lawrence M. Friedman's Legal System Theory." *Kabillah (Journal of Social Community)* 7 (1): 35-48.

- Gebremedhin, Berhanu, and Scott M. Swinton. 2003. "Investment in Soil Conservation in Northern Ethiopia: The Role of Land Tenure Security and Public Programs." *Agricultural Economics* 29 (1): 69–84. <https://doi.org/10.1111/j.1574-0862.2003.tb00148.x>.
- Harsono, Budi. 2013. *Indonesian Agrarian Law: History of the Formation of the Basic Agrarian Law, Its Contents and Implementation*. Revised edition. Jakarta: Trisakti University. <https://lib.ui.ac.id/detail?id=20471710>.
- Indonesia, Big Language Dictionary Editorial Team. 2018. "Kamus Besar Bahasa Indonesia."
- Irianto, Sulistyowati, ed. 2012. *Socio-Legal Studies*. First edition. Series of Building Blocks of the Rule of Law. Denpasar, Bali: Pustaka Larasan in collaboration with the University of Indonesia, Leiden University, University of Groningen. <https://lib.ui.ac.id/detail?id=20321701&lokasi=lokal>.
- Kansil, Christine ST. 2009. *Dictionary of Legal Terms*.
- Koida, Andrian. 2021. "Legal Aspects of Land Rights Status at the Petobo Village Liquefaction Site, Palu City, Central Sulawesi." Yogyakarta: National Land College Yogyakarta. <http://repository.stpn.ac.id/id/eprint/3659>.
- Lesmana, Teddy. 2021. "Lawrence Meir Friedman's Principles of Thought; The Legal System in a Social Science Perspective." Nusa Putra University. 2021. <https://law.nusaputra.ac.id/artikel/pokok-pokok-pikiran-lawrence-meir-friedman-sistem-hukum-dalam-perspektif-ilmu-sosial/>.
- Muchsin, Imam Koeswahyono, and Soimin. 2007. *Indonesian agrarian law in historical perspective*. Cet. 1. Bandung: Refika Aditama.
- Nagendra, Harini. 2008. "Do Parks Work? Impact of Protected Areas on Land Cover Clearing." *AMBIO: A Journal of the Human Environment* 37 (5): 330–37. <https://doi.org/10.1579/06-R-184.1>.
- News Indonesia, BBC. 2018. "Liquefaction: When the ground in Palu and surrounding areas suddenly 'subsided.'" *BBC NEWS Indonesia* (blog). October 2018. <https://www.bbc.com/indonesia/indonesia-45708229>.
- Peranginangin, Effendi. 1994. *Agrarian law in Indonesia: a review from a legal practitioner's perspective*. Third printing. Jakarta: Rajawali.
- Prodjodikoro, Wirjono. 2000. *Unlawful acts: viewed from the point of view of civil law*. Bandung: Mandar Maju.
- Rachmawati, Turniningtyas Ayu, Dwi Rahmawati, and Adi Susilo. 2018. *Spatial-based Disaster Risk Reduction*. Brawijaya University Press.
- Republic of Indonesia. 1960. *Law Number 5 of 1960 Concerning the Basic Regulation of Agrarian Principles*.
- . 1997. *Government Regulation No. 24 of 1997 on Land Registration*.
- . 2004. *Government Regulation of the Republic of Indonesia Number 16 Year 2004 on Land Stewardship*.
- . 2007a. *Law Number 24 Year 2007 on Disaster Management*.
- . 2007b. *Law Number 26 Year 2007 on Spatial Planning*.
- . 2011. *Government Regulation of the Republic of Indonesia Number 38 Year 2011 on Rivers*.
- . 2021a. *Government Regulation No. 18 of 2021 Concerning Management Rights, Land Rights, Residential Units, and Land Registration*.
- . 2021b. *Government Regulation Number 21 of 2021 concerning the Implementation of Spatial Planning*.

- . 2022. *Regional Regulation of Malang City Number 6 of 2022 concerning the Regional Spatial Plan of Malang City Year 2022-2042*.
- Saddewa, I Made Aryawan. 2018. "Reduction of Land Area Caused by Matters Outside the Will of the Right Holder." *Udayana Master Law Journal* 6 (3): 336. <https://doi.org/10.24843/JMHU.2017.v06.i03.p06>.
- Sembiring, Julius. 2016. "The State's Right to Control Agrarian Resources." *BHUMI: Journal of Agrarian and Land* 2 (2): 119. <https://doi.org/10.31292/jb.v2i2.65>.
- Soetiknjo, Iman. 1990. *National agrarian politics*. Cet. 3. Yogyakarta: Gadjah Mada University Press.
- Yubaidi, Ricco Survival. 2020. "The Future of Land Ownership Regulation in Indonesia." *International Journal of Multicultural and Multireligious Understanding* 6 (6): 712–20. <http://dx.doi.org/10.18415/ijmmu.v6i6.1236>.