

State Responsibility And Substantive Justice: Land Acquisition For UIII Development In Depok

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Abstract

The study finds that in Decision Number 259/Pdt.G/2021/PN Dpk, the panel of judges emphasized procedural legal certainty by declaring the claim inadmissible (*niet ontvankelijke verklaard*) on the grounds of a defect of parties (*plurium litis consortium*), resulting in the substantive issues of land ownership and possession remaining unaddressed. While the dispute was formally concluded under civil procedural law, the decision raises important concerns regarding the state's obligations to communities affected by land acquisition for public purposes. Adopting an administrative law perspective, this study argues that the procedural disposition of the case should not be construed as eliminating the state's responsibility to resolve outstanding claims stemming from the exercise of public authority in development projects. Referring to Hans Kelsen's Theory of State Responsibility, the study maintains that the procedural outcome of Decision Number 259/Pdt.G/2021/PN Dpk does not absolve the state of its duty to provide legal protection, acknowledge legitimate community interests in land, and guarantee meaningful access to justice. Accordingly, the implementation of land acquisition for public purposes should strike a balance between procedural legality and the substantive protection of community land rights to promote legal certainty, justice, and public trust.

Keywords

Niet Ontvankelijke Verklaard; John Rawls; UIII Depok Case

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1. INTRODUCTION

According to Article 4, paragraph (2) of the Basic Agrarian Law (UUPA), land rights not only grant authority to utilize the surface of the land, but also the body of the earth, water, and the space above it insofar as it is directly related to the use of the relevant land. (Undang-Undang Nomor 5 Tahun 1960 Tentang Peraturan Dasar Pokok-Pokok Agraria, 1960) This means that land is not merely an immovable object but also has a strategic function as both a social asset and an economic asset. As a social asset, land serves as the basis of social relations and a source of livelihood for society. In contrast, as an economic asset, it is an important factor of production in development and has high commercial value. (Boedi Harsono, 2008) Thus, land not only functions as a means of livelihood but also becomes a determining factor for the welfare and survival of individuals and communities. As a developing



country carrying out development across various sectors, Indonesia has an increasingly large need for land.

This condition makes land a resource of strategic value while also making it prone to conflicts of interest among the state, business entities, and society. (Rusmadi Murad, 1991) Initially, land disputes generally involved only individual parties, but over time, land conflicts have expanded into various sectors, including forestry, infrastructure, mining, and the development of public facilities. (Achmad, 2024) The increasing need for land that is not proportional to its availability also contributes to the rising number of disputes over land ownership, control, and use. The inconsistency between development interests and community claims over land often gives rise to land disputes. Such disputes generally concern the validity of land rights grants, land registration, transfers of rights, and overlapping ownership claims. (Guntur, 2024) In addition, there is still much land that has, in fact, been controlled or utilized by the community for many years but has not obtained legal certainty of status within the national land administration system. Such conditions often lead to prolonged conflicts and have implications for legal certainty and the protection of community rights. (Barita Sidabutar, 2023)

The problem becomes increasingly complex when land is required for development activities deemed to be in the public interest. To ensure the availability of land for development while also providing legal protection to affected parties, Law Number 2 of 2012 (Undang-Undang (UU) No. 2 Tahun 2012 Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum, 2012) concerning Land Acquisition for Development in the Public Interest (hereinafter referred to as the Land Acquisition Law) defines public interest as the interests of the nation, the state, and society, the implementation of which is the responsibility of the government and is aimed at achieving the greatest possible prosperity of the people. (Shofi, 2026) This law regulates the stages of land acquisition, which include the processes of planning, preparation, implementation, and handover of final results, by making the principles of justice, humanity, legal certainty, transparency, and welfare the main foundations of its implementation.

One of the development projects carried out in the public interest is the construction of the Indonesia International Islamic University (UIII) in Depok City. The development of UIII, which is included in the National Strategic Project, requires large tracts of land. In its implementation, it gave rise to a dispute that the Depok District Court later examined through Decision Number 259/Pdt.G/2021/PN Dpk (*PUTUSAN Nomor :259/PDT.G/2021/PN.Dpk*, 2021). The case involves community claims over the land used for the UIII development site, as well as various legal issues related to the status of land control, the mechanism for land acquisition for public interest, and the positions of the parties with interests in the disputed object. Thus, this case is relevant to be analyzed from the perspective of agrarian law and land acquisition.

In this study, the Theory of State Responsibility proposed by Hans Kelsen is used as the basis of analysis, because it emphasizes that every act of a state organ in exercising its authority gives rise to legal consequences in the form of legal responsibility. This theory allows for a deeper examination of the relationship between the state's authority to carry out development for the public interest and its legal obligations toward affected parties. Several studies on land acquisition for public interest generally focus on justice, compensation mechanisms, and land dispute resolution. However, studies that specifically connect the development of the Indonesia International Islamic University (UIII), Decision Number 259/Pdt.G/2021/PN Dpk, and the concept of state responsibility are still very limited.

Unlike studies that focus on judgments resolving the substantive merits of a dispute, this research examines Decision Number 259/Pdt.G/2021/PN Dpk, which concluded with a ruling declaring the claim inadmissible (*niet ontvankelijke verklaard*). While decisions on the merits primarily invite analysis of evidentiary issues and competing legal claims, an inadmissibility ruling highlights the role of procedural requirements in determining access to substantive justice. The significance of this case lies in its ability to reveal how procedural barriers may prevent judicial consideration of underlying disputes without necessarily addressing the broader legal and social issues involved. In the context of land acquisition for public-interest development, this perspective enables a critical assessment of whether the pursuit of procedural legal certainty has been accompanied by adequate protection of community rights and fulfillment of the state's responsibilities toward affected communities. Therefore, this study is expected to contribute to the development of agrarian law and land acquisition studies, particularly those related to the implementation of development for the public interest and the state's responsibility toward affected communities.

This research uses a normative legal research method that focuses on legal norms, principles, and doctrines to address the issues under study. As explained by Peter Mahmud Marzuki, normative legal research is the process of identifying legal rules, legal principles, and relevant doctrines to solve a legal issue. In its implementation, this research uses a statutory approach (statute approach) and a conceptual approach (conceptual approach). The legal materials used consist of primary, secondary, and tertiary legal materials obtained through library research. All of these legal materials are then analyzed qualitatively using a descriptive-analytical method to obtain a comprehensive understanding of the legal aspects of land disputes in the UIII development.

Based on the description above, this study aims to analyze the implications of the legal considerations in Decision Number 259/Pdt.G/2021/PN Dpk on the resolution of land disputes in the UIII development, as well as to examine the state's responsibility toward community claims over the land that is the object of UIII development from the perspective of agrarian law, land acquisition, human rights, and state asset management.

2. METHOD

This study employs a normative legal research method. According to Peter Mahmud Marzuki, normative legal research is a process of identifying and analyzing legal norms, principles, and doctrines to address legal issues arising in legal practice. (Peter Mahmud Marzuki, Sh., Ms., 2008) This study adopts a conceptual approach and a statutory approach. The conceptual approach is used to examine relevant legal doctrines and theories, particularly Hans Kelsen's Theory of State Responsibility, which serves as the analytical framework for assessing the state's obligations in land acquisition for public-interest development.

The statutory approach is conducted by examining legislation on land acquisition, human rights, and state asset management, which collectively form the legal framework governing the object of this study. In this regard, regulations concerning state asset management are included from the outset as an integral component of the legal framework, given their relevance to the post-acquisition status and utilization of land acquired for public purposes. The legal materials consist of primary legal materials, including legislation, court decisions, and relevant legal instruments; secondary legal materials, including books, scholarly articles, and prior research; and tertiary legal materials, such as legal dictionaries and other supporting references. The main object of analysis is Decision Number 259/Pdt.G/2021/PN Dpk, along with relevant statutory provisions governing land acquisition, human rights protection, and state asset management.

Legal materials are collected through library research and analyzed qualitatively using a descriptive-analytical method. The analysis is conducted through legal interpretation and systematic examination of applicable norms to derive conclusions regarding the state's responsibility in land acquisition for the development of the Indonesia International Islamic University (UIII) in Depok.

3. FINDINGS AND DISCUSSION

3.1. Analysis of the judge's legal considerations in Decision Number 259/Pdt.G/2021/PN Dpk regarding the status and control of land in the development of UIII

The results of the study show that Decision Number 259/Pdt.G/2021/PN Dpk places greater emphasis on procedural legal certainty in resolving the dispute. During the trial, the plaintiffs were given adequate opportunities to present and defend their rights through various pieces of evidence, including Letter C, land registration maps, certificates from the village and sub-district governments, as well as witness testimony explaining the history of hereditary land control. (Daniel & Hadiati, 2025) The panel of judges also conducted an on-site inspection (descente), which, at the evidentiary stage in civil proceedings, the judge may examine the courtroom by directly visiting the object of dispute at its physical location whenever necessary. Meanwhile, *constatering* refers to a verification measure

conducted at the execution stage, in which the object is inspected on site to ensure it corresponds to what was stipulated in the court's judgment. (Sihotang & Soroinda, 2025) This indicates that the parties were placed on equal footing before the law and were given equal opportunity to present arguments and prove their respective claims.

However, the lawsuit was not examined on its merits because the panel of judges issued a decision of *niet ontvankelijk verklaard* (inadmissibility of the claim) due to a formal defect: a lack of parties (*plurium litis consortium*). In civil procedural law, the *posita* must contain a clear and detailed description of facts and legal grounds. In contrast, the *petitum* must contain claims that are logically connected and consistent with the *posita*. (Arifina Alanis et al., 2025) A lack of coherence between the *posita* and *petitum* may make it difficult for the judge to formulate legal considerations that serve as the basis of the decision; therefore, a lawsuit that does not meet these formal requirements may be declared inadmissible. (Vivi Riska Ramadani¹ & Bachri², 2026)

Moreover, in the *a quo* case, the plaintiffs had gone through the trial process up to the evidentiary stage, incurring substantial litigation costs amounting to Rp15,295,000.00 (Fifteen Million Two Hundred Ninety-Five Thousand Rupiah). This condition reflects a tension between the application of formal procedural rules in civil procedural law and the principle of simple, fast, and low-cost justice, which is one of the fundamental principles in the administration of judicial power. From the perspective of the Theory of Justice as Fairness proposed by John Rawls, the judicial process in this case can be said to have fulfilled the dimension of procedural justice, as the parties were given equal opportunities to present evidence, submit arguments, and receive equal treatment before the law. However, Rawls' concept of justice is not limited to the mere fulfillment of fair procedures. Justice also requires attention to social and economic inequalities that may affect individuals' positions in society. (Patingki et al., 2026) According to Rawls, inequality can only be justified if it benefits all members of society, especially those who are least advantaged. Thus, the assessment of justice is based not only on procedural equality but also on the extent to which a system's outcomes and impacts protect and benefit the most disadvantaged parties. (Faiz, 2009) Strict formal procedural requirements may reinforce procedural barriers that function as filters, disproportionately disadvantaging vulnerable groups. (Pijl et al., 2022)

In the context of land acquisition for public-interest development, this issue becomes more pronounced, as affected parties are often local communities whose economic and social livelihoods depend heavily on land, yet face significant limitations in navigating the complexities of litigation against the state or development entities. (Polii & Polii, 2025) Consequently, although procedural formalities are essential to maintaining order and certainty within the judicial system, overly rigid application of such requirements may worsen the position of the least advantaged parties, as it can impede or even entirely obstruct their access to substantive judicial examination of the dispute. This

ultimately creates tension between the principles of procedural legal certainty and substantive justice, which should ideally be harmonized in modern judicial practice.

Thus, the justice of a policy, government action, or development project cannot be assessed solely by the benefits enjoyed by the majority of society. Such an assessment must also consider the extent to which the policy can provide protection and benefits to those most affected by its implementation. (Sidiq, 2025) If groups in vulnerable positions instead suffer losses without adequate legal protection or compensation, this is not in line with the principle of justice as fairness proposed by John Rawls. In Rawls' view, justice not only requires equality of procedural treatment but also demands that legal institutions be capable of producing fair resolutions of contested interests. (Sunaryo, 2022)

In this case, although various facts were revealed through the evidentiary process and on-site inspection (*descente*), the dispute did not proceed to a substantive examination because it was halted on formal procedural grounds. As a result, the substantive claims submitted by the parties did not receive a comprehensive legal assessment. Based on the findings of this study, Decision Number 259/Pdt.G/2021/PN Dpk reflects procedural justice through the consistent application of civil procedural law. (Syamsudin, 2014) However, the decision does not fully reflect justice as fairness in a substantive sense, as its orientation places greater emphasis on procedural legal certainty than on resolving the substantive dispute brought by the seekers of justice.

3.2. Government Responsibility for Compensation to the Community over Land Subject to the UIII Development Based on Hans Kelsen's Theory

The results of this study show that land acquisition for the development of UIII is not merely about meeting land needs for the public interest, but also entails the state's obligation to ensure effective legal protection of the rights of affected communities. In Decision Number 259/Pdt.G/2021/PN Dpk, the community's lawsuit alleging hereditary land control actual land possession over a long period of time, which is one of the important facts in land disputes (Musalib Saranani, 2022) The inability of marginalized communities to obtain a Certificate of Ownership (Sertifikat Hak Milik/SHM) does not merely reflect the absence of rights, but is often the consequence of systemic administrative barriers, (Permadi & Herlindah, 2023) such as the complexity of land registration procedures, limited access to legal information, as well as costs and technical requirements that are difficult to meet. (Ardani et al., 2022)

In this context, the community's actual possession and use of land should not be disregarded, as it reflects a factual socio-economic relationship between the community and the land they inhabit and manage. (Zefanya & Lukman, 2022) Therefore, in the context of land acquisition for public-interest purposes, actual possession may be considered a legitimate basis for providing more equitable

alternative compensation, particularly for groups that are structurally constrained in obtaining formal proof of ownership. This approach underscores the importance of balancing formal legality with substantive justice in protecting the land rights of marginalized communities. which was declared inadmissible due to formal defects; however, the decision does not eliminate the state's obligation to provide a legal protection mechanism for claims over land used in the development. (Amanda Putri Kirana & Bryan Leonardo Suherman, 2026)

From the perspective of Hans Kelsen's Theory of State Responsibility, every action of a state organ in exercising public authority gives rise to legal consequences in the form of legal responsibility for the effects it produces. Thus, the legitimacy of land acquisition rests not solely on formal authority but also on the state's obligation to legally protect affected parties. (Rudiana et al., 2023) Furthermore, the national legal framework reinforces this principle through the Basic Agrarian Law, which affirms the social function of the state's right of control over land, and the Land Acquisition Law, which requires fair and proper compensation based on the principles of humanity and justice. This principle is also strengthened by constitutional guarantees in Article 28G paragraph (1) of the 1945 Constitution of the Republic of Indonesia (RI, 1945), as well as human rights standards that require effective remedies for losses caused by state actions. (Shofi, 2026)

Furthermore, from the perspective of state asset management, the land used for the development of UIII ultimately becomes part of state wealth utilized to support the administration of government and public services. However, good state asset governance not only requires clarity regarding the legal status of assets under state control but also demands that the acquisition process have a strong legal and social legitimacy basis. (Simamora, 2017) Therefore, resolving various community claims over the land used for the development is important not only as a means of protecting the rights of affected communities but also to ensure legal certainty, accountability, and the sustainability of state asset management in the future. (Al-Zahra, 2018)

Based on the above description, the results of this study show that state responsibility in the development of UIII cannot be understood narrowly as merely the obligation to carry out land acquisition procedures in accordance with administrative provisions.(Widiono et al., 2025) State responsibility also includes the obligation to ensure that every community claim related to land subject to development receives recognition, examination, and legal protection in the form of appropriate compensation because even though the land is used for public interest, land rights holders who release their land are entitled to fair and proportionate compensation so that their social welfare and economic condition do not become worse than before the relinquishment of rights. (Harsono, 1991). Although in Decision Number 259/Pdt.G/2021/PN Dpk it was revealed as a factual matter that the plaintiffs did not possess a land ownership certificate (SHM) as formal proof of ownership over the land, there was an

argument that on the disputed object, there had been land utilization activities in the form of settlements, trading activities, and plantations.

The existence of these various forms of control and utilization indicates a socio-economic relationship between the community and the land, reflecting the community's efforts to optimize the use of living space to sustain their livelihoods. From the perspective of agrarian law, such a condition can be understood as a form of actual control relevant to assessing legal relations over land, particularly in the context of land that has not been fully registered in the state land registration system. (Roy & Adiwiranto, 2025) Thus, when land is taken for the public interest, the principle of justice requires a guarantee that communities that lose their homes and sources of livelihood receive fair compensation and are not left without the means for social and economic recovery (no one should be left worse off without adequate compensation). (Arianto et al., 2025) Thus, development for the public interest, aimed at the broader benefit of society, should not instead make the lives of marginalized communities more difficult and may even push them below the poverty line. (Syah, 2015)

By considering Hans Kelsen's Theory of State Responsibility, it can be understood that the existence of Decision Number 259/Pdt.G/2021/PN Dpk, which ended on formal grounds, does not eliminate the state's legal responsibility toward affected communities, because the state's obligations essentially arise from the legal consequences caused by state actions in carrying out development.

4. CONCLUSION

This study indicates that Decision Number 259/Pdt.G/2021/PN Dpk prioritizes procedural legal certainty in resolving land disputes connected to the development of the Indonesia International Islamic University (UIII). The judges declared the claim inadmissible (*niet ontvankelijk verklaard*) due to a formal defect, namely a lack of parties (*plurium litis consortium*). This reasoning reflects the consistent application of civil procedural rules. It demonstrates procedural fairness, as all parties were afforded equal opportunities to present arguments, submit evidence, and defend their respective interests before the court. Nevertheless, because of these procedural limitations, the court did not proceed to examine the substantive issues of the case, meaning that the community's claims regarding possession and legal relations over the land used for the UIII project were not fully adjudicated. As a result, the core dispute remains unresolved on its merits.

Furthermore, the study finds that state responsibility in the UIII development cannot be confined merely to compliance with statutory land acquisition procedures. Drawing on Hans Kelsen's Theory Within the concept of the rule of law, one of its fundamental principles is governmental accountability, namely the obligation of public authorities to be legally accountable for the exercise of their powers when such actions cause harm to citizens. (Mustamu, 2014) Accordingly, a decision ending on

procedural grounds does not remove the state's obligation to ensure legal protection for communities asserting rights over the land used for development. This obligation aligns with the principles of agrarian law, land acquisition law, and human rights protection, all of which require adequate recognition, examination, and safeguarding of the rights and interests of affected communities.

Moreover, from the perspective of state asset management, the study concludes that legal certainty over state-controlled land must be accompanied by both legal and social legitimacy in its acquisition process. (Suntoro, 2019) Therefore, the success of public-interest development should be assessed not only by the completion of projects and compliance with administrative requirements, but also by the state's capacity to protect the rights of affected communities. (Sari et al., 2020) By balancing development objectives with the protection of citizens' rights, the goals of legal certainty, justice, respect for human rights, and strengthened public trust in governance can be achieved more effectively. This approach affirms the constitutional mandate that development should be directed toward the welfare of the people, while preventing any particular group from shouldering an excessive share of the burdens of achieving national development goals.

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