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Legal Certainty of Land Rights Based on Land Statement Letters within Industrial Plantation Forest Areas (A Study in Bengkalis Regency)

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Abstract. Land occupies a strategic position in social life and national development; consequently, its control and utilization must be regulated in a manner that ensures legal certainty. In practice, particularly in rural areas, communities frequently rely on a Land Statement Letter (Surat Keterangan Tanah/ SKT) as evidence of land possession. Legal issues emerge when land possessed by communities on the basis of an SKT is located within areas designated as Industrial Plantation Forests (Hutan Tanaman Industri / HTI), where the state has granted official management permits to corporate entities. Such circumstances give rise to competing claims between communities exercising de facto control over the land and companies holding formal legal authorization issued by the government. This study seeks to examine the legal status of community land possession based on SKT within HTI areas and to assess the extent to which legal certainty is ensured, with reference to Supreme Court Decision Number 1429 K/Pdt/2022. The research adopts an empirical legal method employing a descriptive-analytical approach. Primary data were obtained through interviews with SKT holders, village officials, and representatives of the relevant company, while secondary data were collected from statutory regulations, legal scholarship, and judicial decisions. The collected data were analyzed qualitatively through a juridical approach in order to understand the practice of land control and the scope of its legal protection. The findings indicate that an SKT does not possess evidentiary value equivalent to that of a land ownership certificate, which constitutes strong legal proof of title under Indonesian land law. In cases where the disputed land is situated within HTI areas, legal certainty tends to favor parties holding formal permits issued by the state. Hence, the existence of an SKT in itself does not provide sufficient legal protection for communities unless it is followed by formal land registration in accordance with applicable land law regulations.

Keywords: Industrial; Land; Plantation; Rights.



1. Introduction

Land constitutes a fundamental asset within society, as it is intrinsically linked to social interactions, economic activities, and the implementation of national development policies. Accordingly, the governance of land ownership, control, use, and utilization must be regulated in a manner that guarantees legal certainty, as mandated by Law Number 5 of 1960 concerning Basic Agrarian Regulations (Basic Agrarian Law / UUPA). One of the principal objectives underlying the enactment of the UUPA is to establish a legal framework that provides protection and certainty regarding land rights for the Indonesian people. In a legal system founded upon the rule of law, the principle of legal certainty plays a crucial role in ensuring clarity concerning the status of rights while simultaneously safeguarding the interests of land right holders (Boedi Harsono, 2008).

In practical terms, particularly within rural communities, a considerable number of individuals continue to exercise control over land on the basis of a Land Statement Letter (Surat Keterangan Tanah / SKT) issued by village authorities. This document essentially performs an administrative function by recording factual land possession. As such, its legal standing cannot be equated with a land title certificate obtained through the formal land registration mechanism, which constitutes authoritative evidence of land rights (Adrian Sutedi, 2013). Consequently, individuals who rely solely on an SKT frequently encounter legal vulnerability, particularly when disputes concerning land ownership arise (Urip Santoso, 2012).

Land registration therefore serves as a central instrument for securing legal certainty and legal protection for individuals or entities holding land rights. Through this mechanism, the state formally recognizes the identity of the right holder, determines the location and boundaries of the relevant parcel of land, and clarifies the legal status attached to it (A.P. Parlindungan, 2009). In the absence of formal registration, control over land generally reflects only factual possession in practice and does not yet receive full legal protection within the national land law system.

The complexity of land governance becomes more pronounced when land controlled by communities on the basis of an SKT is located within designated state forest areas, particularly those allocated for Industrial Plantation Forests (Hutan Tanaman Industri / HTI). Under Indonesian forestry law, forest areas fall under the authority and control of the state, and their utilization may only be conducted pursuant to official permits issued by the government. In reality, the establishment of HTI concessions often overlaps with land that has long been occupied and cultivated by local communities across generations, thereby generating conflicts between local residents and companies holding legally recognized forest management permits (Food and Agriculture Organization, 2011).



1 This situation is illustrated by a dispute involving residents of Koto Pait Beringin Village in Talang Muandau District, Bengkalis Regency, and a corporate entity holding an Industrial Plantation Forest concession. The dispute proceeded through several levels of judicial review and was ultimately resolved by the Supreme Court of the Republic of Indonesia. In Supreme Court Decision Number 1429 K/Pdt/2022, the Court concluded that the legal authority attached to the Industrial Plantation Forest management permit held by the company possessed stronger legal force than the Land Statement Letters (SKT) relied upon by members of the community (Supreme Court Decision Number 1429 K/Pdt/2022). This judicial determination demonstrates that legal certainty in such disputes tends to favor parties holding formal authorization issued by the state, thereby indicating that the existence of an SKT alone does not yet provide sufficiently robust legal protection for local communities.

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25 In light of these circumstances, it becomes necessary to examine the legal status of community land control based on Land Statement Letters (SKT) within Industrial Plantation Forest (HTI) areas. Furthermore, this research seeks to analyze the degree of legal certainty afforded to SKT holders by referring to Supreme Court Decision Number 1429 K/Pdt/2022, as part of broader efforts to strengthen the agrarian legal system while promoting greater protection of community land rights.

2. Research Methods

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11 This research applies a normative–empirical approach by examining various regulations related to land control and ownership as well as the governance of forest areas, particularly those associated with the existence of Land Statement Letters (SKT) and Industrial Plantation Forest (HTI) areas, while simultaneously examining their implementation in practice through field research. This approach is employed to assess the conformity between land and forestry legal norms and the reality of land control by communities based on Land Statement Letters (SKT), particularly in the context of disputes between communities and companies holding HTI concession permits. The research was conducted in Koto Pait Beringin Village, Talang Muandau District, Bengkalis Regency.

3. Result and Discussion

3.1. Legal Status of Land Control Based on Land Statement Letters (SKT) within Industrial Plantation Forest (HTI) Areas

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6 A Land Statement Letter (Surat Keterangan Tanah / SKT) is generally understood as an administrative document issued by village or sub-district authorities acknowledging that a particular individual exercises physical possession over a specific parcel of land. Such a document usually contains information concerning the identity of the land possessor, the location and boundaries of the land, and a



13 brief account of the history of possession. Nevertheless, within the framework of Indonesia's national land law system, an SKT does not possess the same legal authority as a land rights certificate issued by the National Land Agency. Under the provisions of the Basic Agrarian Law and the regulations governing land registration, legal certainty over land rights can essentially be obtained only through the formal land registration process conducted by the competent authority. Consequently, the SKT merely functions as preliminary administrative evidence reflecting factual control of land and does not, in itself, constitute legally recognized ownership.

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Within Indonesia's system of land governance, the State occupies a central position as the authority that controls land, water, and natural resources for the purpose of promoting public welfare. This principle is embodied in the Basic Agrarian Law, which aims to regulate land tenure arrangements, ensure agrarian justice, and prevent the emergence of land disputes. In this context, land registration serves as a key instrument for establishing legal certainty and providing legal protection for holders of land rights.

Government Regulation Number 24 of 1997 further provides that land registration is intended to ensure legal certainty, supply reliable information regarding land status, and create an orderly system of land administration. The process may take place through initial land registration carried out systematically by the government within certain regions or sporadically upon the initiative of individual landholders. Through this procedure, both physical and juridical data relating to land parcels are officially recorded and subsequently form the basis for the issuance of land certificates that serve as strong evidence of land rights.

Legal difficulties arise when communities control land solely on the basis of SKT documentation while the land in question has been administratively designated as part of a state forest area, particularly within Industrial Plantation Forest (HTI) zones. In such circumstances, conflicting legal perspectives often emerge between community claims based on long-standing possession and the State's classification of the land as forest territory. For local communities, SKT documents are frequently perceived as legitimate proof of land control, particularly where the land has been cultivated and utilized for generations. In contrast, the State regards HTI areas as part of the national forest estate that remains under its authority (Boedi Harsono, 2008).

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The case examined in this research concerns land controlled by residents of Koto Pait Beringin Village in Talang Muandau District, Bengkalis Regency, which lies within the HTI concession area of PT Riau Abadi Lestari. For many years, members of the local community have used the land for housing and agricultural purposes. Their control over the land has also been administratively recognized through the issuance of SKT by village authorities as confirmation of such possession. However, following the granting of HTI concession rights to the company by the government,



the area was officially classified as part of the state forest zone and placed under the management authority of the concession holder (Interview, 10 March 2025).

These differing legal foundations subsequently generated disputes between the community and the company. The community bases its claims on continuous and open possession of the land exercised in good faith, supported by SKT documentation. Conversely, the company relies on forest utilization permits issued by the government, asserting that the disputed land falls within the state forest area and therefore cannot legally be granted as private ownership (Interview, 14 March 2025).

24 The results of this study indicate that the issuance of SKT by village authorities was primarily intended as an administrative acknowledgment of community land possession prior to the formal designation of the area as forest land. Village officials themselves generally recognize that SKT carries limited legal authority and cannot be equated with a land certificate as formal proof of ownership. This situation reflects a gap between the practices commonly found within local communities and the formal legal provisions governing land ownership (Interview, 12 March 2025).

4 From a juridical standpoint, HTI areas form part of the forest territory controlled by the State under prevailing forestry legislation. The granting of HTI concessions to private companies does not transfer ownership of the land but merely confers the right to manage and utilize forest resources within a specified area. As long as the legal status of the forest area has not been formally released or converted through the procedures prescribed by law, land located within such areas cannot be granted private ownership rights. Consequently, SKT documents cannot serve as a valid legal basis for ownership claims over land situated within HTI areas.

This situation illustrates the intersection between agrarian law and forestry law. Agrarian law tends to recognize land control based on factual possession and historical land use by communities, whereas forestry law emphasizes the State's authority over forest territories. The lack of harmonization between these regulatory frameworks often produces legal uncertainty, particularly for communities that have long cultivated land but do not possess formally recognized ownership certificates (Urip Santoso, 2012).

30 7 Based on the analysis conducted, it can be concluded that community ownership claims based solely on SKT within HTI concession areas possess limited legal standing. The SKT does not constitute evidence of ownership rights but merely represents administrative acknowledgment of land possession. Moreover, the classification of the land as part of the state forest estate constitutes the primary barrier to the recognition of individual ownership rights.



10 Nevertheless, community occupation of land prior to the establishment of HTI concessions cannot be disregarded. Such occupation reflects a social and historical reality demonstrating the community's dependence on land as a principal source of livelihood. Accordingly, the State should provide protection through policies aimed at resolving agrarian conflicts, conducting land tenure inventories, and implementing mechanisms such as agrarian reform, forest area release, or social forestry programs. These measures are necessary to achieve a balance between the interests of the State, concession-holding companies, and local communities.

13 Therefore, from a formal juridical perspective, ownership claims based solely on SKT within HTI concession areas cannot be recognized as legitimate land rights. However, from a sociological standpoint, such land control remains significant and should be considered in the formulation of legal policies in order to ensure both legal certainty and a sense of justice for all stakeholders.

38 Further academic studies demonstrate that land conflicts in Indonesia are not solely caused by the weakness of community ownership evidence but are also closely linked to the limited implementation of land registration programs. Many communities continue to rely on administrative documents such as SKT because they are easier and faster to obtain, despite the fact that such documents do not provide legal certainty regarding ownership rights. This situation reflects relatively low public awareness of the importance of land certification and may potentially generate future disputes (Fitriana Trinengsi Taolin et al., 2024).

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4 In addition, land registration plays a significant role in establishing orderly land administration while simultaneously providing legal protection for rights holders. In academic discourse, land registration is understood not merely as the recording of legal status but also as a mechanism for ensuring legal certainty, reducing the potential for disputes, and providing transparent information for interested parties. Consequently, the absence of land certificates as valid proof of ownership frequently places communities in a vulnerable position when confronted with claims from parties possessing stronger legal foundations (Yamani, Nur Habibah, 2024).

The absence of land certificates therefore often weakens the position of communities when confronted with claims from parties supported by stronger legal instruments. This situation becomes even more complicated when the land concerned is located within areas legally designated as forest zones or concession territories, where administrative documents such as SKT are insufficient to provide strong legal legitimacy.

From the perspective of agrarian law, land certificates possess high evidentiary value because they are issued through official land registration procedures conducted by the State. Certificates thus function as the principal legal instrument ensuring certainty of control, utilization, and legal protection against claims from



other parties. Conversely, communities relying solely on SKT or long-standing physical occupation frequently face weaker legal standing when confronted with parties possessing formal legal documentation (Maria S.W. Sumardjono, 2007).

Academic research also indicates that one of the principal factors contributing to land disputes in Indonesia is the incomplete implementation of land registration, particularly in rural areas and regions with complex legal status. Many communities have controlled land for decades but lack legally recognized ownership documentation. This situation creates disparities in legal protection, especially when community claims overlap with business permits issued by the State (Ahmad Redi, 2017).

The absence of land certificates further limits the ability of communities to obtain adequate legal protection. Studies suggest that land certification not only functions as proof of ownership but also provides security in land utilization while reducing the potential for disputes. Land parcels that have not been registered are generally more vulnerable to conflict because they lack clearly recorded juridical data.

From the perspective of land administration, land registration constitutes an essential element in establishing an orderly and transparent system of land management. Clear legal status of land parcels facilitates governmental supervision, regulation, and development planning. Conversely, unregistered land complicates the identification of ownership and frequently becomes a recurring source of disputes (Nurhasan Ismail, 2016).

Within the context of forest areas and industrial concessions, these issues become even more complex due to the divergence between sociological land control and juridical authority over land. Communities often regard long-standing physical possession as a legitimate basis for ownership, whereas legally the State retains authority over forest territories and may grant management rights to particular entities. Such discrepancies frequently give rise to disputes between local communities and concession-holding companies (Nurhasan Ismail, 2016).

Further research indicates that the weak formal legality of community land control is often associated with limited access to land registration services, insufficient legal awareness, and economic constraints. Under such circumstances, communities tend to rely on simple administrative evidence such as SKT as the basis for ownership claims, even though such documents provide limited legal protection in the event of disputes (Nurhasan Ismail, 2016).

Agrarian law scholarship also emphasizes that land certification has an important preventive function in avoiding conflicts. By ensuring certainty regarding the subject, object, and legal status of land, the potential for disputes can be minimized from the outset. Conversely, unclear legal status creates opportunities



for overlapping claims and competing interests among communities, government authorities, and private enterprises (Gunawan Wiradi, 2016).

In practice, many agrarian disputes brought before the courts originate from the weakness of community ownership evidence. When confronted with parties possessing formal legal instruments such as land certificates or government-issued permits, communities relying solely on administrative documentation are placed in a particularly vulnerable position. This demonstrates that formal legal legitimacy remains a decisive factor in determining legal certainty over land (M. Ilham Arisaputra, 2018).

Accordingly, the urgency of land registration extends beyond administrative considerations and is closely related to the protection of community rights. Without land certificates as valid proof of ownership, communities frequently face unequal legal positions when confronted with parties supported by stronger legal authority. Enhancing public legal awareness and accelerating land registration programs therefore constitute essential steps toward ensuring legal certainty, reducing agrarian conflicts, and providing fairer legal protection for all stakeholders (Waskito and Hadi Arnowo, 2018).

Other studies further indicate that administrative documents such as SKT essentially reflect factual possession of land by communities but do not possess comprehensive evidentiary value under existing land law. Individuals relying solely on SKT frequently encounter difficulties in defending their claims, particularly when confronted with parties holding stronger legal bases such as certified land titles or government-issued permits.

Within the context of conflicts in HTI areas, the situation becomes even more complex due to the coexistence of two regulatory regimes, namely agrarian law and forestry law. Academic research indicates that this regulatory overlap constitutes one of the principal causes of recurring land disputes, especially in areas that were initially controlled by communities but later designated as state forest territories. Consequently, policy harmonization and restructuring of land tenure arrangements are required in order to ensure fair and balanced legal certainty for all parties involved (Fitrina Trinengsi Taolin et al., 2024).

In conclusion, numerous academic studies emphasize that strengthening the land registration system, improving public legal awareness, and harmonizing agrarian and forestry policies are essential steps in reducing land conflicts. These efforts are expected to enhance legal protection for communities while simultaneously promoting a more orderly and transparent system of land administration at the national level.



3.2. Legal Certainty for Holders of Land Statement Letter Based on the Supreme Court Decision Number 1429 K/Pdt/2022

The authority of the State to regulate land tenure and land utilization constitutes a central principle in Indonesian agrarian law. Article 2 of Law Number 5 of 1960 concerning Basic Agrarian Regulations affirms that the State exercises control over land, water, and airspace in order to ensure that these natural resources are utilized for the greatest prosperity of the people. On the basis of this constitutional mandate, the State possesses the authority to determine the allocation, designation, and utilization of land while also regulating legal relationships between individuals and land resources (Boedi Harsono, 2008).

In practice, this authority extends beyond administrative regulation and serves as the legal foundation for the State to grant various forms of land rights to individuals and legal entities. These rights include ownership rights (*hak milik*), cultivation rights (*hak guna usaha*), building use rights (*hak guna bangunan*), use rights (*hak pakai*), and other forms of rights recognized under statutory provisions. Nevertheless, not all land areas may be freely granted such rights because certain territories have been formally designated as state forest areas, which are governed under a distinct legal regime within the framework of forestry law.

Forest territories are subject to a legal framework that differs from ordinary land areas. Within such areas, the State not only acts as a regulatory authority but also retains direct control over their management and utilization. As a result, the granting of land rights under the Basic Agrarian Law cannot be carried out unless the status of the land as forest territory has first been formally released or converted through procedures prescribed by law (Supriadi, 2010). This situation frequently generates legal challenges when communities have historically occupied and cultivated land for generations but the area is later designated as forest territory and subsequently granted to private companies through Industrial Plantation Forest HTI concessions.

A similar situation can be observed in Koto Pait Beringin Village, located in Talang Muandau District, Bengkalis Regency. Part of the land in this region has been designated as production forest and subsequently granted to PT Riau Abadi Lestari under an Industrial Plantation Forest concession scheme. At the same time, members of the local community had long utilized the land for settlement and agricultural activities. Community control over the land was further supported by the issuance of SKT by village authorities as administrative documentation acknowledging such possession.

From a normative legal perspective, the SKT does not constitute constitutive proof of ownership. Rather, it functions as administrative evidence describing the history of possession or utilization of a parcel of land by a particular individual. This characteristic distinguishes the SKT from land certificates issued by the



7 National Land Agency (*Badan Pertanahan Nasional / BPN*), which carry legal authority as formal proof of land rights (Adrian Sutedi, 2013). Accordingly, the SKT may only serve as preliminary evidence that can support the process of land registration and cannot independently establish legally recognized ownership.

12 In practice, however, many members of the public perceive the SKT as a document that sufficiently proves land ownership. From the perspective of agrarian law, legal certainty concerning land rights can only be obtained through a formal land registration process that culminates in the issuance of a land certificate as valid legal proof of ownership (A.P. Parlindungan, 2009). This difference in legal understanding frequently becomes a source of agrarian disputes, particularly in areas located within state forest territories.

4 The dispute between the community of Koto Pait Beringin Village and PT Riau Abadi Lestari represents a concrete example of such circumstances. The community based its claim on hereditary land possession supported by SKT documentation. Conversely, the company relied upon an official government permit authorizing the management and utilization of the forest area for industrial plantation activities. The disagreement arising from these competing claims eventually led to litigation proceedings and was ultimately examined at the cassation level by the Supreme Court of the Republic of Indonesia.

5 In Supreme Court Decision Number 1429 K/Pdt/2022, the panel of judges emphasized that forest areas constitute territory under the authority of the State and that their management may be delegated to particular parties through the issuance of official permits. The HTI permit granted to PT Riau Abadi Lestari was therefore recognized as a valid legal basis for the company's management of the area. As long as such permits remain valid and have not been revoked or annulled, they continue to possess binding legal force.

The Court further held that the SKT documents held by members of the community merely function as administrative evidence and cannot be equated with land certificates as legal proof of ownership. The issuance of SKT by village authorities does not have the legal effect of altering or nullifying the status of forest areas that have been formally designated by the State. In its legal reasoning, the Court emphasized that long-standing physical possession of land does not automatically give rise to ownership rights when the land is situated within a state forest area.

39 On this basis, the court concluded that the community lacked a sufficiently strong legal foundation to claim ownership over the disputed land. This ruling was subsequently upheld by the Supreme Court, thereby attaining the status of a final and binding judgment (*inkracht van gewijsde*). Normatively, the decision demonstrates that the legal regime governing forestry possesses greater authority



in determining the legal status of forest areas compared with claims of land control based solely on administrative evidence such as SKT.

From the perspective of legal certainty, the decision illustrates that legal protection for SKT holders within HTI areas is extremely limited. The SKT does not provide sufficient legal force to establish ownership rights, particularly when the land concerned forms part of the state forest estate. This view is consistent with the opinions of legal scholars who emphasize that legal certainty regarding land ownership can only be achieved through official land registration procedures culminating in the issuance of land certificates as strong legal evidence.

However, from a sociological perspective, long-standing community occupation of land prior to the designation of forest areas cannot simply be disregarded. Numerous studies indicate that agrarian conflicts frequently arise due to discrepancies between the factual control of land exercised by communities and the designation of forest territories by the State (Ahmad Nashih Luthfi, 2019). Such circumstances often create legal uncertainty and a perception of injustice among local communities, particularly for individuals whose livelihoods have long depended on the land in question.

Interviews conducted with residents of Koto Pait Beringin Village in 2025 revealed that many community members had occupied and managed the land long before the establishment of the forest designation. For these residents, the SKT represented recognition by village authorities of their existence and control over the land (Interview, 2025). Meanwhile, village officials explained that the issuance of SKT was intended solely as an administrative record of land possession and not as a formal grant of ownership rights.

On the other hand, PT Riau Abadi Lestari asserted that its operational activities were conducted on the basis of official government permits and within concession boundaries determined by the relevant authorities. The company also stated that it had undertaken mediation efforts with local communities in order to reduce tensions and identify mutually acceptable solutions.

This situation reflects the broader tension between two legal regimes: agrarian law, which tends to recognize community land control based on possession and historical use, and forestry law, which emphasizes the authority of the State over forest territories. Several academic studies published in legal journals indicate that similar conflicts frequently arise in various regions of Indonesia, particularly in areas affected by the expansion of forest territories or the granting of industrial concessions (Rachmad Safa'at, 2020).

Normatively, the Supreme Court's decision provides legal certainty for HTI permit holders by affirming the legitimacy of corporate management rights over forest areas. However, from the perspective of community protection, the decision also



8 demonstrates that the legal position of SKT holders remains weak, especially when the land they occupy is legally classified as state forest territory. This situation indicates that legal certainty in land matters is not determined solely by physical possession but is significantly influenced by the juridical status of land as determined by statutory regulations (Maria S.W. Sumardjono, 2011).

From a normative-critical perspective, this situation underscores the importance of harmonizing agrarian law with forestry regulations. Without such policy synchronization, agrarian conflicts are likely to persist and continue generating legal uncertainty for local communities. The State therefore plays a crucial role in ensuring that longstanding community land occupation can be considered through equitable mechanisms such as land tenure inventories, forest area release procedures, or social forestry programs (I Nyoman Nurjaya, 2018).

15 Accordingly, legal certainty for SKT holders within HTI areas remains highly limited from a juridical standpoint. Supreme Court Decision Number 1429 K/Pdt/2022 clearly establishes that the existence of an SKT cannot serve as valid legal proof of ownership over land located within a state forest area. Nevertheless, from a sociological perspective, the presence of communities that have long occupied and utilized the land should remain an important consideration in the formulation of legal policy. Legal approaches that rely exclusively on formal legality without taking into account social realities risk perpetuating agrarian conflicts. Consequently, the concept of legal certainty should not merely depend on formal legality but should also reflect broader principles of justice for all parties concerned.

17 4. Conclusion

22 In principle, a Land Statement Letter functions merely as an administrative document indicating the initial stage of physical control over a parcel of land. It does not possess the legal authority to establish ownership rights in the same manner as a land title certificate issued by the National Land Agency (BPN), which serves as formal proof of land ownership within the national land registration system. Where land controlled by members of the community is located within a state forest area, particularly in regions that have been designated as Industrial Plantation Forest concessions, such land cannot legally be subject to individual ownership rights unless the forest status has first been released or altered through the legally prescribed procedures. Consequently, from the standpoint of formal land law, an SKT cannot serve as a valid legal basis for asserting ownership rights over land located within HTI concession areas. Nevertheless, from a sociological perspective, the control of such land has in many instances existed for a considerable period of time and has been passed down across generations within local communities. The decision affirms that the legality of HTI management permits granted to companies under forestry law possesses a stronger legal standing compared with the SKT documents held by members of the community.



This situation indicates that such administrative documents cannot function as equivalent evidentiary instruments when confronted with official permits issued by the state. It further demonstrates that the national land law system continues to emphasize formal legality obtained through the land registration process as well as the state's authority in designating forest areas. As a consequence, communities who possess only SKT documents occupy a legally vulnerable position when confronted with claims made either by the state or by companies holding officially granted concession permits. Nevertheless, from the perspective of substantive justice, long-standing community control and utilization of land represent an important social reality that should not be disregarded in the formulation of policies aimed at resolving agrarian conflicts.

5. References

Books:

- A. P. Parlindungan. *Pendaftaran Tanah di Indonesia (Land Registration in Indonesia)*. Bandung: Mandar Maju, 2009.
- Adrian Sutedi. *Peralihan Hak atas Tanah dan Pendaftarannya (Transfer of Land Rights and Their Registration)*. Jakarta: Sinar Grafika, 2013.
- Adrian Sutedi. *Sertifikat Hak Atas Tanah (Land Title Certificates)*. Jakarta: Sinar Grafika, 2017.
- Boedi Harsono. *Hukum Agraria Indonesia: Himpunan Peraturan-Peraturan Hukum Tanah (Indonesian Agrarian Law: Compilation of Land Law Regulations)*. Jakarta: Djambatan, 2004.
- Boedi Harsono. *Hukum Agraria Indonesia: Sejarah Pembentukan UUPA, Isi dan Pelaksanaannya (Indonesian Agrarian Law: The Formation, Substance, and Implementation of the Basic Agrarian Law)*. Jakarta: Djambatan, 2008.
- Maria S. W. Sumardjono. *Kebijakan Pertanahan antara Regulasi dan Implementasi (Land Policy between Regulation and Implementation)*. Jakarta: Penerbit Buku Kompas, 2005.
- Supriadi. *Hukum Kehutanan dan Hukum Perkebunan di Indonesia (Forestry Law and Plantation Law in Indonesia)*. Jakarta: Sinar Grafika, 2010.
- Urip Santoso. *Hak Atas Tanah, Hak Pengelolaan, dan Hak Milik atas Satuan Rumah Susun (Land Rights, Management Rights, and Ownership Rights of Apartment Units)*. Jakarta: Kencana, 2017.
- Urip Santoso. *Hukum Agraria: Kajian Komprehensif (Agrarian Law: A Comprehensive Study)*. Jakarta: Kencana, 2012.

Journals:

- Ahmad Nashih Luthfi. "Konflik Agraria dan Kepastian Hukum Hak Atas Tanah (Agrarian Conflicts and Legal Certainty of Land Rights)." *Jurnal Bhumi*, Vol. 5 No. 1, 2019.



- Ahmad Redi. "Problematika Pendaftaran Tanah dalam Perspektif Hukum Agraria Nasional (Problems of Land Registration in the Perspective of National Agrarian Law)." *Jurnal RechtsVinding*, Vol. 6 No. 2, 2017.
- Amiruddin. "Unsur Kepastian Hukum dalam Kebijakan Publik (Elements of Legal Certainty in Public Policy)." *De Jure: Jurnal Penelitian Hukum*, BPHN, 2020.
- Arie Sukanti Hutagalung. "Administrasi Pertanahan dan Kepastian Hukum Hak atas Tanah (Land Administration and Legal Certainty of Land Rights)." *Jurnal Yuridika*, Vol. 29 No. 1, 2014.
- Barita Sidabutar. "Legal Security of Land Ownership by the System Law in Indonesia and Judicial Practice." *Jurnal Gagasan Hukum*, Vol. 5 No. 1, 2023.
- Fitrina Trinengsi Taolin et al. "Kesadaran Hukum Masyarakat dalam Pendaftaran Peralihan Hak Atas Tanah (Community Legal Awareness in the Registration of the Transfer of Land Rights)." *Tunas Agraria*, Vol. 7 No. 1, January 2024.
- Gunawan Wiradi. "Reforma Agraria dan Penyelesaian Konflik Pertanahan (Agrarian Reform and the Resolution of Land Conflicts)." *Jurnal Bhumi*, Vol. 2 No. 1, 2016.
- I Nyoman Nurjaya. "Konflik Tenurial di Kawasan Hutan dan Permasalahannya (Tenurial Conflicts in Forest Areas and Their Problems)." *Jurnal Arena Hukum*, Vol. 11 No. 3, 2018.
- I Nyoman Nurjaya. "Pengakuan Hak Masyarakat dalam Konflik Agraria (Recognition of Community Rights in Agrarian Conflicts)." *Jurnal RechtsVinding*, Vol. 7 No. 2, 2018.
- M. Ilham Arisaputra. "Penguasaan Tanah Tanpa Sertifikat dan Perlindungan Hukumnya (Land Possession without Certificate and Its Legal Protection)." *Jurnal Hukum & Pembangunan*, Vol. 48 No. 2, 2018.
- Maria S. W. Sumardjono. "Kepastian Hukum dan Perlindungan Hak atas Tanah (Legal Certainty and Protection of Land Rights)." *Jurnal Hukum IUS QUIA IUSTUM*, Vol. 14 No. 3, 2007.
- Maria S. W. Sumardjono. "Kepastian Hukum Hak Atas Tanah dalam Sistem Hukum Nasional (Legal Certainty of Land Rights in the National Legal System)." *Jurnal Hukum IUS QUIA IUSTUM*, Vol. 18 No. 1, 2011.
- Nurhasan Ismail. "Peran Pendaftaran Tanah dalam Memberikan Jaminan Kepastian Hukum (The Role of Land Registration in Providing Legal Certainty)." *Jurnal Hukum Prioris*, Vol. 5 No. 1, 2016.
- Rachmad Safa'at. "Dinamika Konflik Agraria dalam Kawasan Hutan (The Dynamics of Agrarian Conflicts in Forest Areas)." *Jurnal Arena Hukum*, Vol. 13 No. 2, 2020.
- Rachmad Safa'at. "Konstruksi Hukum Penguasaan Tanah oleh Masyarakat dalam Perspektif Agraria (Legal Construction of Community Land Control in Agrarian Perspective)." *Jurnal Konstitusi*, Vol. 10 No. 4, 2013.



Waskito and Hadi Arnowo. "Urgensi Pendaftaran Tanah dalam Mencegah Sengketa Agraria (The Urgency of Land Registration in Preventing Agrarian Disputes)." *Jurnal Perspektif*, Vol. 23 No. 2, 2018.

Yamani et al. "Pendaftaran Tanah di Indonesia (Land Registration in Indonesia)." *CAUSA: Jurnal Hukum dan Kewarganegaraan*, 2024.

Legislation:

Government Regulation Number 24 of 1997.

Law Number 41 of 1999.

Law Number 5 of 1960.

Supreme Court Decision Number 1429 K/Pdt/2022.

The 1945 Constitution of the Republic of Indonesia.

Interviews:

Interview with a representative of PT Riau Abadi Lestari regarding the land status within the Industrial Plantation Forest (HTI) concession area, Bengkalis, 14 March 2025.

Interview with holders of *Surat Keterangan Tanah* (SKT), Koto Pait Beringin Village, Talang Muandau District, Bengkalis Regency, 10 March 2025.

Interview with the Head of Koto Pait Beringin Village regarding the history of the issuance of *Surat Keterangan Tanah* (SKT) and community land possession, Koto Pait Beringin Village, Talang Muandau District, Bengkalis Regency, 12 March 2025.