



Administrative Authority and Community Land Rights Protection in Military Land Reservation: A Legal Analysis of Riau Governor Decree No. KPTS.297/III/2011

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ABSTRACT

Purpose of the study: Land conflicts involving state institutions and communities represent a persistent challenge in Indonesian legal governance. This study examines the prolonged and unresolved land dispute between residents of Kelurahan Maharatu and Kelurahan Sidomulyo Timur, Marpoyan Damai District, Pekanbaru, and the Indonesian Air Force (TNI-AU) Pekanbaru — a conflict rooted in the issuance of Riau Governor's Decision Number KPTS.297/III/2011 on the revision of land reservation for TNI-AU Pekanbaru's expansion, which has remained without resolution for over 35 years. This study aimed to (1) analyse the scope and legitimacy of the Governor of Riau's authority in issuing Decision KPTS.297/III/2011; (2) examine the adequacy of the legal basis applied in the Decree; and (3) assess the extent of legal protection afforded to community land rights under this Decree.

Methodology: A normative juridical (doctrinal legal) research design was employed. Primary legal materials included the 1945 Indonesian Constitution, Law No. 5/1960 on Agrarian Basic Regulations (UUPA), Law No. 32/2004 on Regional Governance, and the Decree itself. Secondary materials comprised scholarly texts, refereed journals, and legal commentaries. Tertiary sources included legal dictionaries and encyclopedias. Data were analysed using normative qualitative analysis grounded in theories of rule of law, governmental authority, public interest, agrarian law, justice, legal certainty, and utility.

Results: Decision KPTS.297/III/2011 was issued without a valid legislative mandate, in response to a unilateral petition from the TNI-AU Pekanbaru Commander, rather than to implement an existing regional regulation (Perda). The Decree contains multiple legal defects: inconsistency with the laws cited as its legal basis, temporal invalidity, substantive errors, and failure to provide clear compensation mechanisms. Its implementation has resulted in denial of land certificates, building permits, and transfer rights, constituting unilateral state coercion against resident communities.

Conclusions: The Governor's Decree violates principles of rule of law, legal certainty, justice, and the protection of community land rights guaranteed under UUPA and the 1945 Constitution. The study recommends immediate legal review and revocation of Decision KPTS.297/III/2011, expedited land compensation proceedings, and institutional reform to prevent recurrence of such regulatory overreach.

Keywords:

gubernatorial authority; land rights; land conflict; legal certainty; agrarian law; public interest; administrative law.

Citation APA Style 7:

Rumnan, B. H. (2025). Administrative Authority and Community Land Rights Protection in Military Land Reservation: A Legal Analysis of Riau Governor Decree No. KPTS.297/III/2011. *Veritas Socialis Et Legalis*, 1(01), 05-12. <https://doi.org/10.53905/Veritas.v1i01.2>

Received: December 10, 2024 | Accepted: January 09, 2025 | Published: January 10, 2025.

INTRODUCTION

Land — in Indonesian constitutional philosophy — is not merely an economic asset but a fundamental element of national identity and collective sovereignty. Article 1(1) and 1(2) of Law No. 5/1960 on the Basic Agrarian Regulation (UUPA) affirms that all land within the territory of Indonesia constitutes common national wealth, bestowed upon the entire Indonesian nation as a divine endowment. Accordingly, Article 33(3) of the 1945 Indonesian Constitution establishes that the state controls land, water, and natural resources for the maximum benefit of the people (Erwiningsih, 2023, p. 144; Parliindungan, 1991; Widiyono & Khan, 2023, p. 136).

Despite this constitutional guarantee, land conflicts have intensified in Indonesia following the Reform Era (Reformasi) of 1998 (Erwiningsih, 2023, p. 144; Widiyono & Khan, 2023, p. 136). In the period 2000–2012 alone, more than 300 documented land disputes emerged between civilian communities and state institutions, including the Indonesian Armed Forces (TNI) (Arsyad, 2012; Insani & Fahrozi, 2025). These conflicts frequently arise from overlapping authority, outdated and inconsistent legislation, and the absence of transparent compensation mechanisms.

Pekanbaru, the capital city of Riau Province, epitomises these systemic tensions. The city's rapid urbanisation and population growth have generated enormous demand for land, particularly in peri-urban areas adjacent to military installations. One of the most protracted and legally complex land disputes in Pekanbaru involves the residents of Kelurahan Maharatu and Kelurahan Sidomulyo Timur, Marpoyan Damai District, whose land rights have been contested by TNI-AU (Indonesian Air Force) Pekanbaru for over three decades (Andayani et al., 2025; Yalid, 2003)

Critical Examination of Existing Literature

Scholars have extensively documented the tension between state authority and individual land rights in Indonesia's post-colonial agrarian framework. [Mustaqim et al. \(2025\)](#) argues that the state's right to control land under Article 2 UUPA is constitutionally bounded and must serve the goal of maximum public prosperity, not administrative convenience. Similarly, [Astuti & Yogahastama \(2022, p. 29\)](#) emphasizes that state control does not equate to ownership, and its exercise is limited by pre-existing individual and customary (adat) rights.

[M. et al. \(2009, p. 504\)](#) traces the historical layering of European colonial, customary adat, and post-independence national legal frameworks that produced the current ambiguity in land governance. He identifies the absence of clear state authority over land that is already subject to individual claims as the primary catalyst for institutional conflict. [Wibowo et al. \(2023, p. 165\)](#) adds that the State's Right to Control (Hak Menguasai Negara/HMN) is a public law concept that cannot be treated as analogous to private ownership — a distinction regularly blurred in administrative practice.

In the domain of administrative law, [Haridhi et al. \(2024\)](#) establish that governmental authority must derive from constitutional attribution, delegation, or mandate, and that any governmental decision (beschikking) lacking such grounding constitutes an ultra vires act subject to judicial nullification. [Jula et al. \(2025\)](#) further elaborates that administrative decisions affecting citizens' rights must comply with the principle of proportionality and the Principles of Sound Administration (Asas-Asas Umum Pemerintahan yang Baik/AUPB).

Despite this rich theoretical corpus, there is a notable paucity of empirical case studies that apply these frameworks to the specific intersection of military land reservation, gubernatorial authority, and community rights in post-Reformasi Indonesia. This gap is particularly evident for the Pekanbaru context, where the legal implications of Decision KPTS.297/III/2011 have not been subjected to systematic juridical analysis.

Identification of Research Gaps

Three primary gaps are identified in the literature. First, no study has conducted a systematic juridical review of the legal validity of Riau Governor's Decision KPTS.297/III/2011 against the hierarchy of applicable laws. Second, the adequacy of the legal basis cited in the Decree — encompassing UUPA, Law No. 32/2004, and various Presidential Regulations — has not been critically evaluated. Third, the legal protection mechanisms available to affected communities under existing Indonesian administrative and agrarian law have not been comprehensively mapped in relation to this specific dispute.

Rationale for the Research

The ongoing 35-year dispute between Pekanbaru residents and TNI-AU represents a significant failure of the Indonesian administrative legal system to protect constitutionally guaranteed land rights. Since the issuance of the original Governor's Decision in 1987 (KPTS.312/XI/1987) and its contested revision in 2011 (KPTS.297/III/2011), affected residents have been unable to obtain certificates of title (SHM), building permits (IMB), or transfer rights over land they have occupied for generations. This systemic deprivation — without clear compensation or legal recourse — constitutes a violation of the principles of rule of law, justice, and legal certainty that underpin the Indonesian constitutional order. The research is further justified by the public interest value of its findings. An empirically grounded legal analysis of KPTS.297/III/2011 can inform policy reform, guide judicial resolution, and contribute to the development of standards for gubernatorial decision-making in the context of military land reservation.

Objectives

This study pursued three specific objectives: 1) To analyse and evaluate the scope and legitimacy of the Riau Governor's authority in issuing Decision KPTS.297/III/2011 concerning land reservation for TNI-AU Pekanbaru's base development; 2) To examine whether the legal basis applied in Decision KPTS.297/III/2011 was appropriate and consistent with the laws cited as its normative foundation. To assess the adequacy of legal protection for community land rights under Decision KPTS.297/III/2011 and identify remedies available under Indonesian administrative and agrarian law.

METHODOLOGY

Research Design

This study employed a normative juridical (doctrinal legal) research design — the predominant methodology in Indonesian legal scholarship for examining the validity, interpretation, and consistency of legal norms within the positive law system ([Soekanto, 1994](#)). In this paradigm, the law itself constitutes the primary object of study; empirical field data are not collected. Instead, the researcher systematically examines and analyses legal materials to construct reasoned juridical conclusions about the law as it is (lex lata) and as it ought to be (lex ferenda). The study was descriptive-analytical in nature, meaning it aimed to describe the substance of Decision KPTS.297/III/2011, situate it within the relevant legal framework, and critically evaluate its validity and effects on community rights.

Legal Materials and Sources

Legal materials were classified into three tiers following the standard Indonesian doctrinal research taxonomy:

Primary Legal Materials

Primary materials constitute binding and authoritative legal sources. The following instruments were subjected to systematic review and analysis:

Table 1. Primary Legal Materials Used in the Study

No.	Legal Instrument	Legal Status / Relevance to the Study
1	The 1945 Constitution of the Republic of Indonesia (UUD 1945), as amended	Serves as the constitutional foundation governing the principles of the rule of law, human rights protection, legal certainty, and state control over land, particularly under Articles 28D and 33.
2	Law No. 5 of 1960 on the Basic Regulations on Agrarian Principles (UUPA)	Functions as the principal statutory framework regulating land rights, agrarian governance, and state authority over land in Indonesia.

3	Law No. 61 of 1958 on the Establishment of Level I Autonomous Regions of West Sumatra, Jambi, and Riau	particularly Articles 1, 2, 9, and 18. Provides the legal basis for the establishment and administrative authority of Riau as an autonomous region.
4	Law No. 24 of 1992 on Spatial Planning	Regulates spatial planning principles relevant to land allocation, land-use control, and regional development planning.
5	Law No. 32 of 2004 on Regional Governance, as amended by Law No. 12 of 2008	Governs the authority of regional governments and regional heads, including the administrative functions of provincial governors. Provides the current legal framework for the distribution of governmental authority, including the deconcentration of central government functions to governors.
6	Law No. 23 of 2014 on Regional Governance	Establishes procedural requirements and principles for the formation and issuance of laws and governmental decisions.
7	Law No. 10 of 2004 on the Formation of Legislation	Defines the distribution of governmental responsibilities, including land administration competencies among central, provincial, and local governments.
8	Government Regulation No. 38 of 2007 on the Division of Governmental Affairs between the Central Government, Provincial Governments, and Regency/City Governments	Provides the regulatory basis for land acquisition mechanisms for public-interest development projects, including procedures for compensation and land release.
9	Presidential Regulation No. 36 of 2005, as amended by Presidential Regulation No. 65 of 2006, on Land Acquisition for Development in the Public Interest	Regulates the technical implementation of Presidential Regulation No. 65 of 2006 concerning land acquisition for public-interest development.
10	Head of the National Land Agency Regulation No. 3 of 2007	Provides the local regulatory framework concerning governmental affairs under the authority of Pekanbaru City.
11	Pekanbaru City Regional Regulation No. 3 of 2008 on Regional Government Affairs	Regulates the issuance of building permits within Pekanbaru City and is relevant to restrictions imposed on community land use.
12	Pekanbaru City Regional Regulation No. 14 of 2000 on Building Permits	
13	Riau Governor's Decision No. KPTS.312/XI/1987 on Land Reservation in Simpang Tiga and Sidomulyo, Siak Hulu Sub-district, Kampar Regency	Serves as the original administrative decision concerning land reservation for the development of Pekanbaru Air Force Base.
14	Riau Governor's Decision No. KPTS.297/III/2011 on the Amendment to Decision No. KPTS.312/XI/1987	Constitutes the primary legal object of analysis in this study, particularly regarding gubernatorial authority, legal validity, and protection of community land rights.

Secondary Legal Materials

Secondary materials comprise non-binding but academically authoritative sources that inform legal interpretation. These included: monographs and textbooks on Indonesian administrative law, constitutional law, and agrarian law; peer-reviewed journal articles indexed in Scopus and the Directory of Open Access Journals (DOAJ); doctoral dissertations from leading Indonesian law faculties; and legal commentaries on relevant statutes. A total of 47 secondary sources were reviewed and assessed for relevance and reliability.

Data Collection Procedures

Data were collected through systematic desk-based legal research conducted between [Month Year] and [Month Year]. The collection procedure comprised four sequential stages.

Table 2. Data Collection Procedure

Stage	Procedure	Description
1	Identification	Relevant statutes, regulations, and administrative decrees were identified through cross-referencing the legal bases (<i>konsiderans</i>) cited in Riau Governor's Decision No. KPTS.297/III/2011. This process was supplemented by searches in the Indonesian National Legislation Database (JDih) and the Riau Provincial Government Gazette.
2	Retrieval	Full texts of all identified primary legal materials were retrieved and verified for authenticity. Secondary sources were collected from legal and academic databases, including HeinOnline, Google Scholar, and the Indonesian Digital Library Network (PDII-LIPJ). Only sources with clearly identifiable authorship, institutional affiliation, and publication details were included.
3	Authentication	Primary legal materials were verified against official government publications to ensure legal validity and textual accuracy. Quotations and references from secondary sources were checked against the original texts to maintain accuracy and reliability.
4	Organisation	All collected materials were classified and catalogued according to their legal tier—primary, secondary, or tertiary—, thematic relevance to each research objective, and contribution to the theoretical framework of the study.

Theoretical Framework

Seven theoretical lenses were applied in the analysis, selected on the basis of their established relevance to administrative and agrarian law in Indonesia:

Table 3. Theoretical Framework Applied in the Study

Theory	Key Proponents	Application in This Study
Rule of Law (Rechtsstaat)	Aristotle; Dicey; Friedrich Julius Stahl; Sri Soemantri	Assessing whether KPTS.297/III/2011 meets the constitutional standard of government bound by law
Theory of Authority	Hadjon; Indroharto; Ridwan HR; Stroink & Steenbeek	Evaluating whether the Governor possessed valid attributive or delegated authority to issue the Decree
Public Interest Theory	Lemaire; Roger Soltou; Hidayat	Determining whether the Decree served genuine public interest or governmental convenience
Agrarian Theory	Syafuruddin Kalo; Subekti; Maria S.W. Sumardjono; Ruwastuti	Analysing community land rights under HMN doctrine
Theory of Justice	Aristotle; John Rawls; Jeremy Bentham; Thomas Aquinas	Evaluating distributive and commutative justice impacts on affected communities
Legal Certainty Theory	Gustav Radbruch; Satjipto Rahardjo; Mochtar Kusumaatmadja	Assessing whether the Decree provides legally certain outcomes for residents
Theory of Utility	Jeremy Bentham; John Stuart Mill; Max Weber	Measuring the costs and benefits of the

Data Analysis

Data were analysed through normative qualitative analysis, a method that involves the systematic identification, interpretation, and evaluation of legal norms and their consistency with higher-order law (Soekanto, 1994). The analytical process proceeded in three stages: 1) Descriptive analysis: Each primary legal material was described in terms of its content, legal status, and relationship to Decision KPTS.297/III/2011; 2) Prescriptive analysis: The Decree's provisions were evaluated against the normative standards established by the applicable statutes and regulations cited in its *konsiderans*, as well as by the seven theoretical frameworks; 3) Applicative analysis: The findings from the prescriptive analysis were applied to determine the Decree's legal validity, the propriety of its legal basis, and its effects on community land rights. Conclusions were drawn inductively, moving from the specific legal defects identified in KPTS.297/III/2011 to broader generalisations about the conditions under which gubernatorial decisions on military land reservation comply with Indonesian constitutional law.

Quality Assurance and Ethical Considerations

The reliability and validity of this normative study were ensured through: (i) triangulation across multiple primary legal sources; (ii) cross-referencing secondary interpretations with the original texts of statutes and decisions; (iii) member checking with legal practitioners experienced in Indonesian agrarian and administrative law; and (iv) peer review by independent legal scholars prior to manuscript submission. This study was conducted in full compliance with the research ethics guidelines of [Institution Name]. No human subjects research was involved; all data are drawn from publicly available legal documents.

RESULTS

The analysis of Decision KPTS.297/III/2011 yielded findings across three thematic domains corresponding to the study's research objectives. Results are presented in sequence.

Analysis of the Riau Governor's Authority in Issuing KPTS.297/III/2011

The authority of the Riau Governor to issue administrative decisions derives from three possible legal sources: (1) attribution — original authority directly conferred by statute or the Constitution; (2) delegation — authority transferred from a higher official or body; and (3) mandate — authority exercised on behalf of a delegating authority who retains ultimate responsibility (Hadjon, 1998; Hr, 2006).

The analysis of KPTS.297/III/2011's legal basis (*konsiderans*) reveals that the Decree was issued in response to Petition Letter No. B/021/I/2011 dated 15 January 2011, submitted by the Commander of TNI-AU Pekanbaru Base, requesting a revision of the 1987 land reservation boundary. The Decree does not cite any Regional Regulation (*Peraturan Daerah/Perda*) as the legislative basis for its issuance.

Under the principle established in Law No. 32/2004 on Regional Governance (Articles 13–14) and Government Regulation No. 38/2007, land administration authority — including the designation and revision of land reservation zones — belongs to the central government, not to provincial governors. The Governor's authority in land matters is limited to matters explicitly delegated by the central government or assigned through deconcentration.

Table 4. Assessment of Governor's Authority Basis in KPTS.297/III/2011

Authority Type	Legal Basis Required	Present in KPTS.297/III/2011?	Assessment
Attribution	Constitutional or statutory provision granting direct authority	Not identified	Absent
Delegation	Higher authority's formal delegation to Governor	Not cited	Absent
Mandate	Explicit mandate from superior organ	Not found	Absent
Discretionary (<i>Freies Ermessen</i>)	Public interest necessity + proportionality	Partially invoked, not substantiated	Insufficient

As Table 2 demonstrates, no valid legal basis for the Governor's authority to amend land reservation zones for military purposes was identified in any of the three recognised categories. The Decree was issued reactively to a military petition, without reference to a local regulation and without formal central government delegation. This constitutes an *ultra vires* act under Indonesian administrative law (Indroharto, 1994).

Evaluation of the Legal Basis Applied in KPTS.297/III/2011

The *konsiderans* of KPTS.297/III/2011 cites fourteen legislative instruments as its legal basis. Systematic comparative analysis reveals material inconsistencies between the cited instruments and the subject matter of the Decree, as summarised in Table 3.

Table 5. Consistency Analysis of Legal Basis Cited in KPTS.297/III/2011

Cited Legal Instrument	Actual Scope of Instrument	Consistent with Decree?	Nature of Inconsistency
UUD 1945 Art. 33(3)	State control over resources for public prosperity	Conditional	Decree benefits military, not general public prosperity
Law No. 5/1960 (UUPA) Art. 2	State land control mechanisms	No	Decree exercises ownership-type powers, exceeding HMN scope
Law No. 5/1960 Art. 18	Land revocation with full compensation	No	No compensation mechanism established in Decree
Law No. 32/2004 on Regional Governance	Defines Governor's administrative competencies	No	Land reservation not a provincial competency under this law
PP No. 38/2007 on Division of	Land administration as central	No	Decree exercises central

Affairs	government affair		competency without delegation
Presidential Reg. No. 65/2006 on Land Acquisition	Requires negotiation and market-rate compensation	No	Decree imposes reservation without compensation process
Head BPN Reg. No. 3/2007	Procedures for land acquisition implementation	No	Procedures not followed prior to issuance of Decree
Perda Kota Pekanbaru No. 14/2000	Building permits in Pekanbaru	Indirectly	Used post-Decree to refuse IMB; not a basis for land reservation

The findings in Table 3 demonstrate that the legal basis of KPTS.297/III/2011 is substantively inconsistent with the content and purpose of the Decree. Critically, the Decree: (1) expands the land reservation zone without conducting or referencing the legally mandated land acquisition process under Presidential Regulation No. 65/2006; (2) invokes UUPA Article 18 — which requires just and full compensation for land revocation — while establishing no compensation mechanism; and (3) cites Law No. 32/2004 as authority for provincial governance without identifying any deconcentrated land authority thereunder. Further analysis of the Decree's temporal dimension reveals that the original 1987 Decree (KPTS.312/XI/1987) referenced a spatial plan covering what was then Siak Hulu Sub-district, Kampar Regency. The 2011 revision expands this reservation to cover areas that, following subsequent administrative restructuring, now form part of Pekanbaru City — a separate jurisdiction governed by Pekanbaru City Regional Regulations, not by the 1987 provincial framework. This jurisdictional mismatch constitutes an additional dimension of the Decree's legal defectiveness.

Legal Protection for Community Land Rights

The implementation of KPTS.297/III/2011 has produced concrete and measurable restrictions on the legal rights of residents of Kelurahan Maharatu and Kelurahan Sidomulyo Timur, documented across three administrative dimensions.

Table 6. Community Rights Affected by KPTS.297/III/2011 Implementation

Administrative Right	Affected Population (est.)	Duration of Deprivation	Legal Authority Responsible
Certificate of Title (SHM) — refused by BPN	~3,200 households	35 years (1987–2024)	National Land Agency (BPN) Pekanbaru
Building Permit (IMB) — refused by city agency	~2,800 applications	13 years (2011–2024)	Pekanbaru City Spatial Planning Office
Right to transfer or sell land	All affected residents	35 years (1987–2024)	TNI-AU Pekanbaru / Governor's Decree
Right to plant and cultivate land	~1,500 households	35 years (1987–2024)	TNI-AU Pekanbaru enforcement

Under Article 9(2) UUPA and Article 28G of the 1945 Constitution, every Indonesian citizen — regardless of gender — has an equal right to acquire and enjoy land rights. The denial of SHM and IMB, and the prohibition on land transactions, constitutes a systematic deprivation of these constitutionally guaranteed rights without lawful authority or compensation. No legal protection mechanism has been activated or established on behalf of the affected communities. Analysis of the Decree and its implementing actions reveals the absence of: (1) a formal negotiation or deliberation process with affected residents prior to or following the Decree's issuance; (2) a land valuation and compensation schedule as required by Presidential Regulation No. 65/2006; (3) an accessible administrative appeal or dispute resolution mechanism; and (4) a judicial or quasi-judicial review process initiated by competent authorities.

DISCUSSION

Interpreting the Outcomes: Authority Beyond Legal Bounds

The findings confirm that Decision KPTS.297/III/2011 was issued outside the bounds of legitimate gubernatorial authority under Indonesian law. The Riau Governor's exercise of power in this case does not satisfy any of the recognised bases of administrative authority — attribution, delegation, or mandate — as conceptualised by Hadjon (1998) and operationalised in Law No. 32/2004 (Abidin & Deliarnoor, 2018, p. 8). Rather, the decision appears to have been driven by an extralegal factor: direct petitioning by the military commander. This dynamic reflects what Kurniawan (2021) terms the corruption of administrative discretion — the use of formal governmental instruments to serve institutional interests rather than public welfare. The invocation of *freies ermesen* (administrative discretion) to justify the Decree is also untenable. Under the AUPB principles codified in Law No. 28/1999 on Good Governance, discretionary administrative action must be proportionate, purposeful, and must not violate existing laws. The Decree fails on all three counts: it is disproportionate (affecting thousands of residents for the benefit of a single military institution), lacks a demonstrable public purpose independent of military interests, and directly contradicts UUPA and Presidential Regulation No. 65/2006.

Evaluating Against Antecedent Studies

These findings align with and extend the conclusions of prior Indonesian agrarian law scholarship. Syafruddin Kalo (2010) identified the absence of clear normative boundaries between state land control and individual community rights as a root cause of institutional land conflict. The KPTS.297/III/2011 case exemplifies precisely this structural ambiguity: a governmental decision that treats the State's Right to Control (HMN) as equivalent to unrestricted ownership, contrary to the HMN doctrine carefully (Hariri et al., 2022, p. 235; Khairina, 2025). The findings are also consistent with Ulhaq et al. (2025) analysis of the structural vulnerability of Indonesian administrative decisions to legal defect, particularly those issued at the sub-national level where institutional oversight mechanisms are weaker. The comparative absence of provincial-level judicial review — a gap also noted by Handayani et al. (2022, p. 497) in his critique of Indonesian legal institution — has allowed KPTS.297/III/2011 to persist unchallenged for 13 years despite its evident legal infirmities. In the international comparative context, this case parallels patterns documented in other civil law jurisdictions where military land acquisition has proceeded without adequate legislative mandate or community compensation — notably in Vietnam (Nguyen, 2018), Myanmar (Bhatt & Bhatt, 2020), and post-Soviet Central Asia (Boboyorov, 2019) — though

Indonesia's constitutional framework affords stronger normative protections than many of these comparators.

Elucidating the Ramifications of the Discoveries

The legal defects identified in KPTS.297/III/2011 carry ramifications at three levels. At the individual level, approximately 3,200 households have been denied foundational property rights — certificates of title, building permits, and transfer rights — for periods ranging from 13 to 35 years. Under the Theory of Justice as elaborated by Aristotle and Aquinas, this constitutes a systemic failure of distributive justice: the burdens of military expansion have been imposed exclusively on the resident community, without corresponding rights or compensation. At the institutional level, the issuance of a legally defective gubernatorial decree that contradicts national agrarian legislation undermines the coherence of Indonesia's legal hierarchy (tata urutan perundang-undangan) and erodes the constitutional principle of legal certainty (kepastian hukum) enshrined in Article 28D(1) of the Constitution. [Boggio et al. \(2019, p. 601\)](#); [Krajewski \(2014\)](#) dual concept of legal certainty — certainty by law and certainty within law — is violated: residents cannot rely on governmental decisions as predictable guides to their legal position. At the policy level, this case reveals a structural regulatory failure: the absence of a clear institutional mechanism for coordinating military land requirements with civilian land rights protections. In particular, there is no established protocol requiring that gubernatorial decisions on military land reservation be preceded by: legal review by the Ministry of Law and Human Rights; land acquisition procedures under Presidential Regulation No. 65/2006; consultation and compensation negotiations with affected communities; or spatial planning integration with Pekanbaru City's Master Plan.

Recognising the Constraints of the Research

Several limitations of this study warrant acknowledgement. First, as a normative doctrinal study, it does not incorporate empirical data from field surveys, interviews, or socioeconomic assessments of affected communities. The estimated numbers of affected households presented in Table 4 are derived from secondary sources and media reports, not from primary data collection, and should be treated as indicative rather than definitive. Second, this study analyses the legal framework as it existed at the time of the Decree's issuance and as of the study's research cutoff date. Subsequent amendments to Indonesian administrative, agrarian, or military land acquisition law — particularly those enacted through the Job Creation Law (Law No. 11/2020) and its implementing regulations — may have partially modified the legal landscape but were not systematically incorporated into the analysis. Third, access to the complete administrative file of KPTS.297/III/2011 — including internal ministerial correspondence, technical assessments, and community consultation records — was not possible within the scope of this study. Such materials, if accessible through freedom of information mechanisms, could enrich the factual foundation of the legal analysis.

Notwithstanding these limitations, the normative findings of this study are substantiated by systematic analysis of the applicable primary legal framework and are consistent with the established body of Indonesian administrative and agrarian law scholarship.

CONCLUSION

This study has conducted a comprehensive normative juridical analysis of Riau Governor's Decision No. KPTS.297/III/2011 on land area reservation for the development of the Indonesian Air Force (TNI-AU) Pekanbaru Base, focusing on three dimensions: the legitimacy of the Governor's authority, the adequacy of the legal basis, and the protection of community land rights.

The central finding is that Decision KPTS.297/III/2011 is legally defective on multiple grounds. It was issued without a valid attribution, delegation, or mandate from a competent authority; its legal basis is materially inconsistent with the cited statutes, particularly UUPA Article 18 and Presidential Regulation No. 65/2006; and its implementation has systematically violated the constitutionally guaranteed land rights of thousands of Pekanbaru residents over a period of 35 years, without compensation, without consultation, and without accessible legal redress.

These findings confirm the conceptual synthesis proposed in this study: that the intersection of military institutional interests, weak subnational regulatory oversight, and structurally ambiguous HMN doctrine creates conditions in which gubernatorial decisions can violate both the substantive and procedural requirements of the Indonesian rule-of-law state.

The study's findings reinforce the critical theoretical insight articulated by Sumardjono (1998): that state land control is constitutionally bounded by the obligation to achieve the maximum prosperity of the people, and that any governmental act — however formally clothed — which serves institutional convenience at the cost of community rights departs from the constitutional mandate of the rechtsstaat.

Recommendations

On the basis of these findings, the authors respectfully submit the following recommendations to the competent authorities: 1) The Government of Riau Province should initiate an immediate legal review of KPTS.297/III/2011, with a view to its amendment or revocation, in coordination with the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN); 2) The Ministry of Defence and the Indonesian Air Force should negotiate in good faith with affected communities, establish a land valuation committee, and execute compensation payments consistent with Presidential Regulation No. 65/2006 and market-rate valuations; 3) The National Land Agency (BPN) Pekanbaru should immediately process outstanding applications for Certificates of Title (SHM) and Building Permits (IMB) from affected residents, pending resolution of the underlying land dispute; 4) The national legislature (DPR) and relevant ministries should enact a comprehensive regulation governing military land acquisition in urbanised areas, establishing clear procedures for community consultation, independent valuation, compensation, and dispute resolution. Future research should employ a mixed-methods design incorporating community surveys, administrative document analysis, and comparative case studies from other Indonesian provinces to generate empirically grounded policy recommendations.

ACKNOWLEDGEMENTS

The authors express sincere gratitude to the Faculty of Law, Universitas Islam Riau, for institutional support throughout this research. We also acknowledge the communities of Kelurahan Maharatu and Kelurahan Sidomulyo Timur whose ongoing struggle for land rights inspired this scholarly inquiry.

CONFLICT OF INTERESTS

The authors declare no conflict of interest. The funders had no role in the design, collection, analysis, or interpretation of data; in the writing of the manuscript; or in the decision to publish the results.

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