

Land Consolidation as One of The Solutions in Providing Green Open Space in Urban Areas in Indonesia

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ABSTRACT

The growing cost of property in urban areas makes it difficult for the government to provide land for the creation of green open space. In order to preserve natural resources, enhance environmental quality, and restructure land ownership and use, land consolidation is a land strategy that entails active community involvement. In this case, the government is immune from offering compensation, which would need incredibly large quantities of money, because the guiding principle of land consolidation is constructing without displacement. contribution of land for development that will be used for public and social services as well as green open areas. Finding out how land consolidation is being used in Indonesia to provide land for the development of green open spaces, as well as the difficulties faced and how they were resolved, is the aim of this study. The normative juridical approach is the research methodology employed. Secondary data is the data source that was used. A literature review is used as the data collecting strategy. Using the descriptive analytical approach, data is processed. Given the high cost of property in metropolitan areas, the implementation of land consolidation in Indonesia is frequently limited, particularly when it comes to allowing for the creation of green open space. As a result, one method of acquiring property for the creation of green open spaces in Indonesian cities is through land consolidation.

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1. INTRODUCTION

Both the community and the government of Indonesia are aggressively pursuing growth. Realising the wellbeing of the Indonesian people is the goal of the development. This is in line with the directive found in Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. Development is inseparable from the need for land in its development, the limited availability of land will intersect with the

development and growth of the increasing population. This will cause various problems in society. The limited availability of land will lead to irregular development resulting in low environmental quality because of the lack of adequate environmental facilities and infrastructure.

Article 2 paragraph (2) of the UUPA authorizes the state to:

- a. Regulate and organize the allotment, use of supplies and maintenance of the earth, water and space;
- b. Determine and regulate legal relationships between people and the earth, water and space.
- c. Determining and regulating legal relationships between people and legal acts concerning the earth, water and space.

Development is essential to raising societal well-being, particularly in cities. As cities grow, so does the need for property for a variety of uses, including public facilities, infrastructure, and housing. However, there is relatively little land available in metropolitan areas, therefore careful spatial planning is essential. A key element of sustainable urban expansion is green open space, which contributes to maintaining environmental balance, improving air quality, and providing recreational opportunities for the community.

Green open space is crucial while considering urban expansion. Green open space is not just a recreational area but also contributes to pollution reduction, climatic regulation, and biodiversity preservation. Law Number 26 of 2007 on Spatial Planning, which mandates that at least 30% of the land in every metropolitan area be set aside as Green Open Space, is the legal framework that governs Green Open Space. Of this, 20% must be public green open space and 10% must be private. However, the reality is that many Indonesian cities have failed to meet this requirement because of the country's fast expanding infrastructure and population.

High property prices and unchecked land use change further compound the lack of available land for Green Open Space. A lot of the time, land that should be designated for green open space gets converted into homes or businesses. Because of this, local governments find it very challenging to create sustainable and liveable cities. Therefore, intentional efforts are needed in the management and provision of Green Open Space in order to create a more sustainable and healthful urban environment.

Urban Land Consolidation is one strategy that may be used to get around land constraints. One strategy to increase the effectiveness of urban planning is land consolidation, which attempts to restructure land ownership, usage, and utilisation. Laws relating to land consolidation are included in Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 12 of 2019 on Land Consolidation. This Minister of Agrarian and Spatial Planning Regulation replaces the Head of National Land Agency (BPN) Regulation Number 4 of 1991 on Land Consolidation.

Land Consolidation takes various forms, such as voluntary Land Consolidation and compulsory land consolidation, each of which has its own mechanism for implementation. Voluntary land consolidation involves an agreement between landowners to amalgamate land for mutual benefit, while mandatory Land Consolidation involves government intervention to reorganize land use. Spatial planning, land redistribution, and land acquisition for the public good without the necessity for traditional land acquisition are important components of land consolidation.

In the context of providing Green Open Space, Land Consolidation can help optimize the utilization of existing land. By conducting Land Consolidation, the government can create more effective and efficient Green Open Spaces, without having to sacrifice other development needs, e.g. land previously used for commercial activities can be allocated for Green Open Spaces thus creating a balance between development and the need for Green Open Spaces. Additionally, by giving the community better access to green open space, land consolidation can raise the standard of residential neighbourhoods.

There are difficulties in putting land consolidation into practice. Reluctance on the part of landowners to give up their property rights is one of the biggest obstacles. Therefore, it is imperative that the government raise awareness of the social and economic benefits of land consolidation. It is

equally important that the community actively participate in the Land Consolidation process to give them a sense of responsibility and ownership for the Green Open Space that is offered.

Legally speaking, land consolidation and the development of green open space must be governed by clear and specific regulations. Local governments should enact laws that promote land consolidation in order to offer green open space. The programme should include incentives for landowners who are willing to participate in consolidation as well as sanctions for those who disobey the regulations governing the provision of green open space. Strict regulation of changes in land use is also necessary to avoid land conversion that might jeopardise the availability of green open space.

Therefore, land consolidation may be a way to provide sufficient green open space in cities without compromising other development requirements. The role of the government and the community is very important in this process, both in terms of regulatory policies and active participation in land management. This study will further analyse the definition, regulation, and benefits of Land Consolidation in relation to the provision of Green Open Space in urban areas, so as to provide recommendations for local governments in formulating sustainable development policies.

Sustainable development in urban areas requires a holistic and integrated approach, where the provision of Green Open Space is one of the main priorities. Land Consolidation as a method to reorganize land use can be an effective solution in creating adequate Green Open Space. Therefore, it is important for all parties to collaborate in realizing this goal, in order to create a healthier, more comfortable and sustainable urban environment for the community.

The issue in this research is how land consolidation is being implemented in Indonesia as a means of supplying land for the development of green open spaces, as well as the challenges encountered and how they were overcome.

2. LITERATURE REVIEW

Land Law covers four areas: Land Stewardship, Land Reform, Land Rights, and Land Registration. These four areas constitute an interrelated system. Among other things, land stewardship has to do with spatial planning and the transformation of agricultural land into non-agricultural land. In an attempt to increase the effectiveness and productivity of urban land use, land consolidation A crucial tactic in urban land management is land consolidation, particularly in light of growing settlement demands and land constraints. The study by Ariyani and Parsa (2023) highlights the importance of Land Consolidation in reorganizing the control, use and acquisition of land to improve its efficiency and productivity. This method is recognized to address land speculation, illegal use, and slum growth.

Land Consolidation also serves to reduce land fragmentation that often occurs in urban areas. This fragmentation can lead to difficulties in optimal land management and utilization. With consolidation, fragmented land can be brought together into a larger unit, facilitating better planning and infrastructure development. This aligns with the objective of sustainable development, which prioritises resource efficiency.

Subekti et al. (2021) emphasize that Land Consolidation not only focuses on increasing productivity, but also as a strategic effort in providing land for housing and structuring slums. The implementation of Land Consolidation on an urban scale enables the construction of single houses, row houses, or flats, as well as adequate infrastructure.

Slums are often identified with poor environmental conditions, low accessibility and inadequate infrastructure. With Land Consolidation, the government can plan for more structured and targeted development, thereby reducing the number of slum areas and improving the quality of life of the community. In addition, Land Consolidation can also create better public spaces, such as parks and other public facilities, contributing to improved environmental quality.

Raharjanto examines Urban Land Consolidation that is carried out independently, with a case study in Nambangan Village, Selogiri Sub-district, Wonogiri Regency. This research shows that the success of Land Consolidation is highly dependent on the active participation of the community as well as the support of government regulations. Self-help Land Consolidation is considered more flexible and efficient in improving the quality of the settlement environment.

Community participation in self-help Land Consolidation not only increases the sense of ownership of the project but also strengthens the social bonds among residents. When communities are involved in the planning and implementation process, they tend to better understand the benefits of consolidation and are more willing to contribute. It also creates a sense of collective responsibility in safeguarding and maintaining the landscaped environment.

In addition to settlements, Land Consolidation also plays a role in the provision of Green Open Space. In his journal, Arnowo (2023) noted that it is challenging to reach the goal of 30% of the total area in metropolitan areas for green open space. Utilising consolidated property for Green Open Space is one tactic that may be used to enhance community welfare and environmental quality.

Green Open Space has many benefits such as improving air quality, reducing temperature, and providing habitat for flora and fauna. In addition, Green Open Space also serves as a recreational space for the community, which is important for mental and physical health. By integrating Green Open Space in Land Consolidation plans, the government can create a more balanced and sustainable urban environment.

Government Regulation Number 39 of 2023 on the Amendment to Government Regulation Number 19 of 2021 on the Implementation of Land Acquisition for Development in the Public Interest provides a new direction for Land Consolidation in Land Acquisition for the public interest. Article 16 paragraph (1) of Government Regulation

Number 39 of 2023 on the Amendment to Government Regulation Number 19 of 2021 on the Implementation of Land Acquisition for Development in the Public Interest. This clause is consistent with the fundamental tenets of land consolidation, which place an emphasis on social fairness, environmental preservation, and efficient land use.

Clear and firm regulations are essential to ensure that the Land Consolidation process goes well. Without supportive regulations in place, Land Consolidation can be hampered by issues such as land disputes, community dissatisfaction and lack of transparency in the procurement process. It is important for the government to continuously update and adjust existing regulations to suit the needs and challenges faced in urban land management.

Although Land Consolidation has many benefits, its implementation does not always run smoothly. Some of the challenges that are often faced are:

- a. Lack of public knowledge.
Many people do not understand the concept and benefits of Land Consolidation. This can lead to rejection of the consolidation project.
- b. Land disputes
Disputes between landowners can hamper the consolidation process. Slow resolution of disputes can cause delays in project implementation.
- c. Budget limitations.
Land Consolidation projects often require substantial funds. Budget limitations can hinder optimal project implementation.
- d. Low community participation
Without the active participation of the community, Land Consolidation may fail. Therefore, it is important to involve the community in every stage of the process.

Some strategies that can be applied to improve the implementation of soil consolidation to overcome the challenges are:

1. Conduct education and socialization programs to the community on the

benefits and process of Land Consolidation.

2. Create a rapid and effective dispute resolution process to prevent project execution delays.
3. To assist consolidation initiatives, look for alternate financing sources including collaboration with donor organisations or the private sector.
4. To include communities in the design and execution of land consolidation, set up platforms for debate and discussions.

One effective strategy for improving land use efficiency, reducing the number of slums, and establishing green open space in cities is land consolidation. Land acquisition for the public interest must be carried out by taking into account the balance between social, economic, and environmental benefits in order to contribute as best as possible to sustainable development, according to Article 16 paragraph (1) of Government Regulation Number 39 of 2023 on the Implementation of Land Acquisition for Development in Public Interest. Land consolidation is a calculated move towards building a better, more sustainable urban environment in addition to providing a solution to the issue of scarce land.

3. METHODS

3.1 Research Type

This research is normative legal research. Normative legal research is a type of legal research methodology that bases its analysis on applicable laws and regulations that are relevant to the legal issues that are the focus of the research.

3.2 Data Source

The research's data source was secondary data. Secondary data is composed of primary and secondary legal documents, such as literature and standards, that deal with land consolidation as a means of providing green open space (RTH) in Indonesian metropolitan areas. Data Source:

3.2.1 Primary legal materials

The main legal resources for this study are laws and regulations that are arranged in a progressive manner in

accordance with the Procedure for the Formation of Laws and Regulations.

- 1) The 1945 Constitution of the Republic of Indonesia
- 2) Law Number 5 of 1960 on the Basic Agrarian Law.
- 3) Law Number 26 of 2007 on Spatial Planning
- 4) Government Regulation Number 16 of 2004 on Land Stewardship
- 5) Government Regulation Number 39 of 2023 on Amendments to Government Regulation Number 19 of 2021 on the Implementation of Land Acquisition for Development in the Public Interest
- 6) Head of National Land Agency Regulation Number 12 of 2019 on Land Consolidation
- 7) Presidential Regulation Number 62 of 2018 on the Handling of Societal Impacts in the Framework of Land Provision for National Development

3.2.2 Secondary legal materials

The legal and non-legal perspectives gathered from books, legal journals, and research findings about land consolidation as one of the solutions in providing green open space (RTH) in Indonesian urban areas serve as secondary legal resources for this article.

3.3 Data Collection

Data is gathered by studying the literature. Studying primary legal materials, such as laws and regulations, legal and non-legal opinions gleaned from books, legal journals, prior research findings, and the internet pertaining to the issues under investigation, constitutes secondary data collection through literature study.

3.4 Data Analysis

Data analysis was conducted on:

- a) Primary legal materials related to with Land Consolidation as One Solution in the Provision of Green Open Space (RTH) in Urban Areas in Indonesia
- b) In addition to legal and non-legal opinions obtained from books, legal journals, internet media, and legal periodicals, secondary legal resources include expert opinions on land consolidation as a single option for

supplying green open space (RTH) in Indonesian cities.

3.5 Thinking Process

The method of thinking that is employed is an inductive one, which begins with general hypotheses that have been proven to be accurate via research findings and concludes with special principles.

4. RESULTS AND DISCUSSION

The increasing demand for land is influenced by an area's pace of expansion. The amount of land that is accessible remains comparatively constant, despite the fact that demand for land is rising. In urban regions that physically require land but cannot be administratively divided, especially for public interest development, the problem of land supply is becoming increasingly troublesome. Urban land consolidation is one development concept that involves the active participation of the community and private sector in the allocation of land for road infrastructure and public services. Additionally, it offers a tangible representation of the social role of land and the achievement of a living environment that is ATLAS (Safe, Orderly, Smooth, and Healthy). Implementing urban land consolidation is the responsibility of the Regency/Municipality Urban Land Consolidation Implementation Task Force, established by a Regent/Mayor Decree.

When irregularly shaped parcels in a residential area or planned for settlement are arranged to become regular and orderly parcels that face a road or road plan and have land settlement for public facilities required in accordance with the general plan of the city layout in question, this is known as urban land consolidation. According to a number of experiences, acquiring property, particularly in metropolitan areas, for the purpose of building public and social amenities frequently results in social and cultural disputes. This occurs when land is acquired in a traditional manner, such as by exchange, compensation, or other means that serve the public good. Land acquisition is the practice of providing land by paying eligible parties a

reasonable and reasonable price. The entitled party is the one who owns or controls the land being purchased. When property is purchased in this way, problems often arise over the desire of landowners and the amount of pay that is unsuitable.

A person's right to government-owned property may only be taken away in accordance with Article 18 of the UUPA if the land serves the public interest, which encompasses the interests of the state, the nation, and the broader public. Land rights may also be revoked by offering suitable compensation that is governed by law. Three primary components may be identified in the UUPA's provisions, specifically:

- a) Revocation of rights is necessary for the public good;
- b) The rightful party must receive compensation in order for rights to be revoked;
- c) The applicable law's provisions serve as the foundation for the activity conducted.

Community engagement in the land purchase process, including holding public discussions to reach a consensus on the placement of development plans, is specifically included in Law Number 2 of 2012 on Land purchase for the Public Interest. Because it is frequently impossible to alter the government's planned land acquisition site, the community is unavoidably expected to accept the government's chosen location. In this instance, community engagement is limited to the first phases prior to development activity.

As part of a strategy that controls land tenure, modifies land use through spatial and land use plans, acquires land for development, and enhances environmental quality and protects natural resources, land consolidation is a development technique. According to Article 1 Point 1 of the Regulation of the Minister of Agrarian and Spatial Planning/Head of the National Land Agency Number 12 of 2019 concerning Land Consolidation, land consolidation is the practice of rearranging the control, ownership, use, and utilisation of land and space in accordance with spatial plans and

efforts to provide land for the public interest in the context of improving environmental quality and preserving natural resources by involving the active participation of the community. Land consolidation is a voluntary and participatory process that is based on an agreement among the participants. The implementation of land consolidation may be necessary in a number of circumstances, such as post-disaster area arrangements, wars, slum areas, and strategic projects. Catastrophes are defined as natural disasters and fires that result in changes to land parcel borders, land destruction, control or ownership, or designations that need relocation or rearrangement.

Land Consolidation objects can come from registered land, unregistered land rights, State land that has been controlled/cultivated, and/or BUMN/BUMD/other Legal Entity asset land that has been released and/or controlled by the community. The goal of land consolidation on asset land is to settle disagreements and/or conflicts over land. One or more land parcels that are arranged with the area's increased added value and social interests as top priorities might be the subject of land consolidation. Sustainable Food Agricultural Land (LP2B), disaster area planning, housing for Low-Income Communities (MBR), slum area planning, and other national strategic initiatives are examples of social interests here.

Furthermore, the subjects of Land Consolidation are eligible participants, namely individual Indonesian Citizens and/or legal entities, who are the right holders and cultivators of State land. The legal entity is a legal entity that can be the subject of rights in accordance with the provisions of laws and regulations. Land Consolidation can be held if agreed upon by at least 60% of the Land Consolidation participants. However, in the event that there are right holders/land cultivators who are not willing to become participants in the Land Consolidation, the right holders/land cultivators may transfer their land rights/tenure/harvest to other parties who are willing to become participants. If the right holders/land

cultivators are not willing to transfer to other parties and are not willing to participate in Land Consolidation, then the mechanism of land acquisition for public interest shall be carried out in accordance with the provisions of laws and regulations.

There are several benefits derived from the implementation of urban Land Consolidation, namely:

1. To accommodate the demands of a population that is expanding quickly, urban development should be increased.
2. To address the issue of settlement, provide land for development.
3. Plan registration and address cadastral issues.
4. Establish fresh, distinct borders to ensure the longest possible land tenure.
5. Finish urban public infrastructure, enhance environmental cleanliness, and improve sewage systems.
6. Enhance landowners' legal status and land usage.
7. Address the issue of squatters and make the city more aesthetically pleasing.
8. Construct residential and commercial communities for commercial and industrial use.
9. Conserve public monies for development.
10. Avoiding issues with compensation money while purchasing property for public infrastructure.
11. Use the tax system to boost the city's economy.
12. Since each consolidation member will obtain a land certificate, there is legal clarity regarding land ownership.

A green open space is a section of an urban area set aside for recreational, scenic, and conservation objectives. According to Article 1 of Law Number 26 of 2007 concerning Spatial Planning, a green open space is an extended/lane and/or grouped area with a more open usage where plants, both naturally occurring and intentionally planted, flourish. The availability and use of green open space must be taken into account

in any city's spatial design. At least 30 percent of the city's total area must be green open space, with at least 20 percent of the land being public green open space, according to Law Number 26 of 2007 on Spatial Planning, Article 29 paragraph 2. The actual amount of green open space in large cities has frequently fallen short of the 30% goal. Regulation Number 5/PRT/M/2008 on Guidelines for the Provision and Utilisation of Green OpenSpace in Urban Areas and Regulation Number 12/PRT/M/2009 on Guidelines for the Provision and Utilisation of Non-Green OpenSpace in Urban Areas, issued by the Minister of Public Works, previously governed the provision of green open space. The Minister of Agrarian and Spatial Planning Regulation Number 14 of 2022 on the Provision and Utilisation of Green Open Space has superseded the requirements of both statutes on green and non-green open space. The Minister of Agrarian Affairs and Spatial Planning's Regulation Number 14 of 2022 refers to the type of green open space as a typology, and it includes:

1. Areas that function as green open spaces
2. Other areas/zones that function as green open spaces,
3. Object space functions as green open space

Since it outlines the kinds of areas and zones that will be designated as Green Open Space as well as the kinds and requirements of blue open space as part of Green Open Space, the aforementioned regulation's typology of green open space is better than the one that came before it. The equilibrium of the urban environment depends on green open space. Green open space greatly reduces the negative impacts of the urban built environment, such as pollution, higher air temperatures, lower water penetration rates, greater air humidity, and more. Due to its complex importance, open space must be managed by the government to support environmental preservation and improvement as well as the quality of life for its inhabitants. The building of green open space, such as an urban forest green space, urban recreational green space, or green yard

area, must be balanced with the urban land that is primarily used for homes and businesses. According to its purpose, Green Open Space serves both internal and extrinsic purposes. Ecological functions are classified as intrinsic, and social, cultural, economic, and artistic activities are classified as extrinsic. These four primary functions—water system protection, ecological balance, and biological conservation—can be merged in an urban region based on the demands, interests, and sustainability of the city.

In the provision of Green Open Space in Indonesia there are several obstacles, namely:

1. The primary barriers are the scarcity of property held by the local government that is accessible for the development of Green Open Spaces and the difficulty in acquiring land because of exorbitant costs or unsuitable sites.
2. Another obstacle is the lack of enough funding for green open space, or the money that is allotted is mostly utilised for the construction of infrastructure that support green open space rather than for upkeep and enhancement.
3. Other challenges include a lack of public engagement in the administration and upkeep of Green OpenSpace, as well as a lack of understanding of the significance of Green OpenSpace and its uses and advantages.
4. The quantity and quality of Green Open Space are compromised when large-scale infrastructure is constructed without adhering to Green Open Space guidelines.
5. Public greenspaces are deficient because policies relevant to their supply are often not carried out as well as they may be, for example, in terms of monitoring and assessment.
6. The high rate of land conversion from green open space to land for development, including residences and activities, significantly restricts

the amount of green open space that is available.

To overcome the obstacles in providing Green Open Space in Indonesia, comprehensive efforts are needed, as follows:

1. That green open space must be a significant component of the Regional Spatial Plan (RTRW) by establishing a 30% green open space percentage and identifying the kinds of green open space that are appropriate for the needs and conditions of the area.
2. That green open space must be a fundamental component of the Regional Spatial Plan (RTRW) by establishing a 30% green open space percentage and identifying the kinds of green open space that are appropriate for the region's requirements and circumstances.
3. Greenspace provision, especially in metropolitan settings, requires clear laws with minimum requirements for the amount of trees or greenspaces per construction unit.
4. The Regional Budget (APBD) must include funding for RTH operations and maintenance.
5. Green space provision and maintenance require private participation by connecting it to the development permit process.
6. The necessity of using the "Green City" idea in the design and administration of public areas in order to enhance environmental quality and benefit the neighbourhood.
7. According to Presidential Regulation Number 40 of 2014 concerning Amendments to Presidential Regulation Number 71 of 2012 concerning the Implementation of Land Acquisition for Development

for the Public Interest, the agency that needs land with the holders of land rights may acquire land for the Public Interest that is no larger than five hectares in terms of efficiency and effectiveness through sale, exchange, or other mutually agreed-upon means.

5. CONCLUSION

Land consolidation is a land strategy that involves the active engagement of the community in order to reorganise land tenure and usage, enhance environmental quality, and maintain natural resources. Because the idea of land consolidation is to construct without displacing existing structures, the government does not have to pay compensation that would cost a lot of money. donation of land for development that will be utilised for green open spaces and public and social services.

In Indonesian cities, green open space is almost nonexistent. Among the barriers limiting Indonesia from providing green open space are a shortage of land, financial resources, and public awareness of its importance. Moreover, the continued existence of Green Open Space is endangered by the frequent violations of Green OpenSpace regulations in the development of large-scale infrastructure. To address the issues with Indonesia's Green Open Space provision, such as those pertaining to planning, financing, administration, and community engagement, extensive efforts are needed. In terms of efficacy and efficiency, the organisation that needs the property can collaborate with the land rights holders to purchase land for the public good that is little more than five hectares in size through a mutually acceptable exchange, sale, or other means.

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