

Settlement of Land Acquisition Disputes for the Nusantara Capital City on Former Sultan Grant Land

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ABSTRACT

The construction of the Nusantara State Capital at the Sepaku Semoi Dam site triggered a land dispute due to a lawsuit filed by Prince Hario Adiningrat, who claimed to have rights over the land acquisition object and felt aggrieved because he was not recognized as an entitled party to receive compensation. This research aims to analyze the causes of the dispute and the resolution process. The research method used is sociological juridical with data collection techniques through interviews. The research's results indicate that the land dispute was caused by the issuance of the East Kalimantan Governor's Decree Number 590/K.653/2019 regarding the Determination of the Land Acquisition Location for the Construction of the Sepaku Semoi Dam. The decree was deemed detrimental to Prince Hario's rights as his name was not listed as a recipient of compensation. Furthermore, the dispute was triggered by contradictions and inconsistencies in the applicable land law regulations. The resolution of the dispute was pursued through litigation in the General Court by filing a lawsuit at the Penajam District Court, Case Number 64/Pdt.G/2020/PN Pnj, and in the Administrative Court by filing a lawsuit at the Samarinda State Administrative Court, Case Number 38/G/2021/PTUN.SMD. The implications of this research highlight the importance of revisiting land acquisition regulations to ensure the protection of the rights of parties potentially disadvantaged in strategic national development processes.

Keywords: Dispute Resolution, Land Acquisition, National Capital City.

INTRODUCTION

The existence of land becomes something very vital to the sustainability of the country's livelihood, so it does not rule out the possibility that over time from time to time there will be various problems related to land in society, which, of course, more or less must affect the course of the country's development process which ultimately makes land issues one of the crucial factors that affect the implementation of development so that it should not escape the attention of the Government as the ruler of the land in the implementation of state development (Zhang et al., 2024).

Related to the provisions of land control by the state, it needs to be linked to the provisions of Article 33 paragraph (3) of the 1945 Constitution, which connotations controlled by state

control does not mean that the land is absolutely owned entirely by state ownership, but the meaning of state control over the land leads to the authority of the state as an organization of power in regulating the use of land, The meaning of state control over land leads to the authority of the state as an organization of power in regulating the use of land, the maintenance of land and land supply itself, regulating and determining the types of land rights that can be owned on the field of the body of land, then the waters and space in the sky above the surface of the land, regulating legal relations and legal actions between legal subjects regarding the body of the earth, as well as water and even covering the space above the land towering into the sky (Kolopaking & SH, 2021). The Basic Agrarian Principles Regulation (UUPA) states that the state represented by the Government organizes and carries out land registration activities (Arisaputra et al., 2017). Then, the land that has previously been registered or registered will be given a title or proof of rights to the land plot, namely a land certificate. The certificate becomes an authentic means of proof of ownership of a land plot (Sanniawati et al., 2023).

The problem that then arises in connection with property rights to land is related to the state's authority regarding the issue of land acquisition for the public interest. Land acquisition becomes a strategic step taken by the Government when, in the implementation of development, the Government really needs a plot of land intended for the public interest. Recently, the Government has intensively pursued the relocation of the new state capital of the archipelago. Referring to the draft IKN Law, it is stated that the Archipelago State Capital covers a land area of around 256,143 hectares located in the East Kalimantan Province. According to the provisions of Article 16 of the IKN Law, it is stated that the acquisition or acquisition of land parcels in the area of the State Capital of the Archipelago is passed by taking the mechanism of releasing forest areas and by land procurement mechanisms (Fauzi & Sujadi, 2023). What needs to be known is that not all of the land targeted by the Government for the construction of the IKN is entirely state-owned because many of the land plots are owned by the local community (Fadli, 2024).

A land acquisition that is carried out does not escape problems such as compensation to the entitled parties or affected communities (Akujuru & Ruddock, 2015). In Article 1 of the Presidential Regulation of the Republic of Indonesia Number 36 of 2005 concerning Land Acquisition for the Implementation of Development for the Public Interest, it is stated that land acquisition is any activity to obtain land by compensating those who release or surrender land, buildings, plants and objects related to land or by revoking land rights (Sinilele, 2017). Compensation for land acquired in the form of lands that already have or are attached to a land right can be in the form of money, replacement land, or resettlement.

In the process of implementing land acquisition, problems often arise; according to the records of the Land Office of Penajam Paser Utara District, it is revealed that the total land for the construction of the Sepaku Semoi dam with an area of 378 hectares is entirely community property rights that need to be acquired with a compensation mechanism or compensation by

the Government. In addition, The land that will be built into a dam to provide clean water supply for the capital city of the archipelago is also an object of dispute in connection with Prince Hario Adiningrat of the Kingdom of Kutai Kartanegara who filed a legal dispute lawsuit at the Penajam Paser Utara District Court against the Government with the material of the lawsuit filed by Prince Hario Adiningrat as the Plaintiff basically emphasizing that he is a member of the Government. The Plaintiff basically asserts that he is the legitimate heir of the late Adji Muhammad Parikesit, who was the last Sultan of Kutai Kartanegara, and the legitimate original landowner who should be considered to have rights to the land that was acquired based on several written evidence to strengthen his claim (Famely, 2024).

In the event that the land designated as the land of the National Capital of the Archipelago that will be acquired by the Government becomes the object of a dispute with the existence of the lawsuit, in the end, it raises legal issues in the form of a land acquisition dispute for the acquisition of land for the State Capital of the Archipelago at the Sepaku Semoi dam construction site between Prince Hario Adiningrat in this case as a plaintiff who claims his rights to the land that is the object of the dispute through a lawsuit and the Government which runs its program and determines the location of the Sepaku Semoi dam construction land for land acquisition in the public interest (DIONISIUS REYNALDO TRIWIBOWO, 2024).

Based on the background above, the objectives of this research are to analyze the causes of land disputes that arose in the construction of the Sepaku Semoi dam as part of the development of the State Capital of the Archipelago, particularly focusing on the legal standing of the claims made by Prince Hario Adiningrat and the state's mechanism for land acquisition in the public interest. Furthermore, this research aims to examine the resolution processes employed in addressing the disputes, both through litigation and alternative dispute resolution mechanisms, to identify the key legal and procedural issues encountered.

Thus, the benefits of this research are to provide insights and recommendations for policymakers, legal practitioners, and academics regarding the improvement of land acquisition regulations and dispute resolution processes. It seeks to ensure a balance between the interests of the state in achieving strategic national development goals and the protection of individual or community rights over land. This research also serves as a reference for similar cases, offering practical solutions and preventive measures to mitigate land disputes in future development projects.

RESEARCH METHOD

This research uses a juridical sociological approach to analyze land acquisition disputes for the construction of the Sepaku Semoi Dam, which is part of the development of the National Capital City. The research used a qualitative research design, focusing on legal documents, government decisions, and interviews with key stakeholders to understand the root causes and dispute resolution mechanisms.

Data was collected through in-depth interviews with various parties involved in the dispute, including legal representatives of Prince Hario Adiningrat, government officials from the East Kalimantan Provincial Government, and community members affected by the land acquisition. These interviews were conducted between November 2022 and January 2023. In addition, legal documents, including East Kalimantan Governor Decree No. 590/K.653/2019 and other relevant regulations, were analyzed to identify inconsistencies and gaps in the legal framework governing land acquisition.

The main instrument for data collection was an interview guide, designed to capture the perspectives of the plaintiff (Pangeran Hario) and the government. The interviews were semi-structured to allow flexibility and encourage participants to discuss their views in detail. Legal documents and case files from the Penajam District Court and Samarinda State Administrative Court were also reviewed to supplement the interview data.

Data were analyzed using the content analysis method. Interviews were transcribed and coded to identify recurring themes related to the causes of land disputes, the legal claims of the parties involved, and dispute resolution mechanisms. Legal documents were examined for compliance with the Basic Agrarian Law (UUPA) and other relevant laws and regulations. The results of the analysis were used to assess the effectiveness of the land acquisition process and propose improvements to prevent similar disputes from occurring in the future.

RESULT AND DISCUSSION

Causes of Land Acquisition Disputes of the Archipelago's Capital City that Became the Object of Dispute at the Sepaku Semoi Dam Construction Site between Prince Hario Adiningrat and the Government of Indonesia.

The Underlying Background of Prince Hario's Claim of Land Ownership over the Object of Land Acquisition

Prince Hario Adiningrat, as the Plaintiff, is one of the children or descendants of the late Adji Mohamad Parikesit, who was the 22nd sultan or king of the Kutai Kartanegara Ing Martadipura sultanate where Prince Hario Adiningrat is the legal heir of his late parents. The land that is the object of the dispute, according to Prince Hario Adiningrat, is actually one area of many points which were originally granted land number 08/KN/1902, dated July 9, 1902, which is located scattered in several regions in Kalimantan.

The land that is the object of the dispute, according to Prince Hario Adiningrat, is his land with an area of approximately 8,667,600.000 M² (Eight Billion Six Hundred Sixty-Seven Million Six Hundred Thousand Square Meters) located in Sepaku District, North Penajam Paser Regency, East Kalimantan Province which was determined by the Government through Law Number 3 of 2022 concerning the State Capital to be the location of the new State Capital, and specifically in the land case which was later filed a lawsuit by Prince Hario Adiningrat, it only refers to his grant land with an area of around 378 Ha with a length of 4.000 M and 945 M wide which was later

determined by the local Government of East Kalimantan Province to be the location for the construction of the Sepaku Semoi dam which covers three villages namely Tengin Baru Village, Argo Mulyo Village and Suko Mulyo Village which are all located in Sepaku District, North Penajam Paser Regency (Margaretha, 2024).

Furthermore, the land which is the object of the dispute was originally based on a grant from Sri Padoeka Sultan Mohammad Alimoeddin, who at that time served as the sultan or king of the 20th Kutai Kartanegara Ing Martadipura sultanate which was then granted to the parents of Prince Hario Adiningrat, namely the late Adji Mohammad Parikesit on July 9, 1902, besides that it is also based on a letter from the Kutai Kartanegara sultanate, the office of the great density of the Tenggarong Islamic religious court No. 202/KKB-KKKN/1940 which was set in Tenggarong on March 09, 1940. 202/KKB-KKKN/1940, which was established in Tenggarong on March 09, 1940. The granting of the land grant has been stated in the decision of the Kutai Kartanegara Sultanate Council in accordance with Letter Number 08/KKKN/1902, dated July 9, 1902. Based on the delegation of rights in the form of the grant, as of July 9, 1902, the granted land is no longer under the ownership of the Kutai Kartanegara Sultanate but rather has been transferred to the ownership or under the control of the late Adji Mohammad Parikesit as the grantee who is the parent of Prince Hario Adiningrat. When referring to the provisions in the UUPA, especially Article II paragraph (1) related to conversion provisions, it is stated that land characterized by one of them being passed down from generation to generation, in this case, the sultan's grant land, is converted into Property Rights. The sultan's grant land itself is land owned by the Sultan or King in the area where the sultan was ruling at that time, which was then given or granted to the people or relatives of the sultanate which is intended for the benefit of livelihood or taking advantage of the land. The UUPA Article 18 also emphasizes that, for the public interest, including the interests of the people, land rights can be revoked by giving compensation or compensation that is feasible and fair.

The land claimed by Prince Hario Adiningrat as the grant land of the sultan's grant fell into the ownership of Prince Hario Adiningrat because of his status as a legitimate heir based on the Certificate of Heirs. Therefore, the disputed land was obtained by descent from his parents so that the land was believed by Prince Hario Adiningrat to have fully become his right, which did not need to be re-registered if referring to the provisions in the Decree of the Regent of Kutai Regency Number: HUK-816/C-4/AGR 080/1071 and had been registered in the State Gazette No. 104/1960 on September 24, 1960, and had also paid the Indonesian pounding tribute tax on March 24, 1960. 104/1960, dated September 24, 1960, which has also been paid in full by the Indonesian pounding tribute tax on March 24, 1960.

The Onset of the Dispute from the Perspective of Prince Hario as the Plaintiff Party

The dispute over land acquisition for the construction of the Sepaku Semoi Dam was initially triggered by the issuance of Decree (SK) Number 590/K.653/2019 concerning Location Determination or (Penlok) Land Acquisition for the Construction of the Sepaku Semoi Dam in

Penajam Paser Utara Regency (PPU) issued by the East Kalimantan Provincial Government, namely Governor Isran Noor.

Based on the results of interviews with Mr. Kamaruddin as the Attorney General of Prince Hario Adiningrat as the Plaintiff, Prince Hario Adiningrat as the Plaintiff, objected and felt aggrieved in the context that without his knowledge, which, according to him, is the legitimate original landowner because he obtained the land from his parents, the disputed 378 hectares of land is intended for the construction of the Sepaku Semoi dam and the Government will carry out land acquisition or land acquisition to other parties who, from the perspective of Prince Hario Adiningrat, claim to be the owner or party entitled to the land.

Prince Hario Adiningrat felt aggrieved by the executor of the land acquisition because he was never registered by the executor of the land acquisition and was also not included in the data as a party who was the legal owner of the original land and was also entitled to compensation for the land acquisition that was held, therefore according to Prince Hario Adiningrat that the actions of the implementing agencies of the IKN Nusantara land acquisition for the construction of the Sepaku Semoi dam were included as unlawful acts and were contrary to the rights and interests of Prince Hario Adiningrat so that he became disadvantaged and considered violating the provisions of Article 1365 BW.

In essence, the dispute over land acquisition for the construction of the Sepaku Semoi dam arose in relation to the issue of the budget for land acquisition, which, according to Prince Hario Adiningrat, his 378 hectares of land was processed by the executors of land acquisition without notifying or informing Prince Hario Adiningrat and also not listing Prince Hario Adiningrat as the legal owner of the original land, even though according to Prince Hario Adiningrat he has had proof of ownership since 1902. Therefore, in filing the lawsuit, Prince Hario Adiningrat did not focus on the issuance of a decree on the determination of the location of the construction of the Sepaku Semoi dam issued by the Governor of East Kalimantan Province; rather, it is more oriented towards the fact that Prince Hario Adiningrat feels aggrieved because he is not listed and registered as a party entitled to receive compensation payments for his sultan's grant land which will be acquired by the Government for the construction of the Sepaku Semoi dam because Prince Hario Adiningrat believes that he is more entitled to receive compensation for land acquisition because he first has proof of legal ownership since 1902.

Perspective of the Implementers of IKN Nusantara Land Acquisition as Defendants

From the perspective of the defendants, in this case the implementers of the IKN Nusantara land acquisition for the construction of the Sepaku Semoi dam, it is clearly not true that the Government committed unlawful acts as alleged by Pangeran Hario because according to the Government, the land to be acquired for the construction of the Sepaku Semoi dam is legally owned by the community who have legal ownership rights, so it is not detrimental to Pangeran Hario because the land is in fact registered as belonging to the local community.

Related to the status of swapraja or former swapraja land, the provisions are regulated in Dictum IV letter a of Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles (UUPA) that, the rights and authorities over land and water from Swapraja or former swapraja that still exist when the UUPA comes into force automatically become null and void and turn to the state. Then referring to the provisions of the Regulation of the Minister of Agriculture and Agrarian Affairs Number 2 of 1962 concerning Affirmation of Conversion and Registration of Former Indonesian Rights to Land, especially in Article 8, it is emphasized that if no affirmation of the conversion of land rights is requested, the relevant rights turn into usage rights (HP) with a period of 5 years from the entry into force of the UUPA and after the expiration of that period, the land automatically becomes state land (Heridah & Kasim, 2022).

So the point is that the land rights mentioned in Article II paragraph (1) of the UUPA Conversion provisions, one of which is indeed a sultan's grant, must still be confirmed by the conversion and must also be registered with reference to the provisions of Government Regulation Number 24 of 1997 concerning Land Registration, which includes 1) Measurement, mapping and bookkeeping of land, 2) Registration of land rights and transfer of rights, 3) Provision of evidence letters, which apply as strong evidence (Sagala & Nasution, 2019). Based on the second formal juridical requirement, namely the registration of land rights, the sultan's grant land can be considered to be recognized as one of the rights bases to be converted into land rights, including property rights (HM), business use rights (HGU) or building use rights (HGB) if it meets the factual physical requirements. Therefore, the non-fulfilment of the results of the above provision in the land grant or grant sultan claimed by the Hario prince being invalid and legally invalid, making it impossible for the Hario prince in this context to have a valid ownership right over the land that is the object of the dispute in the land acquisition of the Sepaku Semoi dam.

Based on the results of an interview with Juwita Arfaini, as the Land Acquisition Secretariat of the Penajam Paser Utara District Land Office and as a member of the IKN Nusantara Land Acquisition Executive (P2T) for the construction of the Sepaku Semoi dam on Thursday, December 29, 2022, that the land claimed to be owned by prince Hario also turns out to be unclear in its location and position which tends to be one-sided speculation from prince Hario alone because when the initial physical and juridical data collection was carried out by the North Penajam Paser District Land Office assisted by the heads of Tengin Baru Village, Argo Mulyo Village and Suko Mulyo Village, all of which are in Sepaku District, PPU Regency. PPU, which was then also verified by Task Force A and Task Force B at the implementation stage of the Sepaku Semoi dam land acquisition until the announcement was made in accordance with the land acquisition regulations, it turned out that there was no presence and objection claims from prince Hario, moreover at the location of the IKN Nusantara land acquisition for the construction of the Sepaku Semoi dam there were also no land stakes or proof of physical ownership from prince Hario.

In principle, the land to be acquired for the construction of the sepaku semi dam, based on data from the land office of Penajam Paser Utara district, legally already has a right base in terms of control and ownership of land by the community and there are no ownership disputes over the object of land acquisition in the Penajam District Court either by litigation or non-litigation so that the status of the land that became the object of the dispute with the filing of a lawsuit by Pangeran Hario was actually dispute-free land and there was already a right base by the community registered at the Land Office.

Finally, with regard to the request from Prince Hario for compensation or compensation for land acquisition amounting to 35% of the total amount of compensation money budgeted, this is considered to be rather far-fetched because if it is true that Prince Hario claims that the land that is the object of this dispute really belongs to him and can prove the legal and authentic ownership of the land to be acquired, then why does Prince Hario only ask for compensation of 35% and not all of it. If it is true that the land that is the object of the dispute belongs to Prince Hario, the amount of compensation requested should certainly be all of it and not just some of it, assuming that it is true that the land is the right of Prince Hario, so that doubts arise about the title presented by Prince Hario as the basis for claiming the land that is the object of the dispute.

The Onset of Disputes from the Perspective of Indonesian Legislation

From the subject of the dispute, it can be seen that Prince Hario as the Plaintiff, bases his claim to ownership of the land to be acquired for the construction of the sepaku semoi dam on the letters of the Kutai Kartanegara sultanate, such as grant letters and is also based on the provisions of the Decree of the Regent of Kutai Regency Number: HUK-816/C-4/AGR 080/1071 and has been registered in State Gazette No. 104/1960 dated September 24, 1960. On the other hand, the implementer of land acquisition clearly bases the allocation of compensation funds or compensation to the entitled parties according to the laws and regulations in the land sector, especially Law Number 5 of 1960 concerning Basic Regulations on Agrarian Principles, namely people who are validly registered as holders of land rights and are proven by the existence of valid land rights according to applicable law (Number, 5 C.E.).

Based on the provisions of the UUPA, the land rights mentioned in the provisions of Article II paragraph (1) of the conversion provisions of the UUPA, which also includes one of them is the land grant or grant sultan, must be confirmed by the land owner and must also be registered in accordance with the provisions stipulated in the PP on land registration (Arba et al., 2021). However, based on the Decree of the Regent of Kutai Regency Number: HUK-816/C-4/AGR 080/1071, the opposite is stipulated, that the sultan's grant land, which in this case is the object of the dispute, falls to prince Hario Adiningrat as the heir (AW) based on the heir's certificate so that the land becomes the full right of prince Hario obtained from his parents for generations and does not need to be re-registered.

When compared to the substance, the two provisions used as arguments by each party are very contradictory even though they are in the same domain, namely land law. What then

becomes a big question is how the decision issued by the local Government can deviate from the provisions of laws and regulations that are hierarchically far above, namely the Basic Agrarian Law. In fact, the existence of the principle of legislation, such as the adage *Lex superior derogate legi inferiori*, should be used as a guideline that the provisions of laws and regulations of a higher level automatically override regulations of a lower level so that it clearly that in the regulation of a lower level, there should be no provisions that conflict with regulations of a higher level.

Settlement of the Dispute over the Acquisition of the Land of the National Capital of the Archipelago, which became the Object of Dispute at the Sepaku Semoi Dam Construction Site between Pangeran Hario Adiningrat and the Government of Indonesia

Settlement through the General Court

The emergence of the Nusantara National Capital land acquisition dispute which became the object of the dispute at the Sepaku Semoi dam construction site was marked by the filing of a civil lawsuit by Pangeran Hario Adiningrat to the Penajam District Court for alleged unlawful acts (PMH) by the Government, in this case the implementers of the Nusantara National Capital land acquisition for the construction of the Sepaku Semoi dam.

This dispute is actually not appropriate if a lawsuit is filed through the general Court because the authority or absolute competence related to land from the general Court is when, in the process of making a land ownership letter or land certificate, there are indications of violations of applicable legal provisions, legal provisions that bind the parties themselves, so that a land case can be resolved through the general Court. Moreover, the allegation that is filed is related to unlawful acts (PMH); of course, there must be an act that allegedly violates a concrete legal provision; however, if we refer back to the cause of the dispute and also to the subject matter of the dispute, Prince Hario, as the Plaintiff did not actually prove that the Government implementing land acquisition committed an act contrary to the law, which was then considered detrimental to his rights, because the implementation of IKN Nusantara's land acquisition for the construction of the sepaku semi dam was fully compliant and based on applicable legal provisions, moreover Prince Hario as the Plaintiff did not even mention in his lawsuit regarding violations of what legal provisions were committed by the Government implementing land acquisition. Especially related to the *posita* in the lawsuit, which clearly emphasizes the issuance of the Penlok Decree on land acquisition for the construction of the Sepaku Semoi dam issued by the Governor of East Kalimantan should be the main thing considered in proposing dispute resolution through litigation, which is included in the absolute competence of the PTUN.

Although it is true that land disputes are civil disputes that occur between two parties, namely the Plaintiff and the Defendant who are in dispute, and anyone who feels that their personal rights have been violated by another person, in the case of wanting to resolve the dispute through the Court, then referring to Article 118 HIR requires the Plaintiff to file a lawsuit and then the parties are summoned to appear before the district court to be examined on the

basis of the filing of the lawsuit. This is what Prince Hario has done as a plaintiff in a dispute over ownership of land to be acquired by the Government.

1. Court of First Instance at Penajam District Court

In the Court of first instance, the lawsuit was filed through the Penajam District Court with a lawsuit letter dated October 26, 2020, which was received and registered at the Penajam District Court Registrar on November 2, 2020, in Register Number 64/Pdt.G/2020/PN Pnj. The parties who later became defendants in the first-level lawsuit consisted of 7 defendants, including the Governor of East Kalimantan as the 1st Defendant who issued the Decree of Penlok for land acquisition for the Sepaku semi dam, the National Land Agency Office of North Penajam Paser Regency as the 2nd Defendant who conducted measurements and field maps, Kalimantan River Basin IV as Defendant III who applied for the determination of the Penlok Decree, Sepaku Sub-District Head, Tengin Baru Village Head, Argo Mulyo Village Head and Suko Mulyo Village Head respectively as Defendants IV, V, VI and VII who participated and assisted in the measurement activities.

As for this first instance, the Court, through the Penajam District Court, has a decision number of 64/Pdt.G/2020/PN. Pnj, which was decided by the Panel of Judges of the Penajam District Court on Monday, January 18, 2021, when viewed from the ruling, it clearly defeated Pangeran Hario as the Plaintiff and won the Government implementing land acquisition who became the Defendant in the case of this land acquisition dispute lawsuit. The panel of judges decided to grant the exception of absolute competence filed by almost all defendants, namely Defendant I, Defendant III, Defendant IV, Defendant V, Defendant VI, and Defendant VII, who both filed exceptions regarding the authority to hear (absolute competence). Then, it was further stated that the Penajam District Court was not authorized to examine and hear the lawsuit.

The result of the decision is correct when viewed from the facts that exist, indeed directing this dispute into the realm of state administrative courts and not general courts with considerations, among others. First, it seems very clear that this dispute originated from the issuance of the Decree of the Governor of East Kalimantan Number 590/K.653/2019, Regarding the Determination of the Location of Land Acquisition or Acquisition for the Construction of the Sepaku Semoi Dam in North Penajam Paser Regency in East Kalimantan Province, dated December 20, 2019. The posita or arguments outlined by Prince Hario as the Plaintiff, when linked to the petition of his lawsuit, clearly emphasize or question the actions of the Government, in this case, the East Kalimantan governor, who issued the Decree of location determination, which did not register the name and did not record Prince Hario as the legitimate original landowner and felt more entitled to receive compensation for land acquisition so that it was considered detrimental to Prince Hario.

Referring to the provisions of Article 1 number 1 of the Regulation of the Supreme Court of the Republic of Indonesia Number 2 of 2019 concerning Guidelines for Dispute Resolution

of Governmental Actions and the Authority to Adjudicate Unlawful Acts by Government Agencies and/or Officials (Onrechmatige Overheidsdaad) which stipulates that governmental actions are actions of government officials or other state administrators to perform and or not perform concrete actions in the context of governance. Then, still referring to the same regulation, Article 2 paragraph (1) emphasizes that unlawful acts (PMH) committed by government agencies and/or officials become the authority of the State Administrative Court (PTUN).

The provisions that determine the decision, in this case, can be based on the provisions of Article 11 of the Regulation of the Supreme Court of the Republic of Indonesia Number 2 of 2019 concerning Guidelines for Dispute Resolution of Government Actions and the Authority to Adjudicate Unlawful Acts by Government Agencies and/or Officials (Onrechmatige Overheidsdaad) which emphasizes that, cases of unlawful acts (PMH) by government agencies and/or officials that are being examined by the District Court (PN), then the District Court concerned is required to declare not authorized to hear the case. Based on this legal basis, the issuance of the Decree of the Governor of East Kalimantan Number 590/K.653/2019, Regarding the Determination of the Location of Land Procurement or Acquisition for the Construction of the Sepaku Semoi Dam if correlated or associated with the provisions of Article 1 number 1 of the Regulation of the Supreme Court of the Republic of Indonesia Number 2 of 2019 above, the fact is obtained that there is a concrete action taken by a government official to do and or not to do a concrete action in the context of governance, in this case, is the Governor of East Kalimantan determining the location of land acquisition for the construction of the Sepaku Semoi dam by issuing the Penlok Decree.

Therefore, if reviewed based on the provisions of Article 2 paragraph (1) and Article 11 of the Regulation of the Supreme Court of the Republic of Indonesia Number 2 of 2019 concerning Guidelines for Dispute Resolution of Government Actions and the Authority to Adjudicate Unlawful Acts by Government Agencies and/or Officials (Onrechmatige Overheidsdaad), Moreover, in reality, Prince Hario as the Plaintiff is unable to show evidence of legal land ownership according to land law, so it is difficult to direct this case into the civil realm related to land ownership because the fact is that the object of land acquisition is juridically and physically controlled or owned by the local community who has legal proof of ownership according to applicable laws. So, this situation is more or less the reason why the arguments in Prince Hario's lawsuit as the Plaintiff tend to emphasize the losses caused by the issuance of the East Kalimantan Governor's Penlok Decree.

Therefore, it is appropriate for the Penajam District Court to hold that the exceptions filed by Defendant I, Defendant III, Defendant IV, Defendant V, Defendant VI, and Defendant VII are well-founded according to the law and, therefore, must be granted by the panel of judges so that the Penajam District Court does not have the authority to examine and decide

the case of the dispute between Pangeran Hario and the Government implementing the land acquisition.

2. Appeal to the Samarinda High Court

Objecting to the judge's decision at the Court of First Instance, Prince Hario then filed an appeal with the East Kalimantan High Court in Samarinda. However, in this appeal, in the end, the panel of judges of the Samarinda High Court decided to uphold the first level decision, namely the decision of the Penajam District Court Number 64/Pdt.G/2020/PN. Pnj because more or less the arguments in the appeal are only repetition and reaffirmation of what has been conveyed at the first level court. Which is in the legal considerations of the high judge in the Samarinda High Court Decision Number 41/PDT/2021/PT. SMR, dated March 31, 2021, also argues that the decision of the Penajam District Court is correct because the unrecorded and unregistered Pangeran Hario as a plaintiff as a recipient of compensation in land acquisition is part of the decision and/or actions of government agencies or officials so that the lawsuit should be submitted to the PTUN.

Looking at some of the basic legal provisions, there are actually provisions that justify the civil lawsuit through the general Court filed by Pangeran Hario to the Penajam District Court as well as the legal basis of Supreme Court jurisprudence. First, the Supreme Court Cassation Decision No. 88 K/TUN/1993 maintains the norm that, although a dispute occurs as a result of a state official's Decree if the dispute involves proving land ownership rights, the lawsuit must first be filed with the general Court because it is a civil dispute. According to Supreme Court Cassation Decision No. 22 K/TUN/1998, which affirms the provision that state administrative decisions related to ownership issues are not included as the authority of the State Administrative Court to examine and adjudicate them but are the authority of the General Court by involving all interested parties. So, the filing of a civil lawsuit through the General Court in the Penajam District Court is not entirely wrong because there are several norms in Jurisprudence as a legal basis that justify this.

3. Appeal to the Supreme Court

Finally, the appeal was filed to the Supreme Court, where the Supreme Court judge also argued that the judge at the first level court in Penajam District Court and the appeal level in the Samarinda High Court did not misapply the law because the Penlok Decree was obviously a product issued by state administrative officials. Then, the issuance of the Penlok Decree also includes the actions of government officials to do and or not do concrete actions, in this case, the issuance of the Decree of the Governor of East Kalimantan Number 590/K.653/2019, Regarding the Determination of the Location of Land Acquisition or Acquisition for the Construction of the Sepaku Semoi Dam in North Penajam Paser Regency in East Kalimantan Province, dated December 20, 2019, is the basis for the granting of the exception of absolute competence by the Penajam District Court which is legally reasonable because the case is the domain of the Administrative Court. Therefore, the final decision in

this cassation with Supreme Court Decision Number 196 K/Pdt/2022 stated that it rejected the cassation application of Prince Hario as the applicant and declared Prince Hario as the losing party.

Through the State Administrative Court

State Administrative Lawsuit Through the Samarinda State Administrative Court

Pengeran Hario filed a state administrative lawsuit, which was registered at the Registrar of the Samarinda State Administrative Court on November 2, 2021, with case register Number 38/G/2021/PTUN.SMD. This dispute is in accordance with a legal dispute in the land sector, which is the authority of the State Administrative Court because it is a dispute involving an individual, namely Prince Hario, and a state administrative body or official, in this case, the defendants, starting from the Governor of East Kalimantan, the Balai Wilayah Sungai Kalimantan IV Samarinda, the Land Office of Penajam Paser Utara Regency, the Sepaku Sub-District Head, the Village Head of Tengin Baru, the Village Head of Suko Mulyo, and the Village Head of Argo Mulyo as a result of the issuance of a state administrative decision, which in this case refers to the issuance of the Decree of the Governor of East Kalimantan Number 590 / K.653 / 2019, Regarding the Determination of the Procurement Location./2019, Regarding the Determination of the Location of Land Procurement or Acquisition for the Construction of the Sepaku Semoi Dam in North Penajam Paser Regency in East Kalimantan Province. This decision is the cause of the dispute, which, in fact, is an administrative action or administrative law action which, according to Prince Hario as the Plaintiff of the Penlok Decree, contains deficiencies such as alleged inaccuracies and unlawful acts in the issuance of the relevant state administrative decision.

Dismissal Process

In a legal dispute that is submitted for resolution through the State Administrative Court, before the parties undergo a trial in Court, the Dismissal Procedure or dismissal process will first be carried out, which is the initial stage for administrative examination, in this case by the panel of judges of the Samarinda State Administrative Court in a Consultative Meeting of the Chairman of the Samarinda High Court to assess whether the lawsuit filed is feasible to continue or not based on the provisions of Article 62 Paragraph (1) of Law Number 5 of 1986 concerning State Administrative Courts which stipulates that the Chairman of the Court has the authority to decide with a determination accompanied by considerations, that the lawsuit filed is declared inadmissible or unfounded in the event that:

- 1) The subject matter of the claim is clearly not within the jurisdiction of the Court;
- 2) The requirements for a lawsuit, as referred to in Article 56, are not fulfilled by the Plaintiff even though he has been notified and warned;
- 3) The lawsuit is not based on proper grounds;
- 4) What is demanded in the lawsuit has actually been fulfilled by the contested State Administrative Decree;
- 5) The lawsuit was filed prematurely or out of time.

Object of Dispute

The object of the dispute is the Decree of the Governor of East Kalimantan Number 590/K.653/2019 Dated December 20, 2019 Regarding the Determination of the Location of Land Procurement / Acquisition for the Construction of the Sepaku Semoi Dam in Penajam Paser Utara Regency in East Kalimantan Province, issued by the Governor of East Kalimantan as the 1st Defendant.

If the object of the dispute is related to the provisions of Article 23 paragraph (1) of Law Number 2 Year 2012 on Land Acquisition for Development for Public Interest, which stipulates that, in the event that after the determination of the location of development there are still objections, the Eligible Party against the location determination can file a lawsuit to the local State Administrative Court no later than 30 (thirty) working days from the issuance of the location determination.

Unfortunately, the object of the dispute was issued on December 20, 2019, while Prince Hario filed his lawsuit on November 2, 2021. If Prince Hario, as the Plaintiff, should have objected to the determination of the location of the construction of the Sepaku Semoi dam, then the lawsuit should be filed with the Samarinda Administrative Court no later than 30 days from the announcement of the location determination.

Lawsuit Declared Inadmissible

Since Prince Hario only registered his lawsuit on November 2, 2021, the filing of the lawsuit against the disputed object was obviously overdue as determined by the deadline for filing the lawsuit in Article 23 paragraph (1) of Law Number 2 of 2012 concerning Land Acquisition for Development for the Public Interest.

Therefore, based on the provisions of Article 62 paragraph (2) letter e of Law Number 5 of 1986 concerning State Administrative Courts, which stipulates that, in the event that a lawsuit is filed out of time, then the lawsuit of Prince Hario as a plaintiff according to the law must be declared unacceptable because the lawsuit was filed out of time. So, according to the researcher, it is very appropriate and in accordance with the rules in the State Administrative Court that the lawsuit of Prince Hario as a plaintiff should be declared unacceptable or *Niet Ontvankelijk Verklaard* (NO) because the formal defect of the lawsuit was filed out of time.

CONCLUSION

The conclusion of this study shows that the land acquisition dispute for the construction of the Sepaku Semoi Dam in the National Capital City project arose from a dispute between Pangeran Hario Adiningrat and the Government. The dispute stems from the issuance of the Penlok Decree for land acquisition, which Prince Hario considers to be ignoring his rights as a legal heir based on the Kutai Kartanegara Sultanate grant. In addition, different interpretations of the status of the former swaprja land in the Basic Agrarian Law (UUPA) and the Kutai Kartanegara Regent's Decree further fueled the issue. Complicated and conflicting legal

interpretations, such as the conversion of the sultan's land grant after the enactment of the UUPA, further complicate the dispute resolution process.

The process of resolving the dispute through litigation, starting with a lawsuit at the Penajam District Court, which then proceeded to the Samarinda High Court and the Supreme Court, was unsuccessful due to issues of judicial authority. A lawsuit to the Samarinda State Administrative Court (PTUN) was also rejected due to a formal defect, namely that the filing exceeded the deadline stipulated in Law No. 2/2012. This research makes an important contribution to the understanding of the absolute authority of judicial institutions and the importance of fulfilling the formal and material requirements in filing a lawsuit. In the future, this research is expected to provide recommendations for regulatory improvements in the land acquisition process, as well as suggest the implementation of more efficient and fair dispute resolution mechanisms to prevent similar disputes in other development projects, especially in the context of former swapraja land and complex inheritance rights.

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