


Acquisition Of Ownerless Land In The 150 KV Ketapang–Sukadana Transmission Line Project

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Article Info	ABSTRACT
<p>Keywords: Procurement, Regulation, Land</p>	<p>The acquisition of ownerless land for national strategic infrastructure projects, particularly in the electricity sector, presents significant legal and administrative challenges. Ownerless land often becomes an obstacle to development due to unclear ownership status, resulting in delays in project implementation. This study aims to analyze the legal framework, regulatory implementation, and administrative constraints in the acquisition of such land. A normative legal research method is employed, utilizing statutory and case study approaches—specifically, the 150 kV Ketapang–Sukadana High Voltage Overhead Line (SUTT) project. Data were analyzed qualitatively through literature reviews, legal documents, and relevant reports. The findings indicate that the regulation concerning the use of ownerless land for public purposes and its financing is governed by Law No. 2 of 2012 on Land Acquisition for Development in the Public Interest and Supreme Court Regulation (PERMA) No. 3 of 2016. However, the implementation of these regulations remains problematic due to misinterpretations among stakeholders. Administrative constraints also arise from difficulties in obtaining complete documentation. These conditions have led to delays in national strategic projects and economic inefficiencies. Therefore, regulatory harmonization, data integration among relevant agencies, and capacity-building for involved parties are essential to enhance the efficiency of land acquisition processes.</p>
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INTRODUCTION

In the implementation of land acquisition for public interest, it is often found several obstacles, one of which is the ownership of ownerless land, namely land whose ownership status is unknown. Land acquisition for public interest is one of the most important aspects in infrastructure development. In the Republic of Indonesia, land has social and economic functions that are interconnected. As a Social Asset, land becomes a unifying bond in society, while as a Capital Asset, land is the main capital that can support the implementation of development (Dharsana et al., 2018).

Previous relevant research as a reference for the novelty of the author's research is as follows: First, Darma Budi Setiawan, I Nyoman Putu Budiarta, and Ida Ayu Putu Widiati (2023) said that legal protection is carried out through two approaches, namely preventive and repressive, to guarantee the rights of landowners. Compensation is given fairly in accordance with the losses suffered by landowners as regulated in Law No. 30 of 2009 concerning Electricity to realize legal certainty and justice (Setiawan et al., 2023). Second, Dwiky Oryza Djokdja conveyed the research results that consignment has a legitimate position as the full right of the party whose whereabouts are unknown. The compensation money must be deposited in court until the owner or heir appears. If they never appear, the status of consignment remains unchanged because legally it becomes the property right of the rightful owner (Djokdja et al., 2025). Third, Ahsanul Risky Ramadhan (2022) said that the stages in the utilization of abandoned land based on Government Regulation No. 11 of 2010 are first conducting land inventory, identifying land, giving warnings to right holders and finally determining the status of abandoned land, after which the legal relationship between the right holder and the land object is terminated and it becomes land controlled again by the state (Ramadhan et al., 2022).

The above research shows a clear difference with the author where Darma Budi Setiawan, I Nyoman Putu Budiarta, and Ida Ayu Putu Widiati discuss legal protection for ownerless land acquisition based on regulation and if the owner is unknown the compensation is deposited in court to guarantee the fulfillment of the actual owner's rights. Meanwhile, Dwiky Oryza Djokdja reviews that consignment is a solution for replacing the land acquisition which can be taken by the owner or his heirs. Ahsanul Risky Ramadhan examines the position of abandoned land based on Government Regulation No. 11 of 2010 concerning the Control and Utilization of Abandoned Land.

Meanwhile, the author's research is more focused on identifying legal and administrative constraints faced in the acquisition of ownerless land, especially in electricity infrastructure projects such as the construction of the 150 kV Ketapang–Sukadana High Voltage Overhead Transmission Line (SUTT). In addition, this research also aims to analyze the conformity between existing regulations, such as Law No. 2 of 2012 and Supreme Court Regulation No. 3 of 2016. The implications of this research are expected to provide theoretical contributions to the development of legal theory related to the management of ownerless land in land acquisition for public interest.

The results of this analysis are also expected to be a practical guide for related institutions, such as PT PLN (Persero) and the National Land Agency, in managing ownerless land more effectively and efficiently. From the policy side, this research aims to encourage policymakers to formulate a more integrated and responsive legal mechanism to the problem of ownerless land, so that it can accelerate the implementation of national strategic projects which have an impact on improving the welfare of society at large. Based on the background above, the author aims to analyze the legal arrangements, regulation implementation, administrative constraints, and the resulting impacts in the acquisition of ownerless land in national strategic projects.

METHODS

This study employs a normative legal research method aimed at analyzing the legal framework and regulatory implementation related to the acquisition of ownerless land in the context of national strategic infrastructure projects. This method is conducted through a statutory approach (Abimanyu, 2023; see also Machmud et al., 2022), which examines various regulations such as Law of the Republic of Indonesia Number 2 of 2012 on Land Acquisition for Development in the Public Interest (2012); Presidential Regulation of the Republic of Indonesia Number 71 of 2012 on the Implementation of Land Acquisition for Development in the Public Interest (2012); and Supreme Court Regulation of the Republic of Indonesia Number 3 of 2016 on Procedures for Filing Objections and Depositing Compensation in the District Court in Land Acquisition for Development in the Public Interest (2016).

This approach aims to understand the legal foundations used to resolve issues concerning ownerless land. In addition, this research also applies a case approach (Rahmiwita, 2017) by analyzing the case study of the 150 kV Ketapang–Sukadana High Voltage Overhead Transmission Line (SUTT) project in West Kalimantan, which encountered legal and administrative obstacles in land acquisition.

The data used in this study were obtained through library research (Bachtiar, 2019), which includes legal documents, literature, scientific journals, and reports related to land acquisition for public purposes. Data analysis was conducted qualitatively to interpret statutory regulations and their practical implementation in the field. Through this method, the study seeks to identify gaps between regulation and implementation and to provide recommendations to overcome the challenges encountered. The results of this analysis are expected to contribute both academically and practically to addressing issues related to the acquisition of ownerless land in Indonesia.

RESULTS AND DISCUSSION

Land holds a strategic value as a limited natural resource. In Indonesia, land is an essential commodity that serves both social and economic purposes. The social function of land is regulated under Article Six of the Basic Agrarian Law, which states that all land rights carry a social function. This means that individual ownership is not absolute but must consider the broader public interest (Sari, 2021; Sulistyarningsih, 2021). Therefore, land acquisition for public purposes, such as electricity infrastructure projects, has a strong legal foundation, provided that the process remains fair and transparent (Isnaeni & Lubis, 2021).

Infrastructure development forms a vital part of the government's efforts to improve public welfare (Pramuji & Putri, 2021). As Brian Larkin cited in Ojani et al. (2024) explained, the electricity sector is one of the national priorities, with PT PLN (Persero) playing a strategic role in ensuring sufficient power supply to sustain economic growth and national development. However, electricity infrastructure projects often encounter complex challenges, especially in land acquisition, where unclear or unverified ownership status poses serious legal and administrative barriers that can delay strategic projects.

The issue of unowned land has become a major challenge in land acquisition for public purposes. Although procedures for judicial deposit (consignment) have been established under Law No. 2 of 2012 and Supreme Court Regulation No. 3 of 2016, practical implementation frequently encounters obstacles due to administrative requirements that are difficult to fulfill (Bedner & Arizona, 2019). This reveals a significant gap between legal provisions and their enforcement, indicating a need for regulatory refinement.

A notable example of such a case occurred in the construction of the Ketapang, Sukadana High-Voltage Transmission Line in West Kalimantan. The project faced delays due to unverified ownership of the tower site lands (TIP.19R and TIP.23R) ("PLTD Repositioning, PLN Operates Two Projects in West Kalimantan," 2024). Despite PLN's efforts to conduct land inventory and identification in accordance with procedure, official statements from the village administration and the National Land Agency confirmed that the plots were not registered under any individual or legal entity (Rizal Daeng, 2023). Nevertheless, the local court rejected PLN's consignment request on the grounds that the rightful owners had not been sufficiently identified, illustrating the continuing inconsistency between legal interpretation and administrative practice (Tehupeiory & Simbolon, 2024; Tehupeiory, 2023).

The implications of this issue are far-reaching. Legally, the absence of ownership certainty can lead to new disputes and prolong legal proceedings. Operationally, such obstacles cause project delays, disrupt electricity supply, and increase development costs due to rescheduling and legal risks. In the context of national infrastructure, these delays particularly affect communities in remote, frontier, and underdeveloped areas that depend heavily on electricity access.

Although existing laws allow the judicial deposit of compensation for unowned or abandoned land (Ndraha et al., 2025; Prawesthi, 2023), courts often demand concrete evidence, such as ownership identification documents, that relevant agencies find difficult to provide. This discrepancy between legal requirements and field realities underscores the urgent need for more coherent and flexible regulations. An integrative approach is required, combining coordination among national, regional, and customary law systems, while an adaptive approach demands modernization through digital land registration, community participation, and non-litigation mediation mechanisms. These strategies would transform the law from a mere controlling instrument into a tool for social reconciliation and empowerment in agrarian resource management.

In the case of the Ketapang, Sukadana project, delays in resolving land ownership have hindered electricity capacity expansion in the region. The consequences extend beyond local power shortages to broader economic stagnation and reduced investment potential. This demonstrates how administrative and legal barriers can directly impact public welfare. The unowned land problem thus reflects a multidimensional challenge involving legal, administrative, and institutional aspects. Addressing it requires data integration, streamlined procedures, and enhanced technical capacity to minimize future obstacles.

Several theoretical frameworks can be applied to analyze these challenges. Gustav Radbruch's theory of legal certainty emphasizes that law must ensure justice, certainty, and utility for society (Manullang, 2022). Aristotle's theory of distributive justice highlights the fair

allocation of resources to meet societal needs (Muhtar et al., 2024), which in this context relates to equitable and lawful compensation for rightful owners. Rudolf von Jhering's theory of public interest, as cited by Harjono (2022), asserts that law should serve the collective welfare. Infrastructure development is a tangible manifestation of this principle. However, differing judicial interpretations and administrative constraints show that current regulations have yet to fully realize the public interest envisioned by Jhering. Together, these theories form a complementary framework for analyzing and resolving the legal and administrative complexities of unowned land acquisition, ensuring both individual rights and the broader goal of national welfare.

Legal Framework and Regulatory Implementation of Unowned Land Acquisition in the 150 kV Ketapang–Sukadana Transmission Line Project

Land acquisition represents a crucial aspect of implementing national strategic infrastructure projects since land is an irreplaceable resource that underpins sustainable development. Legally, land acquisition in Indonesia is comprehensively regulated through a framework of statutory provisions designed to ensure legal certainty, justice, and the protection of the public interest. The law establishes the fundamental principle that land acquisition must prioritize legal certainty, efficiency, and a balance between development goals and the protection of community rights (Karjoko et al., 2019). Law Number 2 of 2012 on Land Acquisition for Public Interest defines land acquisition as an activity that provides land by granting fair and appropriate compensation to rightful parties. According to Leonardo Simangunsong, the process aims to fulfill development needs for public purposes, such as transportation, energy, and public services. One of the key legal instruments established by this law is the consignment mechanism, which allows compensation to be deposited in court when landowners are unknown or refuse payment (Darwance et al., 2018; Simangunsong, 2022). This provision, detailed in Article 42, paragraph 2(a), states that consignment may be executed when the rightful party cannot be identified.

Presidential Regulation Number 71 of 2012 outlines the technical guidelines for each phase of land acquisition, from planning and preparation to implementation and final transfer. For unowned land, the regulation emphasizes the importance of conducting identification and inventory as preliminary steps to determine ownership and legal status. If no rightful owner can be identified, the responsible agency must submit a consignment request to the local district court. Meanwhile, the Supreme Court Regulation Number 3 of 2016 provides procedural guidance for consignment requests in land acquisition for public purposes (Sahibu et al., 2023). Article 5 of this regulation stipulates that the application must be accompanied by documentation proving that identification and inventory have been conducted, including evidence showing that the land has no identifiable owner.

Despite the existence of this legal framework, implementation in the field often encounters significant obstacles, especially in cases involving unowned land. One of the main challenges lies in how courts interpret and apply these regulations. In practice, courts frequently demand concrete evidence, such as ownership documentation, that cannot always

be provided by the acquiring agency. This situation exposes gaps between the normative regulations and their practical application.

The case of the 150 kV Ketapang–Sukadana High-Voltage Transmission Line Project in West Kalimantan provides a clear example of this issue. Two tower sites (TIP.19R and TIP.23R) lacked verified ownership. PT PLN (Persero) West Kalimantan Development Unit conducted the required identification and inventory procedures and obtained official letters from the village authority and the National Land Agency (BPN) confirming that the land was not registered to any individual or legal entity. Nevertheless, the district court rejected the consignment request, citing incomplete administrative requirements. This decision illustrates a gap between legal provisions and their interpretation, resulting in project delays.

The issue also reflects a broader problem within the legal framework for unowned land. Existing regulations have not fully anticipated situations where administrative evidence cannot be completely verified, even after the responsible agency has made substantial efforts. The strict procedural requirements often render the consignment mechanism ineffective, posing a challenge for national strategic projects that require timely completion to support economic growth and social welfare.

Another significant obstacle lies in inter-agency coordination. The identification and inventory process requires collaboration among multiple entities, including local governments, the National Land Agency, and the acquiring institution. However, the lack of coordination and data integration frequently delays verification processes. Data inconsistencies between agencies further complicate matters and contribute to project delays.

Legal and Administrative Implications of Unowned Land Acquisition in the 150 kV Ketapang–Sukadana Transmission Line Project

Land acquisition for public purposes, especially involving unowned or unidentified land, often faces complex legal and administrative challenges that hinder national strategic infrastructure projects and jeopardize legal certainty and social justice (Shofi et al., 2022). One of the key mechanisms for addressing this issue is the consignment procedure, whereby compensation is deposited with the court when ownership cannot be determined. Although this regulation offers a normative solution, its practical implementation is often inefficient and inconsistent.

Administrative challenges are among the most significant barriers. The identification and inventory of unowned land require extensive time and coordination among institutions that frequently hold inconsistent data. Agencies such as the National Land Agency (BPN), local governments, and land procurement authorities often differ in their ownership records, leading to prolonged verification and validation processes. In some cases, incomplete documentation submitted by acquiring agencies causes courts to hesitate in approving consignment applications.

Another challenge lies in the inadequate legal infrastructure supporting unowned land acquisition. Although Supreme Court Regulation Number 3 of 2016 outlines procedural steps for consignment, judicial practice often deviates from the regulation. Courts sometimes demand additional documents not specified in the law, increasing administrative burdens for

acquiring institutions. This inconsistency highlights a gap between the legal framework and its practical needs.

These legal and administrative issues have broad consequences. Legally, uncertainty regarding ownership status can lead to prolonged disputes if future claims arise. Operationally, project delays increase costs and disrupt infrastructure delivery, directly affecting public welfare, particularly in regions dependent on electricity supply. Such delays also impede economic growth and national development objectives.

Lack of coordination among agencies further compounds the problem. The process involves multiple authorities with overlapping responsibilities, causing inefficiencies and slow decision-making. To overcome this, an integrated institutional framework is necessary to facilitate efficient and transparent procedures. Additionally, social challenges must be addressed, as communities often feel excluded from land acquisition processes. Exclusion may lead to resistance, especially when the land is perceived as customary or communal property (Sembiring, 2018; Gayo, 2018). A participatory approach that involves communities in consultation, regulation dissemination, and grievance mechanisms is essential to prevent conflict.

A strategic tool used in practice is the Letter of Opinion (LO) issued by the Provincial Attorney's Office, which provides legal advice to support acquisition decisions. This document guides institutions in preparing consignment applications consistent with statutory regulations (Law No. 2 of 2012; Supreme Court Regulation No. 3 of 2016). However, discrepancies between the Attorney's Office's interpretation and local court practice often create additional barriers.

To address these issues, a more integrated and adaptive approach is needed. First, inter-agency data integration must be strengthened through digital land information systems and real-time verification mechanisms. Second, coordination can be improved by forming a joint task force representing relevant institutions to ensure accountability and prevent duplication of responsibilities. Third, administrative procedures should be simplified using digital mapping and geographic information systems (GIS) to accelerate data collection. Standardized documentation templates should also be introduced to streamline court submissions.

Legal education and continuous training for officials are equally important to ensure consistent understanding and compliance. Furthermore, more specific regulations are needed to enhance legal certainty by defining clear timelines, dispute-resolution mechanisms, and sanctions for noncompliance (Aisyah Juliviani Ismanto & Saleh, 2024).

Courts should also receive detailed technical guidelines to standardize their assessment of consignment applications and supporting documents. Clear procedural criteria would promote consistent and fair rulings. In addition, the integration of modern technology, such as blockchain for document verification and cloud-based systems for inter-agency data sharing, can enhance transparency and accountability. Government incentives and performance evaluations for efficient land procurement agencies would further encourage better implementation.

CONCLUSION

The acquisition of ownerless land for public purposes, particularly in the context of the 150 kV Ketapang–Sukadana High Voltage Transmission Line (SUTT) project, presents complex challenges from both legal and administrative perspectives. Although the legal framework—such as Law Number 2 of 2012 and Supreme Court Regulation Number 3 of 2016—provides normative guidance, its implementation in the field often fails to meet expectations. The obstacles include inconsistent legal interpretations, lack of coordination among institutions, and lengthy as well as inefficient administrative procedures. These issues lead to legal uncertainty, project delays, and increased operational costs. This situation not only hinders development acceleration but also reduces the direct benefits that could be felt by the community. Overall, the impact on the implementation of the 150 kV Ketapang–Sukadana SUTT project shows that the success of electricity infrastructure projects is determined not only by technical readiness but also by participatory and transparent management of social, legal, and environmental aspects. Therefore, a collaborative approach involving the government, PLN, and the community is necessary to ensure that the project runs effectively, sustainably, and provides maximum benefits for regional development. As a recommendation, a comprehensive evaluation of existing regulations is needed to ensure harmonization between the legal framework and practical needs in the field. The government should strengthen inter-agency coordination through better data integration and the use of information technology to support the identification and inventory processes of land. The High Prosecutor’s Office, through Letters of Opinion, is also expected to broaden its legal analysis and include assessments of potential future risks to enhance the legitimacy of such documents. Furthermore, training for legal officers and land acquisition officials regarding the implementation of regulations can strengthen understanding and ensure more effective policy application. Through these measures, the process of acquiring ownerless land can become more efficient, transparent,

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