

**PANDOWO LIMO PEOPLE'S CLAIM TO LAND RIGHTS
(A STUDY ON PT. PERKEBUNAN NUSANTARA IV KEBUNAN
BALIMBINGAN)**

Ahmad Bayu Sulisty, Lilawati Ginting

Email: ahmadbayu1208@gmail.com

Universitas Muhammadiyah Sumatera Utara

ABSTRACT

The Right to Use Business (HGU) often causes conflicts between rights holders who obtain formal legality from the state and communities who claim land based on historical control or customary rights. Such as the dispute between PT Perkebunan Nusantara IV Kebun Balimbingan and the Pandowo Limo Community in Simalungun Regency. The issues raised by the legal status of the HGU land owned by PTPN IV based on land law in Indonesia, the legal basis used by the Pandowo Limo community in claiming HGU land as their property, and the mechanism for resolving land disputes in the conflict between PTPN IV Kebun Balimbingan and the Pandowo Limo community

The research method used is empirical legal research, which is research that examines the implementation and implementation of normative legal provisions in action in legal events that occur in society. This research is descriptive with a legislative approach to obtain a comprehensive normative and empirical understanding.

The results of the study show that the legal position of the Right to Use Business (HGU) owned by PT Perkebunan Nusantara IV Kebun Balimbingan is valid and has legal force based on the Basic Agrarian Law and is evidenced by the valid HGU certificate. The claims of the Pandowo Limo people are based on hereditary control and historical legitimacy, but in the trial process they are not supported by written evidence that is strong enough according to positive law. Dispute resolution is carried out through litigation until Decision Number 19/Pdt.G/2023/PN. Sim and appeal decision Number 602/Pdt./2023/PT. MDN affirms the legal standing of PTPN IV as a legitimate right holder. This study also found that there is an inequality between administrative legality and social legitimacy, which is influenced by historical factors, weaknesses in land administration, and limited access to community law, thus reflecting the complexity of agrarian conflicts in Indonesia.

Keywords: Land Dispute Dispute, Right to Use, PTPN IV.

A. Introduction

Land has a very strategic position in the life of the nation and state in Indonesia. Apart from being an economic resource, land also has social, cultural, and historical dimensions that are inherent in people's lives. The Constitution of the Republic of Indonesia through Article 33 paragraph (3) of the 1945 Constitution emphasizes that the earth, water, and natural resources contained therein are controlled by the state and used for the greatest possible prosperity of the people. This principle was then further elaborated in Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles (UUPA), which became the main basis of national land law.

One of the land rights regulated in the UUPA is the Right to Use Business (HGU), which is the right to cultivate land that is directly controlled by the state for a certain period of time for agricultural, plantation, fishery, or livestock purposes. Normatively, HGU is granted to Indonesian citizens or legal entities established under Indonesian law and domiciled in Indonesia. In practice, HGU is widely given to large companies, including State-Owned Enterprises (SOEs), as an instrument to encourage national economic development in the agrarian sector.

The granting and implementation of HGU often causes agrarian conflicts, especially when the land that was used as an object of HGU has previously been controlled or utilized by the community for generations. Such conflicts generally occur due to a difference in perspective between formal legality based on land rights certificates and social legitimacy rooted in historical and customary control. This dualism is one of the classic problems in the Indonesian land law system.

One concrete example of such conflict occurred between PT Perkebunan Nusantara IV (PTPN IV) Balimbingan Gardens and the Pandowo Limo community in Simalungun Regency, North Sumatra. PTPN IV as a state-owned enterprise has a valid and valid HGU certificate for land used for oil palm plantation activities. On the other hand, the people of Pandowo Limo claim that the land is ancestral inherited land that they have controlled for a long time before the granting of HGU to the company. The claim is based on hereditary physical control and historical legitimacy which is believed to be the basis for land rights.

This conflict then continued into the realm of litigation and was decided by the Simalungun District Court through Decision Number 19/Pdt.G/2023/PN. Sim, which basically affirmed PTPN IV's legal position as the legal holder of HGU. The decision was strengthened by the Decision of the Medan High Court Number 602/Pdt./2023/PT. MDN. Juridically, the ruling shows that in Indonesia's positive legal system, HGU certificates as a product of state administration have strong evidentiary power as long as they are not canceled through a legitimate legal mechanism. However, agrarian problems cannot be solved solely through a legal-formal approach. Inequality of access to legal documents, limited public understanding of land administration, and weak recognition of historical control often cause prolonged social tensions. This condition shows that there is a gap between legal certainty and social justice in land management practices.

As for this background, this study aims to analyze the legal position of HGU owned by PTPN IV based on national land law, examine the legal basis used by the Pandowo Limo community in claiming the land, and examine the dispute resolution mechanism taken in this conflict. This study is expected to make an academic contribution to the development of agrarian law, especially related to the relationship between administrative legality and social legitimacy in land conflicts in Indonesia.

B. Research Methods

A study cannot be called research if it does not have a research method.¹ Research methods are one of the factors of a problem that will be discussed. The study was conducted using secondary data which was analyzed qualitatively using the Desk Research Method. The literature materials used in writing this research are several references originating from research results, studies, and reviews of several writings which are then summarized into a scientific paper.²

C. Discussion

1. Legal Status of Land Use Rights Owned by PTPN IV Based on Land Law in Indonesia

The position of the Right to Use Business (HGU) in the Indonesian land law system cannot be separated from the basic concept of state control over land as stipulated in Article 33

¹ Hanifah, I., Hariyanto, H., Ginting, L., Koto, I., & Syafriana, R. (2026). Legal Protection of Indonesia's Fisheries from Foreign Investment: A Social-State Approach. *Jurnal IUS Kajian Hukum dan Keadilan*, 14(1).

² Simatupang, R. S. A., Hanifah, I., & Mansar, A. (2025). The Concept of Restitution as Legal Accountability in the Crime of Human Trafficking. *Pena Justisia: Media Komunikasi dan Kajian Hukum*, 24(1), 3554-3462.

paragraph (3) of the 1945 Constitution and described in Law Number 5 of 1960 concerning the Basic Regulations on Agrarian Principles (UUPA). The state, in this case, does not act as the owner of the land, but as the holder of the right to control who has the authority to regulate, manage, and determine the legal relationship between the subject of the law and the land. In this framework, HGU is a form of delegating state authority to certain legal subjects to cultivate state land for a certain period of time.

Normatively, Article 28 paragraph (1) of the UUPA states that HGU is the right to cultivate land that is directly controlled by the state for agricultural, fishery, or livestock companies. This provision is strengthened by Article 30 of the UUPA which determines that HGU can be granted to Indonesian citizens and legal entities established under Indonesian law and domiciled in Indonesia. PTPN IV as a State-Owned Enterprise (BUMN) clearly meets these qualifications, so that in terms of legal subjects there are no juridical obstacles in granting HGU.

From the perspective of land administration law, HGUs that have been issued and registered produce certificates as strong evidence of rights. The land registration system in Indonesia adheres to a negative publication system with a positive tendency, which means that the land title certificate is considered correct as long as it cannot be proven otherwise in court. Thus, as long as the PTPN IV HGU certificate is still valid and not canceled through a valid legal mechanism, then juridically the right has binding legal force.

However, it is important to emphasize that HGU is not property. The land given remains the status of state land, while HGU holders only have the right to cultivate and utilize it according to its designation. These rights are temporal (time-limited), functional (tied to business objectives), and conditional (can be revoked if the terms are violated). Government Regulation Number 18 of 2021 emphasizes that HGU holders are obliged to actively cultivate land, maintain environmental sustainability, and fulfill administrative and fiscal obligations.

In the context of the case between PTPN IV and the Pandowo Limo community, the court considered that the HGU owned by PTPN IV had met the administrative and procedural requirements. Decision Number 19/Pdt.G/2023/PN. Sim and Decision Number 602/Pdt./2023/PT. MDN strengthens PTPN IV's legal position as a legitimate rights holder. The panel of judges focused on the validity of the HGU certificate and historical evidence of land management by the company. Thus, normatively and juridically formal, the legal position of HGU PTPN IV is in a strong position. However, this power remains within the corridor of

the social function of land and state supervision, so it is not absolute and remains open to evaluation if there is a violation of the law or agrarian policy in the future.

2. Legal Basis Used by the Pandowo Limo Community in Claiming HGU Land

The Pandowo Limo community's claim to land with HGU status is basically rooted in physical control and the history of land use for generations. From an agrarian sociological perspective, long-term land tenure is often perceived as the basis for the legitimacy of rights, especially in societies whose social structure is still influenced by customary values and ancestral heritage.

In national agrarian law, recognition of the rights of indigenous peoples is possible through Article 3 of the UUPA which states that the implementation of customary rights and similar rights of customary law communities is recognized as long as in reality it still exists and does not contradict national interests and laws and regulations. This provision opens up space for recognition of communal rights, but at the same time requires proof of the existence of indigenous peoples, customary territories, and the surviving customary legal system.

The problem that arises in this case is that the claims of the Pandowo Limo community are more historical and sociological than administrative. In civil evidentiary law, a claim to land rights requires valid evidence, such as a title deed, a basis of rights, or other administrative documents that show the existence of a legal relationship between the subject and the land object. When the formal evidence cannot be submitted, the plaintiff's legal position becomes weak in the face of the positive legal system.

In addition, in the context of the control of state land that was then given by the HGU, it is necessary to prove that the land was previously customary property or land that was legally controlled by the community before the granting of rights by the state. If the land has historically been recorded as part of state plantation assets or former colonial rights that have been nationalized, then the community's claim must be able to refute the historical construction of the law.

This imbalance between administrative legality and social legitimacy is at the root of agrarian conflicts. The state through the land registration system emphasizes document-based legal certainty, while the community bases claims on collective memory and physical possession. In the perspective of agrarian justice theory, this condition shows the gap between formal justice and substantive justice.

Thus, although sociologically the community's claims have moral and historical basis, juridically the claims do not meet the evidentiary standards required in the national land law system.

3. Mechanism for Land Dispute Resolution in Conflict between PTPN IV and the Pandowo Limo Community

In principle, the settlement of land disputes in Indonesia can be pursued through two paths, namely non-litigation and litigation. The non-litigation route includes deliberation, mediation, or facilitation by land agencies, while the litigation route is taken through the courts. In the conflict between PTPN IV and the people of Pandowo Limo, the final settlement was carried out through a general justice mechanism.

In the litigation process, the judge plays a role in assessing the evidence and determining whether there are unlawful acts or administrative defects in the issuance of HGU. Based on the decision analyzed, the court concluded that there was not enough evidence to cancel the HGU owned by PTPN IV. Therefore, the public lawsuit was rejected and the company's legal standing was affirmed.

The litigation mechanism provides legal certainty because it produces a final and binding verdict after it has permanent legal force. However, this approach tends to be oriented towards the formal aspect of proof and does not accommodate the social dimension of the conflict. In many agrarian cases, settlement through the courts does not always solve the root of the problem at the community level.

In the context of agrarian reform and national land policy, dispute resolution ideally integrates legal and social approaches. The state needs to ensure that the granting of HGU does not ignore the rights of people who have lived for a long time and depend on the land. Mediation, land redistribution, or granting access to partnerships can be alternative solutions that are more just.

Thus, although juridically the dispute between PTPN IV and the Pandowo Limo community has obtained legal certainty through a court decision, sociologically agrarian conflicts still require a comprehensive approach in order to achieve a balance between legal certainty and social justice.

D. Conclusion

The legal occupation of the Right to Use Business (HGU) owned by PT Perkebunan Nusantara IV Kebun Balimbingan is legal according to the Basic Agrarian Law and its implementing

regulations. The valid HGU certificate has legal force as strong evidence, as affirmed in Decision Number 19/Pdt.G/2023/PN. Sim and Decision Number 602/Pdt./2023/PT. MDN. However, these rights remain tied to the principles of the social function of land and state supervision. The Pandowo Limo people's claims are based on hereditary domination and historical legitimacy. Sociologically, the claim has moral value, but juridically it is not supported by sufficient administrative evidence, so it does not obtain recognition in the judicial process. Dispute resolution is carried out through litigation channels that provide legal certainty for the parties. However, the judicial approach emphasizes more on the formal aspect of proof, so that it has not fully answered the dimension of social justice in agrarian conflicts.

Bibliography

- Abdurrifai and Andi Amalia Suhra. 2025. *Legal Perspective on Business Use Rights in the Era of Job Creation*. Depok: Rajawali Press.
- Arba. 2017. *Spatial Planning and Plant Use Law: Legal Principles*
- Ardiansyah. 2022. *Land Law Policy*. Yogyakarta: Publishing Group
- Boedi Harsono in The Book of Rahmat Ramadhani. 2018. *Agrarian Law*, Medan: UMSU Press.
- CV Budi Utama.
- Dedy Hermawan and Darmawan Purba. 2017. *Plantation Land Conflicts Group Companies*. Malang: Media Intelligence.
- Hanifah, I., Hariyanto, H., Ginting, L., Koto, I., & Syafriana, R. (2026). Legal Protection of Indonesia's Fisheries from Foreign Investment: A Social-State Approach. *Jurnal IUS Kajian Hukum dan Keadilan*, 14(1).
- Shella Eldy Novita. 2023. "Juridical Analysis of Constraints on the Extension of Right to Use With the existence of an existing plan between the regional spatial plan", *Journal of the Law of Deli Sumatra*, Vol. 2, No. 2, May.
- Simatupang, R. S. A., Hanifah, I., & Mansar, A. (2025). The Concept of Restitution as Legal Accountability in the Crime of Human Trafficking. *Pena Justisia: Media Komunikasi dan Kajian Hukum*, 24(1), 3554-3462.
- Spatial Planning and Land Stewardship* in Jakarta: Sinar Garfika
- Suartining & Djaja. 2023. "Land Rights in the Land Law System in Indonesia According to the Basic Agrarian Law" Number 5 of 1960, *Journal of Social Research*.
- Throw one. 2018. *et.al, Guidelines for Writing Student Final Projects*. Medan: Pustaka Prima.
- Ulistyowati Irianto. 2020. "Legal Pluralism and the Recognition of People's Rights Customs in Indonesia", *Journal of Law & Development*, Vol. 50 No. 1.
- Uncovering the People's Struggle Against the Co-operation of HGU Sugar Land*
- Yance, Arizona. 2020. "Constitutionalism of Indigenous Peoples' Rights," *Constitution Journal*, Vol. 17 No. 4.