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The Legal Status of the Location Determination Decree (Kpts. 548/IV/2023) in Land Acquisition within Forest Areas: A Case Study of the Pekanbaru Ring Road Toll Project

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ABSTRACT: This study explores the intersection between land acquisition and forestry governance in Indonesia, focusing on its implications for the implementation of National Strategic Projects (PSN). The analysis identifies a regulatory misalignment arising from the lack of procedural and temporal coherence between the two regimes, particularly concerning the issuance of the Location Determination Decree (Penetapan Lokasi or Penlok) prior to the formal reclassification of forest areas. Such inconsistency has generated overlapping institutional mandates, uneven implementation, and legal uncertainty in project execution. Employing a qualitative juridical approach, this study relies on document analysis of key regulations and administrative records. Using the Pekanbaru Ring Road Toll Project as a case study, the findings demonstrate how policy acceleration may blur legal boundaries and affect the overall coherence of administrative governance. The study recommends refining Article 67(3) of Government Regulation No. 23 of 2021 on Forestry Management to align with Government Regulation No. 19 of 2021 on Land Procurement for Public Interest. This harmonization would strengthen legal certainty, institutional coordination, and governance integrity, thereby promoting a more legitimate and sustainable framework for infrastructure development.

Keywords: Regulatory Misalignment, Land Acquisition, Forest Area, Location Determination, National Strategic Project (PSN).



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INTRODUCTION

Infrastructure development serves as a cornerstone for economic growth and innovation by fostering employment opportunities, expanding market access, and improving overall quality of life. Strategic decisions regarding infrastructure types and technologies must account for long-term sustainability amid global challenges such as climate change and environmental degradation (Asian Development Bank, 2017). Furthermore, infrastructure investment enhances capital

productivity, strengthens fiscal stability, and promotes employment as well as economic efficiency (Cavallo & Daude, 2011; Azuwandri et al., 2019). As Matanhire (2019) aptly analogizes, the transportation system functions as the bloodstream of the economy ensuring the smooth circulation of resources and reinforcing national competitiveness.

In Indonesia, the administration of President Joko Widodo has positioned infrastructure development as a national priority through the National Strategic Projects (Proyek Strategis Nasional, PSN) policy, aimed at accelerating economic growth and promoting equitable regional development (Kementerian Koordinator Bidang Perekonomian Republik Indonesia, 2023). The legal framework underpinning PSN implementation is established through several key instruments, including Government Regulation (PP) No. 42 of 2021 on the Facilitation of National Strategic Projects, Regulation of the Coordinating Ministry for Economic Affairs No. 9 of 2022, and Law No. 11 of 2020 on Job Creation (later repealed by Government Regulation in Lieu of Law No. 2 of 2022, and subsequently enacted as Law No. 6 of 2023). Collectively, these instruments emphasize regulatory simplification and investment facilitation to enhance national competitiveness.

Among these strategic initiatives, the Trans-Sumatra Toll Road (Jalan Tol Trans Sumatera or JTTS) stands out as one of the most significant infrastructure projects, designed to strengthen interregional connectivity, reduce logistics costs, and stimulate both regional and national economic growth (PT Hutama Karya, 2025). Within the framework of the National Medium-Term Development Plan (RPJMN) 2019–2024, JTTS has been designated as a priority project intended to promote balanced development between western and eastern Indonesia and to catalyze regional economic integration. Nevertheless, the project's extensive land requirements and the diversity of tenure arrangements have rendered the land acquisition process complex, dynamic, and multidimensional.

Under Presidential Regulation No. 42 of 2024 (Perpres 42/2024), the Rengat–Pekanbaru Toll Road was designated as one of 24 strategic toll segments assigned to PT Hutama Karya (Persero). The route comprises two primary sections: the Rengat–Junction Pekanbaru Toll Road and the Junction Pekanbaru–Bypass Pekanbaru Toll Road, the latter commonly referred to as the Pekanbaru Ring Road. This segment traverses Pekanbaru City and parts of Kampar Regency, serving a dual function as part of the intercity corridor within the Trans-Sumatra network and as an urban bypass to alleviate traffic congestion in the Pekanbaru metropolitan area. Strategically, it connects the southern corridor (Rengat) with existing toll segments Pekanbaru–Bangkinang and Pekanbaru–Kandis–Dumai, thereby strengthening logistics mobility and fostering regional economic integration (PT Hutama Karya, 2023, 2024).

In the implementation phase, land acquisition represents one of the most critical and challenging aspects of PSN execution, involving multiple stakeholders from central and regional governments, state-owned enterprises, and affected communities. According to Government Regulation (PP) No. 19 of 2021, as amended by PP No. 39 of 2023 on the Implementation of Land Procurement for Public Interest, this process is particularly vulnerable to legal, administrative, and social complexities. The Ombudsman of the Republic of Indonesia (2024)

reported that land-related issues remain the most frequently cited category of public complaints, underscoring the persistent challenges in land governance.

The complexity deepens when land acquisition intersects with forest areas, which fall under a distinct legal regime emphasizing conservation, sustainable management, and the prevention of environmental degradation, as stipulated in Law No. 41 of 1999 on Forestry. Consequently, forest lands are not automatically subject to agrarian provisions such as Law No. 5 of 1960 on Basic Agrarian Principles (Muntaqo et al., 2020) or Law No. 2 of 2012 on Land Procurement for Public Interest. The conversion of such areas for infrastructure purposes must instead comply with forestry regulations, particularly Government Regulation (PP) No. 23 of 2021 on Forestry Management. However, the Job Creation Law (UUCK) and its derivative regulations introduced procedural reforms facilitating the use of forest areas for priority national projects. Specifically, Article 123 of the UUCK amended Article 8 of Law No. 2 of 2012, mandating that such utilization occur through a forest release mechanism, replacing the previous Forest Borrow-Use Permit (IPPKH) scheme.

Pursuant to Perpres 42/2024, the Pekanbaru Ring Road Toll was initially targeted to commence operation by December 2024. However, according to Mediacenter Riau (2025), construction progress had reached only 53 percent as of June 2025, thereby postponing the operational target to March 2026. This finding aligns with broader studies on megaproject governance, which emphasize that regulatory inconsistencies and overlapping institutional mandates frequently transform acceleration efforts into sources of delay and dispute (Flyvbjerg et al., 2003).

Accordingly, this study seeks to provide a comprehensive understanding of the legal standing of the Location Determination Decree (Kpts. 548/IV/2023) within the framework of land acquisition in forest areas. It examines the normative conflict between land acquisition and forestry regimes in the implementation of National Strategic Projects, identifies the root causes of regulatory misalignment, analyzes the legal implications of issuing the Penlok prior to definitive forest release, and proposes policy recommendations aimed at achieving regulatory harmonization that supports equitable, lawful, and sustainable national infrastructure development.

METHOD

This study uses a qualitative juridical-normative method to examine the legal conflict between land procurement and forestry regulations, with particular attention to the legal status of the Location Determination Decree (Kpts. 548/IV/2023) which falls within the administrative area of Kampar Regency. The juridical-normative approach is appropriate here because the research problem centers on statutory interpretation, procedural sequencing, and inter-regulatory consistency rather than on measurement or hypothesis testing. The study is descriptive-analytical in character: it describes relevant legal norms and administrative practices, then analyzes their juridical implications for legal certainty and the effectiveness of land acquisition policies.

The case study is the land acquisition process for the Pekanbaru Ring Road Toll Project, a segment of the Trans-Sumatra Toll Road designated as a National Strategic Project. This site was selected because it concretely demonstrates the regulatory overlap and sequencing problems under investigation, notably the issuance of a Penlok prior to definitive forest-area release. Nevertheless, this situation renders the project highly relevant as an object of legal and policy analysis, particularly because it remains in the implementation phase (on-going project). This stage provides an opportunity to examine regulatory dynamics and juridical challenges, including the legal implications arising during the land acquisition process within forest areas.

Data collection relied on documentary analysis. Primary legal sources include Government Regulation No. 19 of 2021 (in conjunction with PP No. 39 of 2023) on land procurement, Government Regulation No. 23 of 2021 on forestry management, Law No. 11 of 2020 on Job Creation, the Location Determination Decree (Kpts. 548/IV/2023), and decree concerning the release of forest areas from forest status. Secondary sources comprise inter-agency meeting minutes, relevant media and technical reports.

Data were analyzed using directed content analysis guided by a normative framework. The analysis proceeded in four focused steps: (1) identify and map conflicting regulatory provisions; (2) compare statutory norms with administrative practice in the Pekanbaru case; (3) evaluate juridical implications for legal certainty and compliance; and (4) formulate policy recommendations for regulatory harmonization and clearer procedural sequencing. Reference to established methodological literature informed coding and interpretation, but emphasis remained on normative consistency and legal argumentation rather than on inductive theory building (Bowen, 2009; Miles et al., 2014).

By combining juridical-normative scrutiny with documentary evidence from a concrete PSN case, the study aims to produce actionable legal and policy recommendations for harmonizing land procurement and forestry procedures.

RESULT AND DISCUSSION

Forest Area and Land Tenure in Lingkar Pekanbaru Toll Road

The formal designation of forest areas in Riau Province commenced in 1986, following a period of rapid expansion of Forest Concession Licenses (Hak Pengusahaan Hutan/HPH) from 1967 through the 1980s. This developmental phase, which was particularly intense in Riau from the mid-1970s, was implemented without comprehensive field inventories or adequate ground verification (Suwarno & Situmorang, 2017).

The current legal framework was subsequently established through Minister of Environment and Forestry Decree No. SK.903/MENLHK/SETJEN/PLA.2/12/2016, which officially designated Riau's forest area at 5,406,992 hectares, with Kampar Regency accounting for 548,201 hectares (BPS Riau, 2023). Notably, the entire forest area intersected by the Pekanbaru Ring Road toll

route is classified as Convertible Production Forest (HPK) (Kementerian Koordinator Bidang Kemaritiman dan Investasi, 2023).

From a land tenure perspective, exhibit ownership patterns indicating established community control over these lands. This was evidenced by challenges encountered during the planning phase for the Rengat-Pekanbaru toll road section, where the proposed route passed through an Islamic boarding school (pesantren) and active aquaculture areas (PPID Utama, 2023). This situation presents significant implications for land acquisition governance. As mandated by Government Regulation No. 19 of 2021 on Land Procurement for Public Interest, land parcels that are occupied or subject to legal claims must undergo formal acquisition procedures, which include the provision of compensation (Uang Ganti Kerugian or UGK).

Location Determination Decree (Penlok) Kpts. 548/IV/2023

The legal basis for land procurement for the Pekanbaru Ring Road is the Location Determination (Penetapan Lokasi or Penlok), which was established through a Decree by the Governor of Riau. The Governor's legitimacy in issuing the Penlok is based on Government Regulation on Land Procurement, specifically Article 1, point 20.

Furthermore, based on the chronology of administrative documents in the case study of the Pekanbaru Ring Road Trans-Sumatra Toll Road (JTTS) (Table 4.15), it was identified that the Penlok Decree was issued after the release approval but before the definitive designation of the Area for Other Use (Areal Penggunaan Lain or APL).

Document No. Number Date Remarks Boundary Approval for Forest SK.1266/MENLHK/SETJEN/PLA.2/12/2022 21-12-22 Delineation Follow-1. Area Release up Carried Location concurrently with the Kpts. 548/IV/2023 2. Determination Decree 11-04-23 forest boundary (Penlok) delineation process Definitive Designation boundary SK.1193/MENLHK/SETJEN/PLA.2/11/2023 09-11-23 delineation 3. of Released Area completion (APL)

Table 1. Key Documents

The technical implications observed in the field indicate that this situation has had a direct impact on the implementation of the land acquisition process. Minutes from the inter-agency coordination meeting on October 26, 2023, confirmed a delay at the appraisal stage, which was attributable to the pending issuance of the Work Area Determination Decree (SK PAK/APL).

This inability to conduct the appraisal effectively halted the subsequent stages of the process. Consequently, the proceedings could not advance to the negotiation of compensation forms, the validation of eligible rights holders, and other necessary administrative steps, all the way through to the final disbursement of compensation payments.

These obstacles emerged fundamentally because the land in question remained under the formal legal classification of a forest area that had not yet undergone the official release process.

Interpretation of Key Findings: Regulatory Misalignment

From a normative standpoint, this situation indicates non-compliance with Article 43, paragraph (1) of Government Regulation No. 19 of 2021, which stipulates that the process of changing a forest area's status must be completed, up to and including the location determination, before the land acquisition stages can be implemented. On the other hand, this condition aligns with Article 67, paragraph (3) of Government Regulation No. 23 of 2021, which regulates that the implementation of National Strategic Project (PSN) activities may be conducted concurrently with the process of forest area boundary demarcation.

Table 2. Comparison of Articles between PP No. 23/2021 and PP No. 19/2021

PP No. 23 of 2021 (Forestry Management),	PP No. 19 of 2021 as amended by PP No. 39 of 2023
Article 67(3)	(Land Procurement for Public Interest), Article 43(1)
"In the case where activities within forest areas constitute a	"The process of changing the status of land acquisition objects located
national strategic program the implementation of such	within forest areas must be completed up to the stage of Location
activities may be carried out concurrently with the forest	Determination."
boundary delineation process."	

This phenomenon can be conceptualized as a form of "cross-regime legitimacy," which describes a condition in which an administrative decision extends beyond the regulatory regime that should serve as its principal legal foundation. Such a situation is not merely a matter of procedural acceleration; rather, it signifies a shift of legitimacy across legal regimes, as exemplified by the Determination of Location (Penlok), an instrument originating from the land governance regime, which effectively traverses into the forestry regulatory domain.

This regulatory incongruence has generated overlapping authorities and inconsistent policy implementation, ultimately undermining legal certainty. The early issuance of the Penlok for the Pekanbaru Ring Road Project, while intended to support the National Strategic Project (PSN) framework, paradoxically resulted in inefficiencies and legal risks including delays in the appraisal and compensation stages that potentially disadvantage the rightful landowners.

The challenge, therefore, is not merely technical but structural, stemming from regulatory misalignment that calls for a comprehensive normative solution. Pursuant to Article 86(1) of the Government Regulation on Land Procurement, a Penlok is designed to restrict land transactions until the procurement process is completed. However, the misalignment among regulatory frameworks has transformed what was intended as an acceleration tool into a source of uncertainty.

A retrospective review of the Penlok issuance period reveals that Presidential Regulation (Perpres) No. 131 of 2022, as last amended by Perpres No. 42 of 2024, designates the Rengat–Pekanbaru Toll Road as Phase II, with partial operational targets by the end of 2024. Accordingly, the issuance of the Penlok in April 2023 may be viewed as an accelerative measure to meet the limited timeframe for land procurement. Nonetheless, the absence of an integrated cross-regime procedure has instead impeded progress, contradicting the very spirit of national

development acceleration envisioned under the Omnibus Law on Job Creation (UUCK) which serves as the overarching regulatory framework for land procurement, forestry governance, and national strategic projects.

Comparison with Previous Studies

Previous studies have examined the relationship between land acquisition and forestry regulations mainly from the perspective of regulatory coordination and sectoral legal inconsistency. However, none have explored the broader issue of cross-regime legitimacy, namely the administrative overlap that occurs when one regulatory framework operates within the domain of another in the context of policy implementation.

Marudin (2023), through a normative-juridical approach, analyzed the synchronization between Government Regulation No. 19/2021 on Land Procurement and Government Regulation No. 23/2021 on Forestry. Her findings indicated that although both regulations were designed as derivative instruments of the Job Creation Law (UUCK), their operational coordination still lacks temporal and procedural clarity, particularly regarding the timing of permit issuance. The study emphasized the need for stronger institutional synergy but assumed that the two regimes were already compatible at the formal level. In contrast, the present study argues that such synchronization remains largely formalistic, as implementation in practice often involves a shift of administrative authority across regulatory boundaries rather than genuine harmonization within them.

Similarly, Khairul (2022) identified legal inconsistencies in land procurement for mining activities within forest areas, noting that multiple sectoral laws ranging from Forestry to Environmental and Mining Laws overlap without clear operational guidance. While Khairul focused on the multiplicity of legal sources and its environmental implications, the present study extends this discussion by viewing the issue as a form of administrative overreach, in which instruments of one regime (land acquisition) are applied within the jurisdiction of another (forestry), leading to interpretive ambiguity and institutional tension.

Doman and Doman (2020) examined the environmental governance aspect, highlighting that Presidential Regulation No. 66/2020 on PSN land acquisition financing may challenge the constitutional principle of sustainable development. Their analysis reflects the broader tension between development priorities and ecological protection. Building on this discussion, the present study shifts attention to the question of normative legitimacy, emphasizing how the pursuit of policy acceleration under the National Strategic Project (PSN) framework can blur the legal boundaries between regulatory regimes and weaken procedural safeguards.

Muntaqo et al. (2020) studied land acquisition in forest areas for oil and gas projects and found that structural misalignment between the Forestry Law and the Basic Agrarian Law (UUPA) often hinders implementation. They proposed improved coordination between the Ministry of Environment and Forestry (KLHK) and the Ministry of Agrarian Affairs and Spatial Planning (ATR/BPN) as a solution. While their approach focuses on institutional harmonization, this study suggests that the underlying issue extends beyond administrative coordination, reflecting a more fundamental difference in legal orientation between the two regimes.

Finally, Ilmadianti and Salim (2024), using a socio-legal perspective, examined the Balikpapan–Samarinda Toll Road case, where the conversion of conservation forest (Tahura Bukit Soeharto) into Other Land Uses (APL) led to unequal compensation outcomes for affected communities. Their study provides important empirical insights into social justice concerns arising from forest land conversion. However, their analysis focuses primarily on fairness within a single regime, whereas the present research highlights how the need to accelerate project implementation can result in administrative overlap that affects both legal certainty and equity.

In summary, while earlier research has consistently identified sectoral fragmentation, legal inconsistency, and administrative inefficiency as key challenges in land procurement within forest areas, this study introduces the concept of cross-regime legitimacy to interpret the issue not only as procedural misalignment but also as a reallocation of administrative authority across regulatory regimes. This perspective helps explain how Indonesia's efforts to accelerate infrastructure development under the PSN framework give rise to complex interactions between legality, legitimacy, and implementation within the evolving post-Omnibus Law governance context.

The findings of this study demonstrate that the absence of clear procedural alignment between the forestry and land acquisition regimes has led to overlapping authorities, inconsistent implementation, and legal uncertainty in the execution of National Strategic Projects (PSN). Based on these findings, and in order to address the identified legal misalignment, this study recommends a revision to Article 67(3) of Government Regulation (PP) No. 23 of 2021 on Forestry Management through two possible policy alternatives:

- 1. Restricting the flexibility currently granted to PSN projects to conduct activities concurrently with forest boundary delineation, so that it aligns with the provisions of PP No. 19 of 2021 on Land Procurement for Development in the Public Interest; or
- 2. Clarifying the normative scope of permissible "activities" that may be conducted in parallel with the boundary delineation process by providing technical explanations or sector-specific implementing provisions.

Such an amendment would not only harmonize the forestry and land acquisition regimes but also clarify the hierarchical relationship and procedural sequence between forest area release and the issuance of the Penlok. The expected positive outcomes include greater legal certainty, reduced institutional overlap, the prevention of premature Penlok issuance, and the strengthening of the land acquisition regime as the principal legal framework governing PSN implementation.

Furthermore, this harmonization is consistent with the principles of ecological justice and good governance, as it would prevent premature forest degradation, ensure fairness for affected landholders, and reinforce the legality of project execution. Although the proposed revision may potentially delay PSN implementation because activities would need to await the completion of forest boundary delineation typically requiring one to three years such delays could be mitigated through accelerated assessments conducted by the Integrated Team (Tim Terpadu) as stipulated under Ministerial Regulation of Environment and Forestry (Permen LHK) No. 7 of 2021.

In conclusion, the proposed revision represents a crucial and strategic step toward the integration of Indonesia's regulatory frameworks. It seeks to balance the need for development acceleration with the imperative of legal certainty, ensuring that National Strategic Projects are implemented lawfully, efficiently, and sustainably. This recommendation is both timely and actionable, as it can be strategically incorporated into the ongoing revision process of Permen LHK No. 7 of 2021 (Hukumonline, 2025).

Limitations and Cautions

This study acknowledges several limitations. First, the analysis primarily relies on document-based data, which may not fully capture the subjective perspectives of all stakeholders, particularly local communities directly affected by land acquisition (Patton, 1999). Second, the study focuses on a single toll segment, thereby necessitating caution when generalizing findings to other PSN projects within forest areas. Lastly, ongoing regulatory revisions may alter the legal landscape after the completion of this study, potentially reshaping the interpretation of current findings.

CONCLUSION

Overall, this study contributes to the ongoing scholarly discussion on land procurement within forest areas by introducing the concept of cross-regime legitimacy as an analytical lens to understand the dynamics between regulatory domains. Rather than viewing the challenges merely as a matter of procedural misalignment, this approach highlights how administrative authority and legal rationale may shift across institutional boundaries in the implementation of National Strategic Projects (PSN).

By framing these interactions as a process of administrative reallocation rather than simple coordination failure, the study underscores the importance of developing an integrated governance framework that ensures both regulatory coherence and legal certainty. Such an approach not only strengthens institutional accountability but also aligns with the broader principles of sustainable development and good governance.

Ultimately, the findings suggest that achieving acceleration in infrastructure development should not come at the expense of legal clarity. Instead, it requires a balanced model of governance one that harmonizes policy objectives with normative legitimacy, ensuring that administrative actions remain consistent with the foundational principles of law and justice within Indonesia's evolving post-Omnibus Law regulatory landscape.

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