

Agrarian Dispute Between the Ancol Urban Village Community and PT Pelindo

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Abstract

Agrarian disputes remain one of the most complex legal issues in Indonesia due to overlapping land rights, weaknesses in land administration, and conflicting claims between local communities and state-owned enterprises. This study aims to examine the legal validity of the Land Management Right (Hak Pengelolaan Lahan/HPL) granted to PT Pelindo over land that has been physically occupied by the residents of RW 08, Ancol Urban Village, North Jakarta, as well as to analyze legal protection mechanisms and equitable dispute resolution models. This research employs a normative juridical method using statutory, conceptual, and case approaches. The legal materials consist of secondary legal sources, including legislation, court decisions, legal doctrines, and recent scholarly publications related to agrarian disputes, land administration, legal certainty, mediation, and agrarian reform. The findings indicate that the dispute reflects a conflict between formal legal certainty, as represented by land title certificates, and the substantive rights arising from the community's long-standing physical occupation of the land. Weak administrative procedures, overlapping land registration, and the inadequate recognition of community rights are the primary factors contributing to the persistence of the dispute. Furthermore, the existing dispute resolution mechanisms have not fully accommodated the principles of justice, legal certainty, and public benefit. Therefore, this study proposes an integrated dispute resolution model through judicial review, agrarian mediation, land administration reform, and the implementation of agrarian reform policies to ensure balanced legal protection for both the affected community and the state-owned enterprise. Strengthening transparency in land administration and enhancing inter-agency coordination are also essential measures to prevent similar agrarian disputes in the future.

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1. INTRODUCTION

Land is an agrarian resource with significant economic, social, cultural, and legal value for Indonesian society. Along with rapid population growth, infrastructure development, and increasing investment, the demand for land has continued to rise, resulting in a growing number of land conflicts and disputes. Agrarian disputes generally arise from overlapping land rights, weaknesses in land administration, inconsistencies in land registration data, and discrepancies between physical possession and legal ownership of land. These conditions not only create legal uncertainty but also undermine the protection of community rights and social stability (Ashidiq & Silviana, 2024).

Previous studies have examined land dispute resolution from various perspectives. Zacharias (2024) explained that land disputes in Indonesia may be resolved through either litigation or non-litigation mechanisms in accordance with agrarian law. Nevertheless, the effectiveness of these mechanisms continues to face significant challenges, particularly due to overlapping regulations, weaknesses in land administration, and insufficient coordination among government institutions responsible for resolving land disputes (Zacharias, 2024).

Other studies have emphasized the important role of the National Land Agency (Ministry of Agrarian Affairs and Spatial Planning/National Land Agency [ATR/BPN]) in resolving agrarian conflicts. Dinata (2021) argued that ATR/BPN plays a strategic role in verifying land records, facilitating mediation, and resolving conflicts through administrative mechanisms. However, administrative settlement is often insufficient to address disputes involving conflicts between formally registered land rights, evidenced by land certificates, and long-standing physical occupation by local communities (Hidayati & Silviana, 2025).

Research on legal protection for communities involved in agrarian disputes indicates that dispute resolution should not merely focus on formal legal aspects. Pratiwi et al. (2024) emphasized that agrarian dispute resolution must uphold the principles of social justice, protection of community rights, and the participation of all stakeholders throughout the dispute resolution process. Accordingly, legal protection should integrate statutory provisions with substantive justice to achieve fair and equitable outcomes (Pratiwi et al., 2024).

Based on the existing literature, a significant research gap remains. Most previous studies have examined dispute resolution mechanisms, the role of land administration institutions, or legal protection independently. Only a limited number of studies have comprehensively integrated the analysis of the legal validity of the issuance of Land Management Rights (Hak Pengelolaan Lahan/HPL), legal protection for communities that have physically occupied land for an extended period, and equitable dispute resolution models within a single analytical framework. Therefore, the novelty of this study lies in its integrated analysis of the legality of HPL issuance, legal protection for affected communities, and agrarian dispute resolution models through the perspectives of administrative law, legal certainty, and agrarian justice in the dispute between the residents of RW 08, Ancol Urban Village, and PT Pelindo (DM *et al.*, 2025).

Based on the foregoing discussion, this study addresses two principal research questions: first, the legal validity of the issuance of PT Pelindo's Land Management Rights (HPL) over land that has been physically occupied by the residents of RW 08, Ancol Urban Village; and second, the forms of legal protection and dispute resolution models capable of achieving a balance among legal certainty, justice, and public benefit for both the local community and the state-owned enterprise (Piantari et al., 2024).

This study aims to analyze the legal validity of the issuance of PT Pelindo's Land Management Rights (HPL) under Indonesian agrarian law, examine the forms of legal protection available to communities affected by the dispute, and formulate an equitable dispute resolution model through the strengthening of land administration, agrarian mediation, administrative reform, and the implementation of agrarian reform policies. The findings are expected to contribute to the development of agrarian law scholarship while providing policy recommendations for the government and relevant stakeholders to enhance legal certainty and improve the effectiveness of land dispute resolution in Indonesia (Legalita, 2025).

2. METHODS

This study employs a normative juridical legal research method to examine the legal norms governing agrarian dispute resolution and the legal protection of land rights.

The research applies three approaches: the statutory approach, the conceptual approach, and the case approach. These approaches were selected to provide a comprehensive understanding of the legal validity of the issuance of PT Pelindo's Land Management Rights (Hak Pengelolaan Lahan/HPL) and the applicable dispute resolution mechanisms under Indonesian agrarian law (Fadillah, 2022).

The research utilizes primary, secondary, and tertiary legal materials. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, Law Number 5 of 1960 concerning the Basic Agrarian Law, Government Regulation Number 24 of 1997 concerning Land Registration, and other legislation related to land administration. Secondary legal materials consist of academic books, national and international journal articles, previous research findings, court decisions, and legal doctrines relevant to agrarian disputes. Tertiary legal materials include legal dictionaries, encyclopedias, and other reference sources that support the clarification of legal concepts (Soekanto, 2021).

Data were collected through a library research method by reviewing legal materials relevant to the research objectives. All legal materials were subsequently classified according to the research issues, namely the legal validity of the issuance of Land Management Rights (HPL), legal protection for the affected community, and agrarian dispute resolution. This technique was selected because normative juridical research primarily focuses on the analysis of legal norms contained in legislation and legal literature (Ibrahim, 2020).

The data were analyzed using descriptive qualitative analysis. All legal materials were systematically examined through the processes of identification, classification, interpretation, and conclusion drawing. The analysis was conducted by comparing positive legal provisions, legal doctrines, and previous research findings to develop legal arguments regarding the validity of the issuance of PT Pelindo's Land Management Rights (HPL) and to formulate a dispute resolution model capable of ensuring legal certainty, justice, and public benefit for all parties involved (Hidayat, 2021).

The research procedure began with the identification of the agrarian dispute between the residents of RW 08, Ancol Urban Village, and PT Pelindo. The subsequent stage involved the collection of primary, secondary, and tertiary legal materials through library research. These materials were then analyzed by examining statutory regulations, legal doctrines, court decisions, and previous studies. The findings of this analysis were used to evaluate the legal validity of the issuance of Land Management Rights (HPL), examine the available forms of legal protection, and formulate an equitable agrarian dispute resolution model. The final stage consisted of drawing conclusions and formulating recommendations based on the research findings.

3. RESULTS AND DISCUSSION

The findings indicate that the agrarian dispute between the residents of RW 08, Ancol Urban Village, and PT Pelindo originated from an overlap between the community's long-standing physical occupation of the land and the juridical control established through the Land Management Rights (Hak Pengelolaan Lahan/HPL) Certificate issued in the name of PT Pelindo. From a normative legal perspective, the issuance of Land Management Rights (HPL) must comply with the applicable statutory provisions, including due consideration of the status of physical occupation, land ownership history, and the principle of prudence in land administration. If the issuance process fails to recognize the rights of communities that have long exercised actual control over the land, such administrative action may result in procedural defects and diminish legal certainty (Lestario, 2022).

The study further reveals that the dispute arises from the inconsistency between formal legal legitimacy, as evidenced by the HPL certificate, and the factual reality of long-term physical occupation by the local community. This situation demonstrates that legal certainty in land administration has not fully reflected the principles of substantive justice. From an academic perspective, this phenomenon results from land administration procedures that prioritize formal documentary evidence over the verification of actual conditions in the field. Consequently, the issuance of land rights may generate prolonged disputes when it is not accompanied by a comprehensive examination of the historical occupation and use of the land (Santoso, 2023).

These findings are consistent with the study conducted by Herwansyah (2025), which concluded that overlapping land rights are generally caused by inadequate validation of land records, insufficient synchronization of administrative data, and ineffective supervision in the issuance of land certificates. Therefore, administrative legality should not be assessed solely based on the completeness of formal documentation but must also adhere to the principles of justice, transparency, and the protection of community rights (Herwansyah, 2025).

This study finds that legal protection for communities involved in agrarian disputes has not yet been implemented optimally. Communities that have occupied and utilized land for many years continue to face significant obstacles in obtaining legal recognition due to the existence of land title certificates issued to other parties. This condition indicates that the legal protection system remains predominantly focused on formal administrative evidence rather than on the social and historical realities that have developed within local communities (Adjanya, 2022).

From an academic perspective, this situation is influenced by the imbalance between preventive and repressive legal protection. Preventive legal protection, implemented through administrative verification procedures, has not been effective in preventing disputes at an early stage. Meanwhile, repressive legal protection through litigation requires considerable time, substantial costs, and complex evidentiary procedures. As a result, communities are often placed in a less favorable position than parties holding formal administrative legitimacy (Fauzi, 2023).

The findings of this study reinforce the conclusions of Ramadhani (2021), who argued that legal protection in land disputes must achieve a balance among legal certainty, justice, and public benefit. Accordingly, legal protection should not be realized solely through the issuance of land certificates but should also recognize long-standing physical occupation carried out continuously and in good faith in accordance with the applicable legal provisions (Ramadhani, 2021).

The findings of this study indicate that the agrarian dispute between the residents of Ancol Urban Village and PT Pelindo cannot be effectively resolved through litigation alone. Although litigation provides legal certainty through judicial decisions, it often fails to resolve the underlying social conflicts within the affected community. In contrast, mediation offers a forum for constructive dialogue, enabling the parties to reach solutions that are more equitable and oriented toward their mutual interests (Sumardjono, 2021).

The analysis demonstrates that the most effective dispute resolution model is an integrated approach that combines litigation and non-litigation mechanisms. Litigation is necessary to examine the legal validity of the issuance of Land Management Rights (Hak Pengelolaan Lahan/HPL), while agrarian mediation serves to facilitate agreements that take into account social, economic, and humanitarian considerations. Furthermore, reforms in land administration and the implementation of agrarian reform policies constitute strategic measures to prevent similar disputes in the future. This integrated approach is considered more effective because it not only resolves legal conflicts but also

addresses the underlying causes of disputes, including inequalities in land tenure and deficiencies in land administration (Sutedi, 2022).

These findings support the study conducted by Ismail (2023), which concluded that the successful resolution of land disputes largely depends on effective collaboration among the government, land administration authorities, the judiciary, and local communities. Dispute resolution mechanisms that focus solely on formal legal aspects may provide legal certainty; however, they do not necessarily achieve substantive social justice for all parties involved in the dispute (Ismail, 2023).

The agrarian dispute between the residents of RW 08, Ancol Urban Village, and PT Pelindo demonstrates that land-related conflicts are influenced not only by the existence of land title certificates but also by weaknesses in land administration, inadequate verification procedures prior to the issuance of land rights, and the failure to achieve a balance between formal legal certainty and substantive justice. In practice, the issuance of Land Management Rights (Hak Pengelolaan Lahan/HPL) based solely on administrative considerations may overlook the factual reality of long-standing physical occupation by local communities. Consequently, such circumstances give rise to legal disputes that extend beyond issues of legality to encompass social, economic, and constitutional dimensions concerning the community's rights to land. According to Sitorus (2022), the lack of an integrated land administration system is one of the primary factors contributing to overlapping land rights and the recurrence of agrarian disputes.

From the perspective of agrarian law, legal certainty should not be understood merely as the recognition of formal evidence in the form of land title certificates but must also include the protection of the rights of communities that have genuinely occupied and utilized the land in good faith. Therefore, the resolution of agrarian disputes requires a multidimensional approach that integrates administrative law, agrarian law, the protection of community rights, and the principles of social justice. Such an approach is essential to ensure that dispute resolution provides not only legal certainty for formal rights holders but also substantive justice for affected communities. In this regard, Wibowo (2023) emphasized that land dispute resolution is more effective when it promotes harmony among administrative legality, the protection of community rights, and participatory dispute resolution mechanisms.

The analysis of this dispute further demonstrates that the legality of land administration cannot be separated from the factual conditions existing on the ground. Transparency in the process of issuing land rights, validation of the historical record of land occupation, and effective inter-agency coordination are critical factors in preventing recurring disputes. Moreover, strengthening agrarian mediation and implementing agrarian reform should be positioned as key dispute resolution instruments capable of accommodating the interests of all stakeholders in a balanced and proportionate manner. Accordingly, enhancing the land administration system, improving the quality of land data verification, and incorporating the principles of justice into every land policy constitute strategic measures for achieving equitable legal certainty in Indonesia (Aulia, 2019).

4. CONCLUSION

This study concludes that the legal validity of the issuance of Land Management Rights (Hak Pengelolaan Lahan/HPL) should be assessed not only based on compliance with administrative and formal requirements prescribed by statutory regulations but also by considering the history of land occupation, the factual physical possession of the land by local communities, and the principles of justice embodied in agrarian law. Legal certainty in land administration cannot be effectively achieved if the issuance of land rights disregards the actual conditions that have developed within the community.

Legal protection in agrarian disputes requires a more comprehensive approach through the integration of strengthened land administration, accurate land data verification, dispute resolution through mediation, and litigation mechanisms where necessary. Such an approach is expected to establish an appropriate balance among legal certainty, justice, and public benefit for all parties involved in the dispute.

The findings of this study demonstrate that the resolution of agrarian disputes should not rely solely on the formal legality of land ownership rights but must integrate the principles of administrative law, the protection of community rights, and substantive justice within the national land law system. Therefore, strengthening transparency in land administration, enhancing inter-agency coordination, and implementing agrarian reform on a sustainable basis constitute strategic measures to prevent the recurrence of agrarian disputes and to establish a national land administration system that ensures both legal certainty and justice for society.

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