



Settlement of Illegal Building Disputes on the Edge of the Sukalila River, Cirebon City, with Justice.

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Abstract

Background. Illegal buildings along the Sukalila River in Cirebon city, mostly MSME-based businesses, pose complex legal, environmental, and social problems. Disputes between local governments that have the authority to arrange space with communities that have illegal buildings often arise from inconsistencies between the provisions for erecting buildings on the river and the community's need to make a living.

Purpose. This research aims to analyze the form of illegal building dispute resolution that is not only in accordance with the law but also fair to affected communities.

Method. The research method is used for empirical juridical or sociological research through regulatory studies, document analysis, and practical field studies on the management of watersheds or river equivalents.

Results. This research shows that fair settlement needs to integrate the principles of procedural, distributive, and restorative justice. Mediation mechanisms, participatory dialogue, objective data collection, and the inclusion of new relocations are effective steps to reduce conflicts. In addition, it once again prohibits the existence of illegal buildings and is intended to promote beautiful urban development.

Conclusion. This study concludes that a collaborative, empowerment-based dispute-resolution model is the key to achieving social justice and sustainable management of the Sukalila River.

Keywords: Illegal Buildings, Sukalila River, Business, Disputes, Law.



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INTRODUCTION

The Sukalila River or Sukalila River in the middle of Cirebon is one of the important river flows that functions as an urban drainage channel, flood control, and ecological elements that

support the quality of the environment, but in recent decades the Sukalila River area has been under pressure due to the economic development of the population and weak spatial supervision and the absence of law enforcement from law enforcement officials and local regulations. This condition triggers the continued development of community economic businesses (MSMEs) with many illegal or unlicensed buildings, violations of the corresponding river and road lines, and often failing to meet safety and sanitation standards.

The existence of these illegal buildings causes various kinds of problems, not only narrowing river flows, deteriorating environmental quality, but also making sidewalks unsafe for people to walk, and causing congestion on Jalan Sukalila. The emergence of conflicts between MSME residents or sellers and local governments. Control efforts carried out by local governments often provoke resistance because they are perceived as failing to accommodate residents' socio-economic needs, especially those who have long lived in the area and depend on their livelihoods there. On the other hand, the government has a legal obligation to enforce spatial rules, preserve the environment and aesthetics, and ensure public safety.

This situation then becomes a complex conflict or dispute, involving the interests of the state, society, and the environment. Settlement of illegal building disputes cannot be carried out solely through an administrative approach or repression, but requires a fair settlement model that considers human rights, retributive justice, and environmental protection. A just approach must also provide space for dialogue, mediation, empowerment, and alternative solutions, such as proper and appropriate relocation or regional planning partnership schemes. So the problem is how to resolve illegal building disputes in the city of Cirebon.

Thus, a comprehensive study is needed on how to resolve illegal building disputes in the Sukalila River area effectively, efficiently, fairly, and sustainably. This article will discuss the root of the problem, the dynamics of conflict, the legal framework that governs, and the dispute-resolution model that accommodates the interests of all parties without neglecting the main goals of spatial planning and environmental sustainability.

Research on illegal building disputes on riverbanks generally focuses on law enforcement and spatial control. Recent developments indicate a shift towards a participatory and non-litigation approach that takes into account the socio-economic aspects of society. However, integration among law, social justice, economic empowerment, and environmental sustainability remains limited.

This research offers a dispute-resolution model integrating procedural, distributive, and restorative justice through a collaborative approach and the empowerment of MSMEs. In addition, this study enriches the literature with a specific empirical analysis of the Sukalila River area in Cirebon.

METHODS

The research approach used is an empirical juridical one, because this research not only examines written legal norms but also how the law is enforced in practice. Examining the form of disputes that occurred, and the way the Cirebon city government solved the problem. Empirical legal research is legal research that is carried out by examining primary data, namely, law that is conceptualized as a social phenomenon. The type of research is qualitative research in the form of analytical descriptives, the data sources are primary and secondary data, primary data with interviews with related stakeholders, while secondary data is provided through libraries, especially laws and regulations related to problems.

DISCUSSION

Dispute Resolution That Occurred Between MSME Business Owners in Sepadan Kali Sukalila and the Cirebon City Government

Based on observations in the field regarding disputes that occurred by conducting interviews with parties, especially traders or MSME business owners, government officials, and spatial planning documents of Cirebon City, this dispute occurred due to the existence of illegal buildings as MSME businesses in the Sukalila River. The Cirebon city government considers the building to be an illegal building, without a permit, while MSME business actors consider it a place of livelihood.

If you look at the Cirebon City Regional Regulation No.8 of 2012 concerning the Regional Spatial Plan (RTRW) of Cirebon City for 2011-2031, Article 68

- "(1) Licensing is the basis for authorized officials in granting permits for the use of space based on the spatial structure and pattern plan stipulated in this Regional Regulation.
- (2) Types of permits related to space utilization include: a. permits/recommendations in principle; b. location permit; c. Land use permit; d. building permits; and e. other related permits."

Meanwhile, those who have buildings do not have permits, as stated in Article 68, number 2. So they should be sanctioned in accordance with Cirebon City Regional Regulation No.8 of 2012 concerning the Cirebon City Regional Spatial Plan (RTRW) for 2011-2031, Article 79, which states that:

"(1) The sanctions directive as intended in Article 64 letter d shall be a reference in the imposition of sanctions on:

- a. the use of space that is not in accordance with the spatial structure plan and spatial pattern;
- b. violation of the general provisions of zoning regulations;
- c. the use of space without a space utilization permit issued based on the RTRWK;
- d. the use of space is not in accordance with the space utilization permit issued based on the RTRWK;
- e. violation of the provisions stipulated in the requirements for space utilization permits issued under the RTRWK;
- f. the use of space that blocks access to areas that are declared by laws and regulations to be public property;
- g. the use of space with permits obtained by improper procedures."

"(2) Violations as intended in paragraph (1) shall be subject to administrative sanctions in the form of:

- a. written warning;
- b. temporary suspension of activities;
- c. temporary suspension of public services;
- d. closure of the location;
- e. revocation of permits;
- f. cancellation of permits;
- g. demolition of buildings;
- h. restoration of spatial function; and/or
- i. administrative fines."

In addition to administrative sanctions, there are also criminal sanctions in this Regional Regulation, as stated in Article 80, which states that:

"(1) Whoever violates the provisions of Article 71 paragraph (2) and Article 86, shall be threatened with imprisonment for a maximum of 3 (three) months or a maximum fine of Rp. 50,000,000.00 (fifty million rupiah)."

"(2) Criminal acts as intended in paragraph (1) are violations."

"(3) In the event that the criminal act committed is threatened with a criminal threat higher than the criminal threat in this Regional Regulation, then it is threatened with a higher criminal penalty, in accordance with the provisions of laws and regulations."

While Article 71 paragraph (2) and Article 86 are:

"(2) Every person or legal entity that will carry out physical development is required to obtain a permit to erect a building."

Article 86,

"In community spatial planning activities, it is mandatory to:

- a. participate in maintaining the quality of the space; and
- b. Be orderly in their participation in the spatial planning process, use of space, and obey the spatial plan that has been set.

Seeing the existing reality that the owner of the building on the river does not have a building permit, so it can be said that the building is wild. However, they still want to maintain the building because: *First*, Economic Factors: Their business as a livelihood is the foundation of the family's economy and the strategic location is visited by many people and low rental costs. *Second*, the Legality and Spatial Planning Factors where their existence has never been evicted or prohibited from selling at the location. *Third*, the Communication Factor, where MSME actors feel that the control is carried out without sufficient dialogue, information about the corresponding river limits is not understood equally by the community

The forms of disputes that occur are as follows:

1. Administrative disputes.

This dispute is about the status of buildings whose existence is equivalent to the Sukalila River

2. Social Disputes

The residents' rejection of the control plan is because they have long inhabited the area which is a place of business as a source of livelihood.

3. Policy disputes

MSME business owners feel that the revitalization policy does not consider socio-economic aspects.

4. Conflict of interest

The government prioritizes the ecological function of the river, so that it can be cleaned and mud dredging to prevent flooding.

5. Criminal Disputes

Criminal disputes can occur when MSME business owners are still insistent on maintaining and do not want to be relocated.

Although it can be said that MSME business owners who erect buildings on the Sukalila River have violated the law, the solution must look at the legal objectives as Gustav Radbruch said ¹, that the legal objectives must meet legal certainty, justice and utility. With this dispute, of course, the local government and MSME business owners must sit together to have a dialogue to find a solution.

The dispute over illegal buildings in the Sukalila River reflects the conflict between the government regarding spatial planning policies and MSME business building owners who maintain their economic needs. According to Soerjono Soekanto, legal conflicts arise due to conflicts of interest, differences in legal interpretations and inequality of social access.² So that the resolution of the dispute is not easy. There must be a meeting between the two parties because it is not only about the law, but also concerns socio-economic, as well as the sustainability of environmental ecology.

The Cirebon city government and the Cimanuk-Cisanggarung (Cimancis) River Area Center (BBWS) and related agencies carried out the arrangement of the banks of the Sukalila River which previously held a meeting with residents who have MSME businesses in the Sukalila River.³ In the meeting, it was discussed that there would be control or demolition of buildings that were given until the end of December. There are 260 street vendors and illegal buildings will be ordered where until now, the city government has given a third letter of reprimand and is given time until December 15, 2025, if it is not dismantled itself, the demolition will be carried out by the city

¹ Gustav Radbruch, 2012, *Legal Purpose*, translated by Sidharta, p. 56

² Soerjono Soekanto, 1982, *Sociology of Law in Society* Rajawali Press, Jakarta. p. 67

³ Cirebon City Government and BBWS Cimancis Start Repairing the Sukalila River, <https://aboutcirebon.id/pemkot-cirebon-dan-bbws-cimancis-mulai-benahi-kali-sukalila/> accessed December 13, 2025

government through Satpol PP and related agencies supported by the Indonesian National Police.⁴ Meanwhile, the city government provides an alternative to move the business premises (relocation) to the Morning Market on the 2nd floor of Cirebon.

The arrangement of the Sukalila River can be implemented while the control of the buildings that are located on the corresponding Sukalila River no longer exist. This means that the dispute resolution can be resolved through non-litigation. By prioritizing persuasion, dialogue and deliberation. The Cirebon City Government does not solely exercise repressive control but also seeks to provide space for communication and alternative solutions for MSME actors to minimize the social impact.

Previous research has not provided a measurable, implementable model, post-relocation long-term evaluation, multi-stakeholder engagement, and comparative and quantitative analysis. Therefore, a more comprehensive study is needed to develop sustainable and replicable dispute resolution.

CONCLUSION

The settlement of disputes between MSME business owners on the banks of the Sukalila River and the Cirebon city government was pursued through a non-litigation mechanism, using persuasion, dialogue, and deliberation. The Cirebon City Government does not solely exercise repressive control but also seeks to provide space for communication and alternative solutions for MSME actors to minimize the social impact.

The role of the Cirebon city government as a regulator, facilitator, and mediator is important in creating fair dispute resolution. Efforts to organize areas, relocate businesses, and foster MSMEs show the existence of substantive justice, namely a balance between legal certainty, usefulness, and social justice.

Thus, the settlement of disputes between MSME business owners and the Cirebon city government is not only oriented toward law enforcement but also toward protecting the economic rights of small communities and promoting environmental sustainability.

⁴ December, Sulalila Cirebon Street Vendors Disciplined, Building Owners Urged Like this, <https://suaracirebon.com/2025/11/21/desember-pkl-sulalila-cirebon-ditertibkan-pemilik-bangunan-diimbau-begini/> accessed. December 12, 2025

BIBLIOGRAPHY

Soerjono Soekanto, 1986, *Introduction to Legal Research*, Jakarta. UI Press,

Gustav Radbruch, 2012, *Legal Purpose*, translated by Sidharta,

Soerjono Soekanto, 1982, *Sociology of Law in Society* Rajawali Press, Jakarta.

- Constitution of the Republic of Indonesia in 1945
- Law No. 26 of 2007 concerning Spatial Planning
- Law No. 17 of 2019 concerning Water Resources
- Cirebon City Regional Regulation No.8 of 2012 concerning the Cirebon City Regional Spatial Plan (RTRW) for 2011-2031
- Cirebon City Government and BBWS Cimancis Start Repairing the Sukalila River, <https://aboutcirebon.id/pemkot-cirebon-dan-bbws-cimancis-mulai-benahi-kali-sukalila/> accessed December 13, 2025
- December, Sulalila Cirebon Street Vendors Disciplined, Building Owners Urged Like this, <https://suaracirebon.com/2025/11/21/desember-pkl-sulalila-cirebon-ditertibkan-pemilik-bangunan-diimbau-begini/> accessed. December 12, 2025