



## Legalization of Land and Peatland Policy in Riau

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ARTICLE INFO	ABSTRACT
<p><b>Keywords:</b>                      Legalization of Land, Peatlands, PIPPIB, Spatial Planning.</p> <p><b>Date log:</b>                      Received: August 19, 2022                      Reviewed: August 30, 2022                      Accepted: October 3, 2022                      Published: October 6, 2022</p> <p><b>To cite this article:</b>                      Pane, F.R. (2022). Legalization of Land and Peatlands Policy in Riau, <i>Marcapada: Jurnal Kebijakan Pertanahan</i>, 2(1), 24-42. DOI: <a href="https://doi.org/10.31292/mj.v2i1.25">https://doi.org/10.31292/mj.v2i1.25</a></p>	<p>There is a conflict between the policy of new license termination in forest and peat areas with the legalization of land due to the interpretation of Presidential Instruction which is considered unsuitable. The policy obstructs the legalization of community land, which should be a priority for mapping and registration. For these conditions, this study is conducted to determine the overlap of regulations related to the one arranging the legalization of land, peatlands, and the Indicative Map of New License Termination (<i>Peta Indikatif Penghentian Pemberian Izin Baru-PIPPIB</i>). Specifically, the study examines the practices of land possession, ownership, use, and utilization policies in Air Hitam Village against spatial planning and Indicative Map of New License Termination policies. This research uses a qualitative method with a normative and spatial juridical approach. The results of the study found that there is an overlap of regulations in their implementation. The spatial analysis results showed that the area affected was about 66% of the area of the Air Hitam Village, and also not contained in the RTRW for Riau Province in 2018. While in Pekanbaru City, the RTRW in 2020 only contained peat-protected areas that were unsuitable. In conclusion, the PIPPIB policy obstructs the legalization of community land and causes economic losses and the absence of legal certainty of land rights for some communities in Air Hitam.</p>

### A. Introduction

The policy of new license termination and land registration in peat areas outside forest areas has become a fierce debate in Riau because this province has the most expansive area of peat in Indonesia. On the one hand, the government has a large target of land legalization with a Complete Systematic Land Registration (PTSL) (Ishaya et al., 2021). On the other hand, the termination of land mapping and legalization of community land included in the peat area map must be stopped due to other sector policies, namely the Ministry of Environment and Forestry (KLHK). Whereas since 2017, the Ministry of Agrarian and Spatial Planning (Ministry of ATR/BPN) has been required by the government to complete the target of land legalization immediately so that all land parcels in Indonesia can be mapped and registered by 2025 (Aditya et al., 2021; Ihsan & Salim, 2022; Masnah, 2021; Mirza, 2019; Sari & Jumiati, 2020).

The Ministry of ATR/BPN is trying to meet the target of completing the PTSL program, as seen by the issuance of Presidential Instruction No. 2 of 2018. It is also accompanied by Ministerial Regulation from the Ministry of ATR/BPN No. 6 of 2018, which is also included in the Ministry of ATR/BPN Strategic Plan for 2020-2024. However, PTSL policy must also deal with the KLHK agenda related to the forest

and peatland protection policy program to maintain its ecological function (Syanurisma, 2022). These two conflicting programs have become a problem because it hampers the pace of mapping for the legalization of community lands in the field, especially in Riau and Kalimantan, which have the most extensive peatlands (Salim, 2017). So far, it has become common knowledge that the opening of new land for oil palm plantations with the burning technique has triggered forest and peatland fires (Pasai, 2020), and land burning causes significant losses for all parties, including the KLHK (Kusmajaya et al., 2019; Purwanto & Sulistyastuti, 2012; Salim et al., 2018; Yuniyanto, 2021).

The government approved the REDD program (Reducing Emissions from Deforestation and Forest Degradation) through a Letter of Intent (LOI) with the Norwegian government in 2010. The implications of this LOI were then born the Presidential Instruction No. 10 of 2011 concerning the New Licensing Moratorium and Management Improvement of Primary Forests and Peatlands (Murdiyarso, 2011). The policy was subsequently extended by issuing Presidential Instruction No. 6 of 2013, which shows that the government cannot implement forest governance following Act No. 41 of 1999 (Soedarso, 2015).

In 2019, President Joko Widodo made a new policy with Presidential Instruction No. 5 of 2019 concerning the New License Termination and Management Improvement of Primary Forests and Peatlands. It was then followed up by the KLHK with a Ministerial Decree of LHK No. Decree. 7099/MENLHK-PKTL/IPSDH/PLA.1/8/2019 on the Indicative Map of New License Termination (PIPPIB). This policy is a form of government firm action to control the change and utilization of organic material-rich forests and peatlands to reduce the potential of forest and land fires yearly (Geyasra et al., 2020; Salim et al., 2018). However, the map used as a policy for mapping peatlands is considered low in quality, not meticulous, and inconsistent, so it causes losses to community lands that have become residential land and a livelihood (Zulkarnain, 2016).

Along with development activities in Indonesia, peat and forest areas are decreasing each year. Through Presidential Instruction No. 10 of 2011, followed by Presidential Instruction No. 6 of 2013 and Presidential Instruction No. 8 of 2015, the government tried to improve the governance of primary natural forests and peatlands (Salim et al., 2021). However, the inconsistencies in determining peat and primary natural forest locations disrupted the community's economic activities and land legalization. Inconsistency in this context is the policy issued by each sector related to the new license termination with the opposite PTSL policy (Dwi Saputra, 2021). In addition, the published indicative map does not look closely at the data in the field because the land affected by the PIPPIB is also a community residence.

The appearance of Presidential Instruction No. 5 of 2019 was then responded to by the Ministry of Agrarian and Spatial Planning/National Land Agency through the Letter of the Secretary General of the Ministry of Agrarian and Spatial Planning/National Land Agency dated October 1, 2019, No. Riau Province BPN Regional Office followed up TU.01.02/1717-100/X/2019 through its letter dated March 24, 2020, No. HD.02.02/967-14/III/2020. The essence of the letter is to become a policy guideline in the land registration process throughout Riau Province, which is to stop all land legalization processes on land in the Area for Other Land Uses (APL) included in the PIPPIB. The Director General of Agrarian Planning circular letter No. 112/500/XI/2019 also ordered all district/municipal land offices to clarify

data with proof of land ownership before 2011. A land parcel map accompanied it from the land office for land included in non-forest areas or APL but in the PIPPIB (Tobing & Farid, 2021).

The exit of the PIPPIB policy from the KLHK and the Secretary General's Letter related to peatland is a problem between the community and the Pekanbaru City Land Office. Community land certificates are included in the PIPPIB, while the APL is hampered in maintaining land registration data. All processes are stopped and cannot be continued to an indefinite extent. It impacts the community's economy because it is connected with fulfilling administrative requirements to obtain access to capital credit or business development and other needs (Dwi Saputra, 2021). In Riau, almost all districts have peatland, and the PIPPIB is included in all Riau districts (Tobing & Farid, 2021). The Meranti Regency affected by the PIPPIB is the most extensive regency, about 57.9% of which is included in the PIPPIB. If totaled with the forest area, the amount becomes 72.8% of the Meranti area is included in the forest area and PIPPIB. This means the land that can be issued a land certificate by the Meranti Regency Land Office is minimal (Imroen, 2021).

Several studies related to the PIPPIB have been conducted by researchers in the framework of explaining and finding solutions. There are at least four studies on government policies related to peatlands to respond to the PIPPIB and before issuing the PIPPIB. Zulkarnain (2016), in his thesis, raised the New License Delay in the context of peatland in West Kalimantan. This study looked at how maps issued by the KLHK were considered inconsistent and had a low map accuracy at a scale of 1:250 thousand. Zulkarnain found that the thematic accuracy generated was only 66% of the established standard of 85%. It resulted in many applications for the Right to Cultivate that were subject to a moratorium, so the land registration process had to be stopped. The Saputra Dwi study (2021) looked at the same policy inconsistency in Siak Regency, Riau, which led to the termination of PTSL due to the emergence of PIPPIB. Tobing and Farid (2021) conducted research similar to Dwi Saputra, trying to see from the side of efforts to synchronize PIPPIB policies with the Riau Provincial Spatial Plan, which implicates PTSL in Indragiri Hilir Regency, Riau. The Widiaputri study et al. (2020) looked at the effectiveness of policy implementation from Presidential Instruction No. 5 of 2019 in Kalimantan. According to Widiaputri, implementing the Presidential Instruction above is considered less effective for controlling and mitigating forest and land fires because many communities and entrepreneurs still open land by burning.

As the study above shows, this study looks at the PIPPIB problem in Pekanbaru City to solve the problems faced by the community. Furthermore, this study responds to the problem of the PIPPIB from the eyes of countries and communities that are directly disadvantaged because it affects their economic life. Another problem in practice, the PIPPIB policy raises the problem of the misalignment between the determination of PIPPIB objects and conditions in the field. Community residential areas under the Spatial Planning (RTRW) and the Spatial Detail Plan (RDTR) are also included in PIPPIB.

Based on the facts in the field, a settlement effort is needed to register the community lands included in the peatland scheme issued by the KLHK. With the argument that land legalization is a strategic government program, efforts are needed to resolve the problem caused by implementing policies that are considered unsuitable. For this reason, this article seeks to look at policy practices from the normative side of policy overlap found in the field and look at the structure of Land Possession, Ownership, Use, and Utilization (*Penguasaan, Pemilikan, Penggunaan, dan Pemanfaatan*

*Tanah-P4T*) in Air Hitam Village by showing a detailed map of spatial planning against PIPPIB. This article attempts to analyze and identify the impact of the implementation of Presidential Instruction No. 5 of 2019 on the legalization of land, as well as find solutions to improve the quality of the Indicative Map of New License Termination. The hope is that this study can formulate land policy recommendations for the settlement of community lands included in the PIPPIB in Air Hitam Village and Riau.

## **B. Research Methods**

This research used a qualitative method with a normative and spatial juridical approach. The research population is the party that controls/owns the land located in the peatland APL PIPPIB. At the same time, the sample is some parties who applied for a map analysis of land use in peatland clarification published by the Pekanbaru City Land Office. Sampling techniques with specific considerations or purposive sampling (Creswell, 2016).

The research was conducted by utilizing the results of field observations to find out the fields of land of the Air Hitam Village community. That was included in the APL PIPPIB and study of documents that included land registration maps, PIPPIB maps, land books, measuring letters, application files for land use analysis maps, PIPPIB clarification response letters, and related laws and regulations that form the basis for the implementation of the policy. The author also interviewed several informants to obtain in-depth information on the policy. The author also interviewed structural and non-structural officials of the Pekanbaru City Land Office, the Head of Spatial Planning of the Pekanbaru City Public Works and Housing Service, the Head of Air Hitam Village, and the applicants to find out the implementation of the PIPPIB policy, the obstacles faced by the applicants, and the solutions offered to address the policy.

The normative juridical approach is carried out to examine a policy based on legal provisions (Soekanto & Mamudji, 2015). The technique used is a comparative analysis of regulations that regulate policies related to PIPPIB and land registration consisting of Law No. 5 of 1960, Government Regulation No. 24 of 1997, Government Regulation No. 18 of 2021, Government Regulation No. 16 of 2004, PMNA/Ka. National Land Agency No. 9 of 1999, Circular Letter of the Secretary General of the Ministry Agrarian and Spatial Planning/National Land Agency, and letter of the Head of the Regional Office of National Land Agency of Riau Province. The rules related to peat were the basis for making a comparative analysis, which consisted of Government Regulation No. 57 of 2016 and Government Regulation No. 71 of 2014, and the rules on PIPPIB starting from Presidential Instruction No. 5 of 2019 and LHK Ministerial Decree No. Decree. 666/MENLHK-PKTL/IPSDH/PLA.1/2/2021. These legal products are analyzed to determine the overlap between the regulations. Finally, the spatial approach is used to analyze the map results (RTRW Riau 2018 and RTRW Pekanbaru 2020) by means of overlay, the purpose of which is to determine the land parcels affected by the PIPPIB policy (Wibisono et al., 2020). The following image is a map of the research area in Air Hitam Village, Payung Sekaki District, Pekanbaru City, Riau.

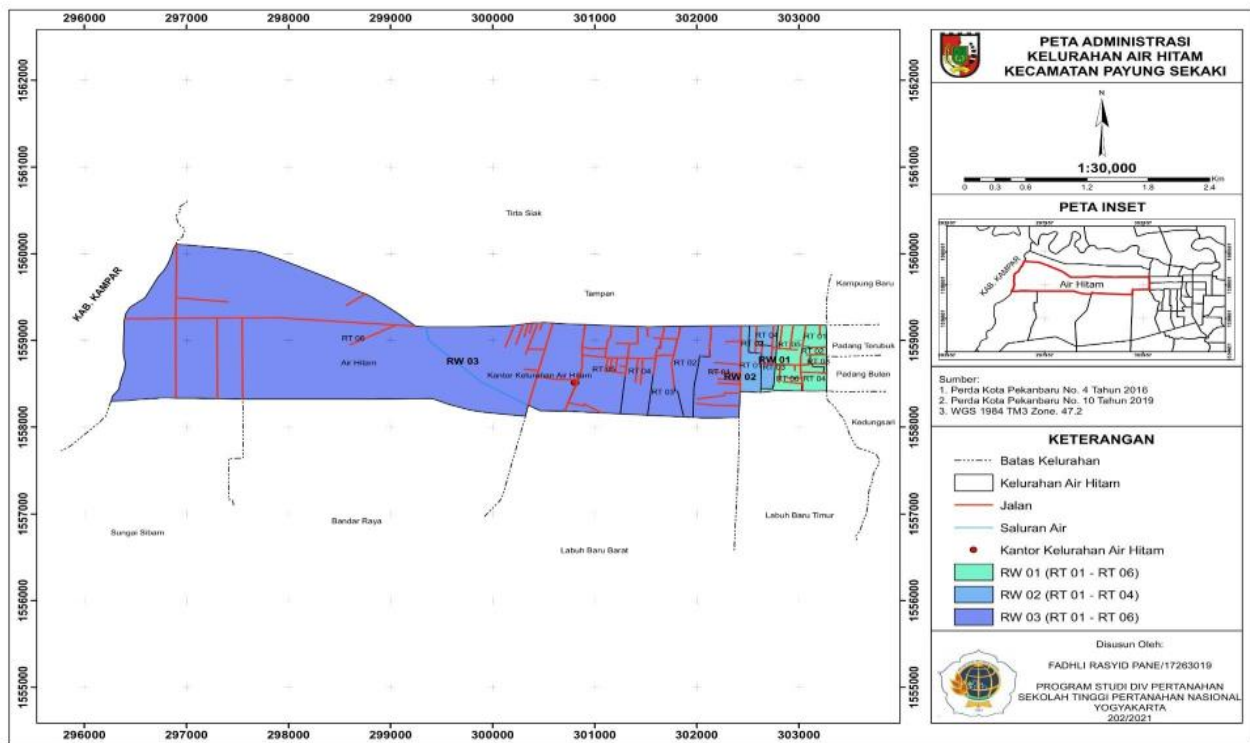


Figure 1. Map of the Air Hitam Village Administration  
Source: Processed by the Researcher, 2021

### C. Regulatory Overlap Related to Land Legalization in Peatlands and PIPPIB

Government Regulation No. 57 of 2016 stated in Article 1 that peat is an organic material formed naturally from decomposed vegetal remains that are imperfect with a thickness of 0.5 meters or more and accumulated in swamps. Peat ecosystems became part of the environment regulated by the management and protection referred to in Act No. 32 of 2009 and its implementing regulations, Government Regulation No. 57 of 2016 and Government Regulation No. 71 of 2014. Peat is an ecosystem that must be protected, as stated in Ministerial Regulation LHK No. P.14/MENLHK/SETJEN/KUM.1/2/2017 on Procedures for Inventory and Determination of Peat Ecosystem Functions and LHK Ministerial Regulation No. P.10/MENLHK/SETJEN/KUM.1/3/2019 on Determination, Establishment, and Management of Peat Dome Peak Based on Peat Hydrological Units. The utilization of peatlands must not conflict with the protection and management plan, so the designation must be through studies, especially peat with high thickness. Peat ecosystem control is guided by the protection and management of peat ecosystems by controlling the granting of environmental permits or through environmental impact analysis following Act No. 11 of 2020 concerning Job Creation. In the event of damage, the burden of losses incurred, mitigation, and recovery shall be imposed on the business/activity manager. The KLHK and the regional heads performed supervisory functions and provided administrative sanctions under their authority against parties who commit violations that damage peat ecosystems per Act No. 32 of 2009.

Regarding PIPPIB, the spirit of government policy through Presidential Instruction No. 5 of 2019 aimed to reduce the impact caused by damage, decline in quality, and diversion of forest and peatland

functions. The Presidential Instruction is addressed to the Ministry of Environment and Forestry (KLHK), the Ministry of Home Affairs, the Ministry of Agrarian and Spatial Planning (ATR)/Head of National Land Agency (BPN), the Ministry of Public Works and Housing, the Head of Geospatial Information Agency (BIG), the governor, the regent/mayor, and the Cabinet Secretary, because these institutions are considered to deal most often with land and peatland utilization (Gunawan et al., 2020; Masganti et al., 2020). The policy is applied to licensing the utilization of forest resources and the legalization of land ownership in the designated areas. However, developing this rule then expanded and impacted the control of community land with APL status (outside forest areas). Supposedly, APL is included as a conditional exemption object as mentioned in the regulation because people in Riau, for example, have lived for decades on peatland and have a local wisdom mechanism in using them (Prayoga, 2016; Utami & Salim, 2021). Other exclusion objects include government interests in improving and increasing forest and environmental resources management, defense and security, handling natural disasters, and national development, including infrastructure and other vital objects.

The leading sector in this policy is the Ministry of LHK. On the other hand, the regional head controls, orders, and sanctions, but the eight elements of government referred to above in the policy were also policy implementers of Presidential Instruction No. 5 of 2019, while the Cabinet Secretary evaluates and reports to the President. The Ministry of ATR/BPN is one of the implementing institutions where it is ordered to stop the issuance of the Right to Cultivate (HGU) and Right to Use and consolidate PIPPIB with spatial policy through coordination with local governments. Furthermore, it turns out that, in practice, the policy affected the acceleration of the process of issuing community land rights. Inevitably, Presidential Instruction No. 5 of 2019 in practice affected the acceleration of land registration and issuance of permits.

The derivative of the Presidential Instruction above was then issued the Indicative Map of New License Termination through Ministerial Decree of Environment and Forestry No. Decree. 7099/MENLHK-PKTL/IPSDH/PLA.1/8/2019 dated August 28, 2019, concerning the Determination of Indicative Map of New License Termination for Primary Natural Forests and Peatlands in 2019. This Ministerial Decree focused on licensing the use of forest areas and peatlands but extended the impact of its policies on APL, which is the control of community land, whether on individuals or legal entities. In the Presidential Instruction, it was not mentioned that it would impact community land, but in practice, it would be different because of the land belonging to the community. Even though the PIPPIB Decree was promised to be revised every six months, in practice, it is not an easy thing to remove community lands that are included in PIPPIB. In several cases, when protests and demands from the community to be removed from PIPPIB, they then moved to other community lands. This experience occurred in several districts in Riau, causing many problems with the policy.

The study found that community land or legal entities that already have/are renewing/do not yet have licenses or certificates and whose location is located in the PIPPIB APL can clarify. The procedure is by requesting clarification of PIPPIB to the Directorate General of Forest Planology and Environmental Regulation (PKTL) of the Ministry of LHK accompanied by proof of land acquisition/ownership

that had been legalized before mid-June 2011 and plotting results from the district/city land office. This policy eventually received widespread protest from the public because it extended the bureaucratic path and made it difficult. Meanwhile, the land office cannot do anything because the process was not in the land office but in the KLHK. Surprisingly, the PIPPIB policy was born in 2019, but it had to be withdrawn in 2011 when the Presidential Instruction was first issued, and community lands that were certified after 2011 would have problems.

Suppose there is a difference between the land entered PIPPIB and the physical condition of the field. In that case, a field survey will be conducted for peatland and primary natural forests involving the Center for Research and Development of Agricultural Land Resources (BBSDLP), Forest Zone Stabilization Unit (BPKH), and academics (similar to the Integrated Team) as per Directorate General of Forest Planology and Environmental Regulation No. P.6/PKTL/SETDIT/KUM..1/I0/2019 dated October 15, 2019, concerning Technical Guidelines for the Implementation of Primary Natural Forest Surveys in the Context of Verification of PIPPIB. This process took a long time and required patience for the affected communities.

Peatland-related regulations must indeed be implemented to manage and protect peat ecosystems, given the impact of reckless peatland utilization, which caused peat damage and affected climate change, especially the threat of drought and fire (Wibowo, 2009). The problem is PIPPIB which should have targeted specific areas and controlled the use of large-scale peatland, also targeted community land whose status has been APL. If the community land is included in the peat and forest area, it would undoubtedly be quickly complied with because it is considered in violation of Act No. 41 of 1999 concerning Forestry, but the problem was the community land in non-forest areas under Spatial Planning (RTRW).

If it is read carefully, Presidential Instruction No. 5 of 2019 explicitly instructed to stop the issuance of Right to Cultivate and Right of Use certificates in the PIPPIB area, which was the authority of the Ministry of ATR/BPN. However, the follow-up was carried out by the Ministry of ATR/BPN through Secretary General Circulated Letter No. TU.01.02/1717-100/X/2019 addressed to the Head of the Regional Office and the Head of the Land Office ordered the object of land registration, especially the PTSL, which included the PIPPIB APL, to be terminated while the certification process would continue after there is a revision of the PIPPIB. It is precisely the Ministry of ATR/BPN who made the instructions of the Presidential Instruction above. It is clearly stated in the Presidential Instruction that the target object is the Right to Cultivate (HGU) and the Right to Use, so the certification process was stopped when it was included in the PIPPIB. At the same time, the PTSL product was not a Right to Cultivate (HGU) and a Right to Use. There was an irregularity in the Presidential Instruction interpretation with the issuance of a Circular Letter from the Secretary General of ATR/BPN.

As a result of the Presidential Instruction and Circular Letter of the Secretary-General, the implementation of land registration in some areas of Riau Province was hampered, especially the areas included in the PIPPIB. The Riau Province Agrarian and Spatial Planning/National Land Agency Regional Office ordered the heads of all district/city Land Office Heads to conduct an inventory and make a

situation map of PTSL objects included in the APL PIPPIB and made into category K 3.1. It means that the requirements regarding PTSL objects were not met, so the process of granting rights and data maintenance services of Land registration was also temporarily suspended, pending the results of coordination or the results of the latest revision of the PIPPIB. It was where the chaos lies, causing many people and regents to protest directly to the Agrarian and Spatial Planning/National Land Agency (ATR/BPN), but because the policy was in the KLHK, the solution had to wait for a long and convoluted bureaucratic flow.

The policy problem was not entirely the fault of the Minister of Environment and Forestry. The Ministry of ATR/BPN took part because they were considered wrong in interpreting the Presidential Instruction. Nevertheless, the fact is that this was a burden for the Ministry of ATR/BPN, especially the implementers of land management in regencies/cities. On the one hand, the Land Office must maintain the certificates that have been issued, but on the other hand, the birth of a PIPPIB policy that incorporated community land stalled all administration processes. Affected communities cannot function of land rights properly, especially regarding access to the banking economy or capital. At the same time, the local government got the same burden. As a result, if buildings or business plots are not licensed, they must stop the licensing process.

The efforts to settle community land affected by the PIPPIB policy were enshrined in the Fourth Dictum of Presidential Instruction No. 5 of 2019. The Minister of ATR/BPN may submit internal policy proposals within the Ministry of ATR/BPN related to implementing the PIPPIB policy on the land registration process. As a consideration, if the community affected by the PIPPIB policy was able to provide proof of land ownership before the issuance of SK. 323/Menhut-II/2011, the first process of land certification can be continued. Meanwhile, maintaining the land registration data service could also be continued without submitting a request for clarification of PIPPIB, but report the results to the Minister of Environment and Forestry periodically, except for the Right to Cultivate and Right to Use. The location of this confusion became interesting because the KLHK also regulated the peatland-indicated community land with APL status. For whatever reason, with arguments and regulation references that came out of nowhere, the KLHK participated in regulating the land outside the forest area.

#### **D. Structure of Air Hitam Village's P4T to Spatial Planning and PIPPIB Policy**

##### **1. Air Hitam Village's P4T's Structure**

Land control in Air Hitam Village had two types: individuals and legal entities. Air Hitam Village has two types of land tenure: individuals and legal entities. Based on the land registration map and the list of requests for clarification of the PIPPIB of the Pekanbaru City Land Office, individual land ownerships are 4,522 parcels, and legal entities are 154 parcels. Community land control can be categorized based on area as follows:



Table 1. Category of Land Possession in Air Hitam Village

No	Wide Scale	Total	%
1	0-500	3.383	72,35
2	501-1000	528	11,29
3	1001-3000	453	9,69
4	3001-5000	94	2,01
5	5001-10000	137	2,93
6	10001-20000	81	1,73
Number of Plots		4676	100,00

Source: Data field, 2021

While land ownership in Air Hitam Village covered registered and unregistered land parcels. Based on the field data, land ownership had registered as many as 4.636 parcels, and as many as 40 parcels of land were still in control of state land. Types of land rights that have been issued include the following:

1. Proprietary (HM) in 4.088 parcels
2. Right to Build (HGB) in 545 parcels
3. Right to Use (HP) in 2 parcels
4. Endowment Rights in 1 parcel

There were several uses of land in Air Hitam Village by the community, namely, residences, warehouses, workshops, houses of worship, educational facilities, shops, hotels, oil palm plantations, mixed gardens, offices, vacant land, places of business, and other services. While there are two types of community land use in Air Hitam Village sourced from the 2019 land cover map by the Ministry of LHK, namely non-agricultural/residential land covering an area of 374.697 hectares and dry land agricultural land covering an area of 420.759 hectares, as shown in the map below.

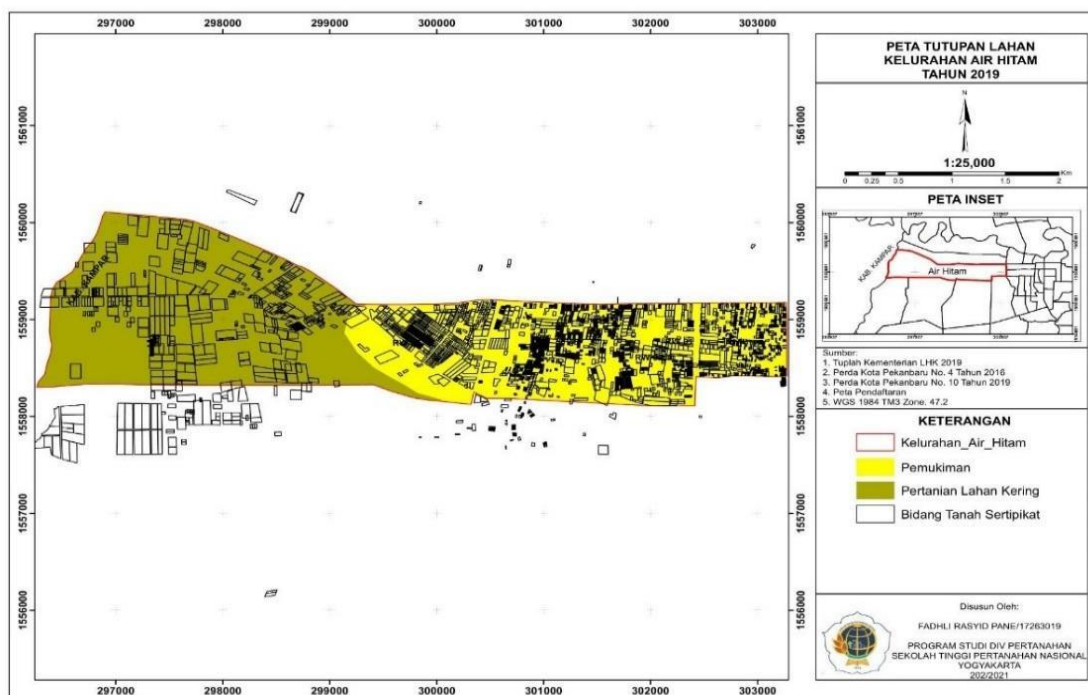


Figure 2. Land Cover Map of Air Hitam Village in 2019  
Source: Data field, 2021

## 2. Air Hitam Village Spatial Planning Policy

The Regional Government had the authority to determine spatial policy following Act No. 23 of 2014 (Sutaryono et al., 2020). In Riau Province in 2018, a spatial planning policy was issued, namely Regional Regulation of Riau Province No. 10 of 2018 concerning the Spatial Plan of Riau Province for 2018-2038 was set on May 8, 2018. Directions for the function of the area in Air Hitam Village, whose overall designation as a housing/settlement area refers to the Riau Province Spatial Planning (RTRW) map in Air Hitam Village, which can be seen in the following map:

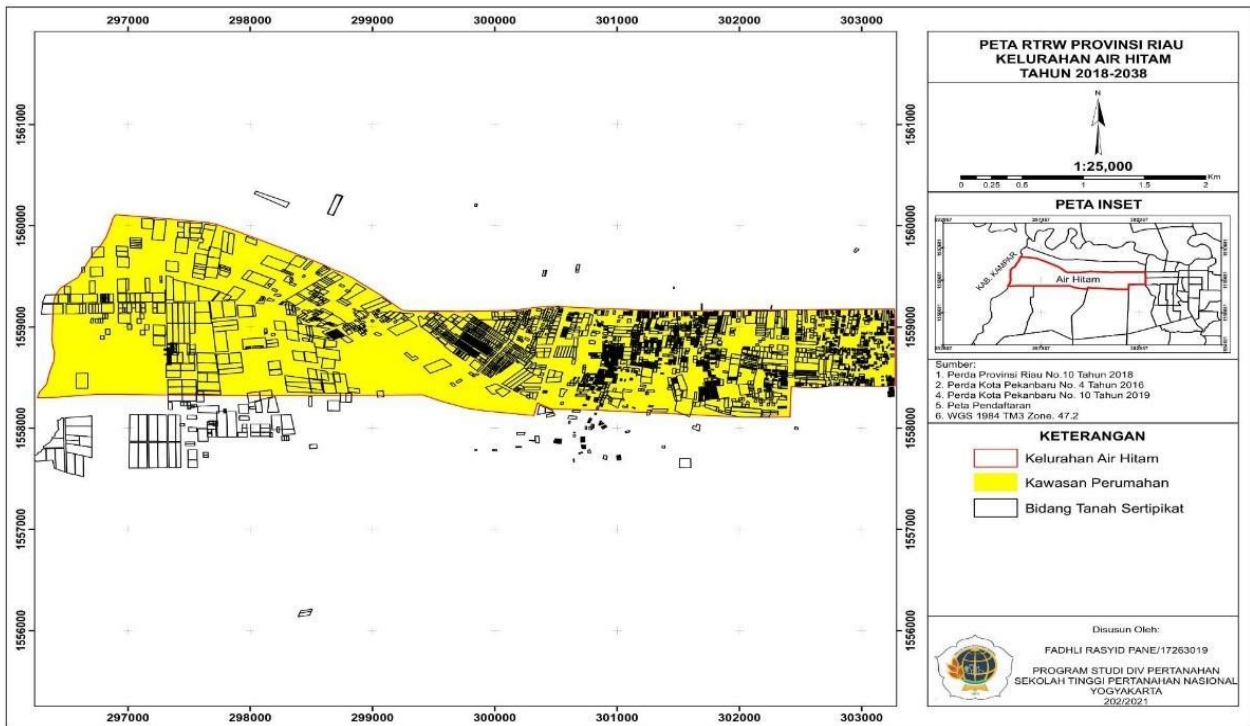


Figure 3. Spatial Planning (RTRW) map of Riau Province, Air Hitam Village  
Source: Data field, 2021

Pekanbaru City Spatial Planning Regulation issued on December 28, 2020, Pekanbaru Regional Regulation No. 7 of 2020 concerning the Spatial Plan of Pekanbaru City in 2020-2040. The Spatial Planning (RTRW) of Pekanbaru City for 2020-2024 in the Air Hitam Village contained directions for the function of the spatial designation area, including peat protected areas, horticulture, trade and services, housing, roads, river borders, and city's Green Open Spaces (RTH). The Spatial Planning (RTRW) map of Pekanbaru City Province for the Air Hitam Village area can be seen on the following map:

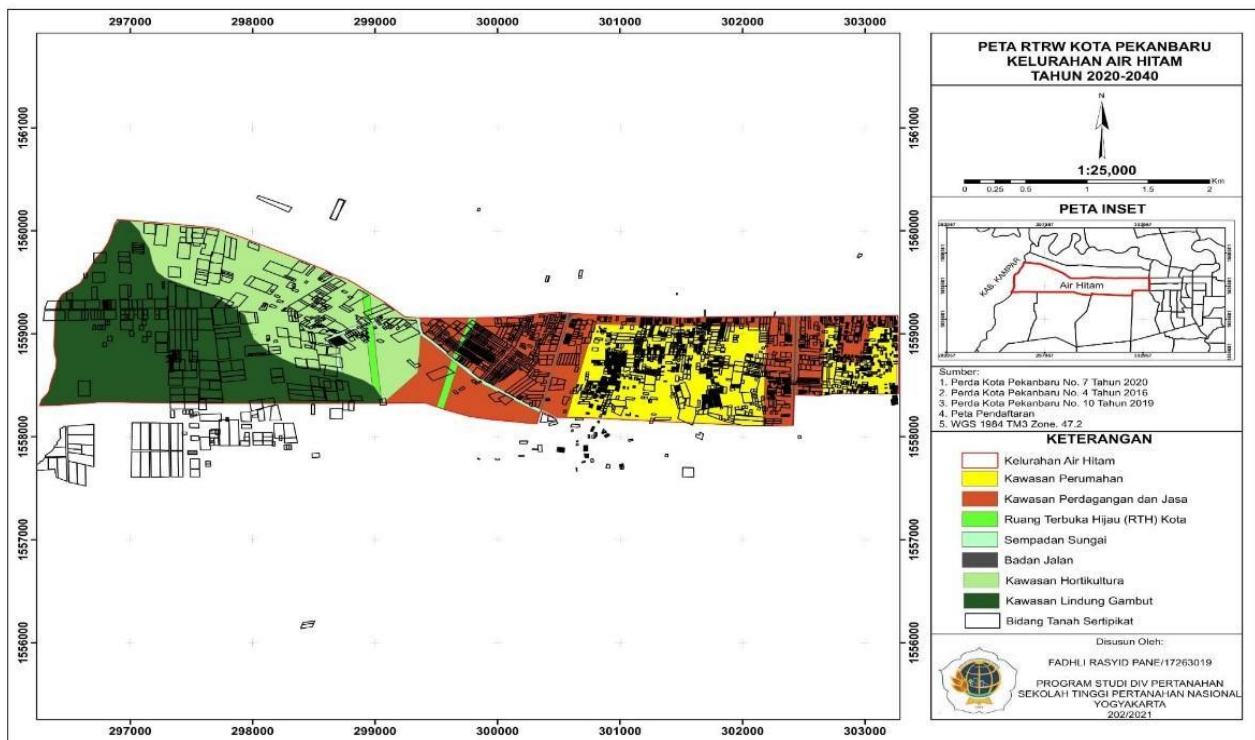


Figure 4. RTRW map of Pekanbaru City in 2020, Air Hitam Village  
Source: Data field, 2021

It can be seen in the RTRW map above that the basis of the land registration policy and the issuance of recommendations or permits was guided by the local spatial planning policy. The land parcels applied for are first analyzed for land use suitability to the spatial patterns set out in the regency/city RTRW. In practice, the use and utilization of land by the dominant Air Hitam Village community had been under the established spatial pattern. PIPPIB policy should not affect spatial planning policy in Pekanbaru City, but in practice, the service process had to be subject to and referred to PIPPIB policy.

### 3. PIPPIB Policy in Air Hitam Village

In 2019, a policy to stop the issuance of new licenses by President Joko Widodo was enacted starting in August 2019. The PIPPIB then issues the follow-up of the president's policy by the Minister of Environment and Forestry under the Decree. 666/MENLHK-PKTL/IPSDH/PLA.1/2/2021 for 1 year period 2021. Due to the birth of the Decree, Air Hitam Village became one of the largest villages affected by PIPPIB, about 66% of the total area. The following map shows Air Hitam's location in PIPPIB policy.

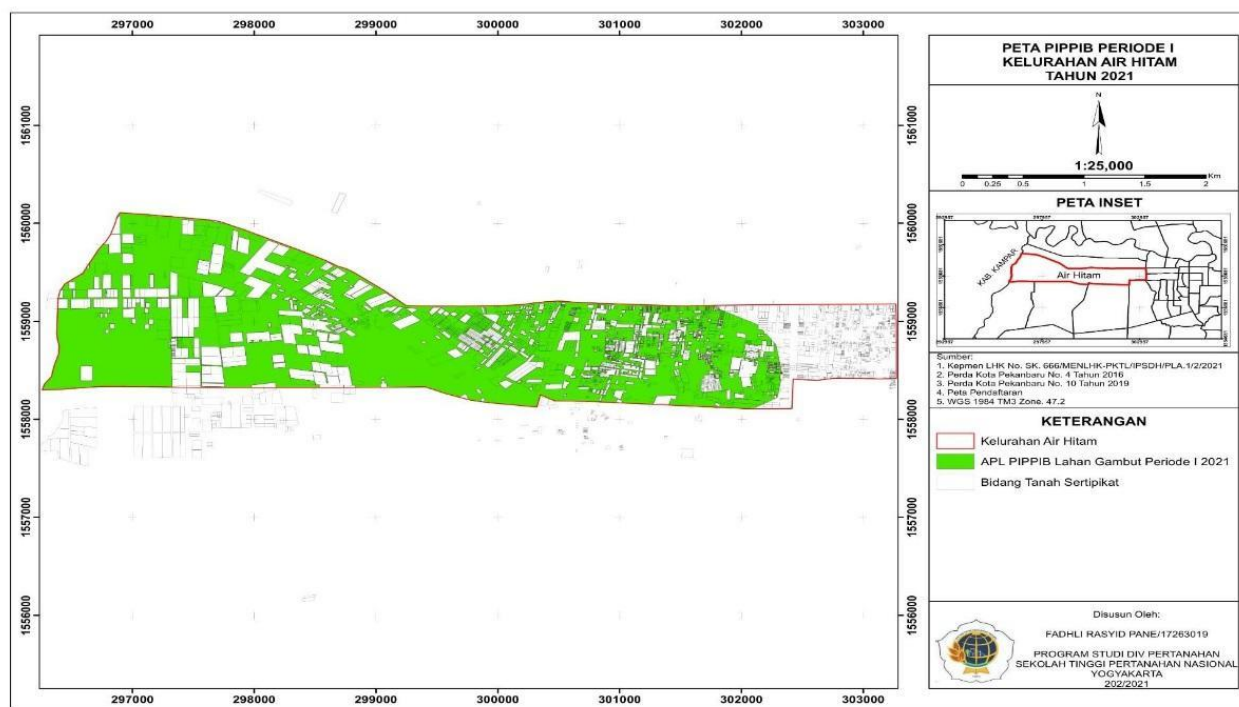


Figure 5. Air Hitam Village's PIPPIB Map for Period I of 2021  
Source: Data field, 2021

Due to these conditions, the Pekanbaru City Land Office cannot refuse the policy that emerged from the KLHK. The effort was to carry out the mechanism set by the KLHK by applying the PIPPIB clarification application to the KLHK. Clarification measures to facilitate community land included in PIPPIB:

1. The landowner applies a map analysis of land use in peat land clarification at the Pekanbaru City Land Office;
2. The Pekanbaru City Land Office Officer conducted a field survey to take the coordinates of the land location and land use observations in the site and its surroundings;
3. Pekanbaru City Land Office publishes a map of land stewardship analysis in peatland clarification accompanied by its analysis;
4. The land owner sends a letter of clarification request for PIPPIB accompanied by a map of the analysis of land use in peatland clarification and analysis issued by the Land Office of Pekanbaru City to the Directorate General of Forest Planology and Environmental Regulation to submit a request for revision of PIPPIB;
5. If there is a response letter from the Director General of Forest Planology and Environmental Regulation stating that the application is to be used as a material for the next revision of PIPPIB;
6. The policy of the Pekanbaru City Land Office, if there is a response from the Director General of PKTL, the first process of land registration and the maintenance of land registration data can be continued according to the applicable legal provisions.

After making various efforts, the development of the revised results of the peatland PIPPIB based on the results of processing object area data on the area from December 2018 to August 2021 in Air Hitam Village is as follows:

Table 2. Development of the Revised PIPPIB for Peatlands in Air Hitam Village, 2018-2021

No	Revised PIPPIB	Revised Area (Ha)	Impact on the area (%)	Difference Area (Ha)	%
1	Area of Peat in 2012	708,234	89,008		
2	PIPPIB Rev XV year 2018	701,178	88,121	7,056	1.006
3	2019 PIPPI	700,410	88,025	7,824	1,117
4	PIPPIB Period I year 2020	697,494	87,658	10,740	1,540
5	PIPPIB Period II year 2020	693,545	87,162	14,689	2,118
6	PIPPIB Period I year 2021	525,454	66,037	182,780	34,785

Source: Data field, 2021

Based on the table above, after making various efforts, there was a change in PIPPIB. Until 2021 the community land area that entered PIPPIB was reduced by 34,7%, down from the initial figure of 89% to 66%. In the table below are the parties applying for a map analysis of land utilization in peatland clarification issued by the Pekanbaru City Land Office, as annexed to the PIPPIB revision application, whose land is in Air Hitam Village. The results can be seen in the form of the following table:

Table 3. PIPPIB Revision Application Submission Progress

No	Response Letter	2019	2020	2021	Number of Requests
1	Available	25	26	1	52
2	None	16	10	14	40
	Total	41	36	15	92

Source: Data processed by researchers, 2021

Based on the table above, many residents still have not received a clarification response from the Director General of Forest Planology and Environmental Regulation (PKTL). From the information the author collected from residents, some residents no longer continued the process due to difficulties in access and communication with relevant officials, while others appointed representatives to coordinate directly with the relevant parties. It can be understood because each of them is busy, and there are also time constraints in taking care of the matter. Some refused to proceed due to evidence of certificates being in possession after 2011, so they felt they did not have the right to request a revision of the PIPPIB.

#### 4. Implementation of PIPPIB towards Spatial Planning Policy

In addition to the land registration process, PIPPIB also impacts the process of issuing recommendations or licenses issued by the Pekanbaru Mayor, which contain technical elements on the land, such as the process of issuing Building Permits (IMB). According to the Head of Spatial Planning of the Pekanbaru City's Ministry of Public Works and Housing Office, in the future, the development design of Pekanbaru City on peatland can no longer be established. The building must be adjusted to preserve peat ecosystems and the City's Green Open Spaces (RTH).

Riau Province RTRW document records for 2018-2038, peatland PIPPIB, have not been included in the RTRW map. In contrast to Pekanbaru City's RTRW in 2020-2040, which already contained the peatland PIPPIB as a Peat Protected Area, Pekanbaru City's RTRW was published after Presidential Instruction No. 5 of 2019. Based on the Town of Pekanbaru RTRW Map, the area of peat protected areas in Air Hitam Village is 239,876 hectares. The comparison can be seen in the following map:

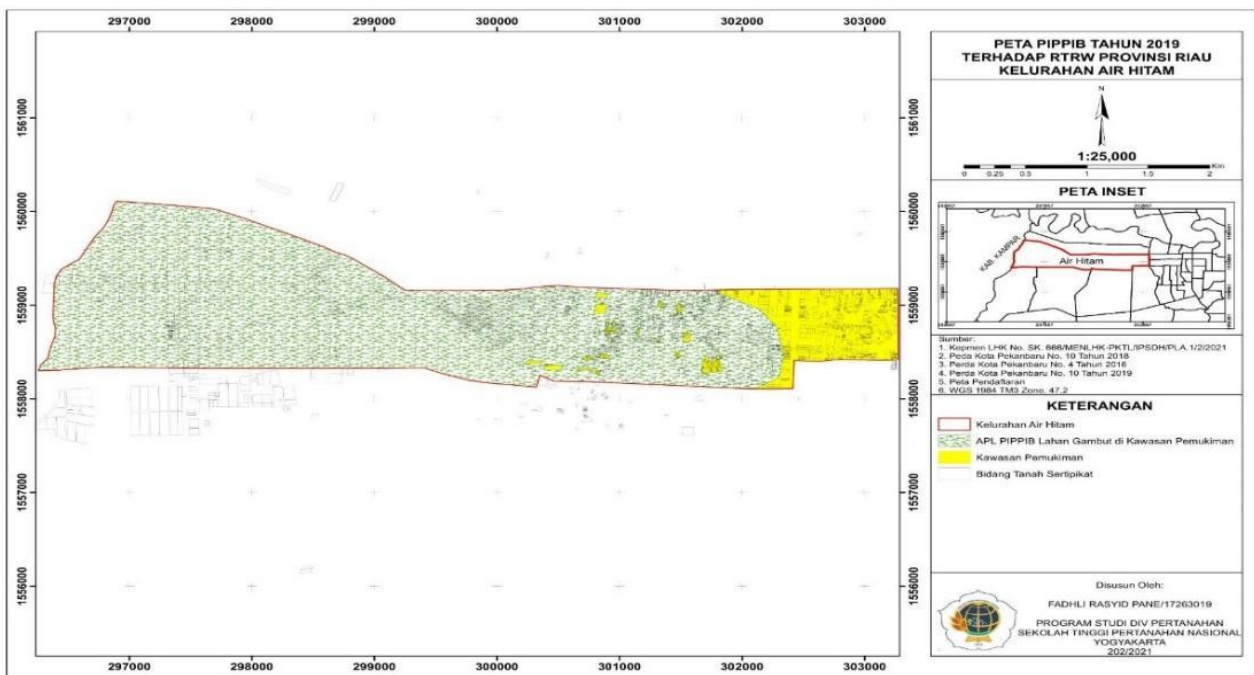


Figure 6. Map of PIPPIB in 2019 to the RTRW of Riau Province in 2018  
Air Hitam Village.

Source: Data field, 2021

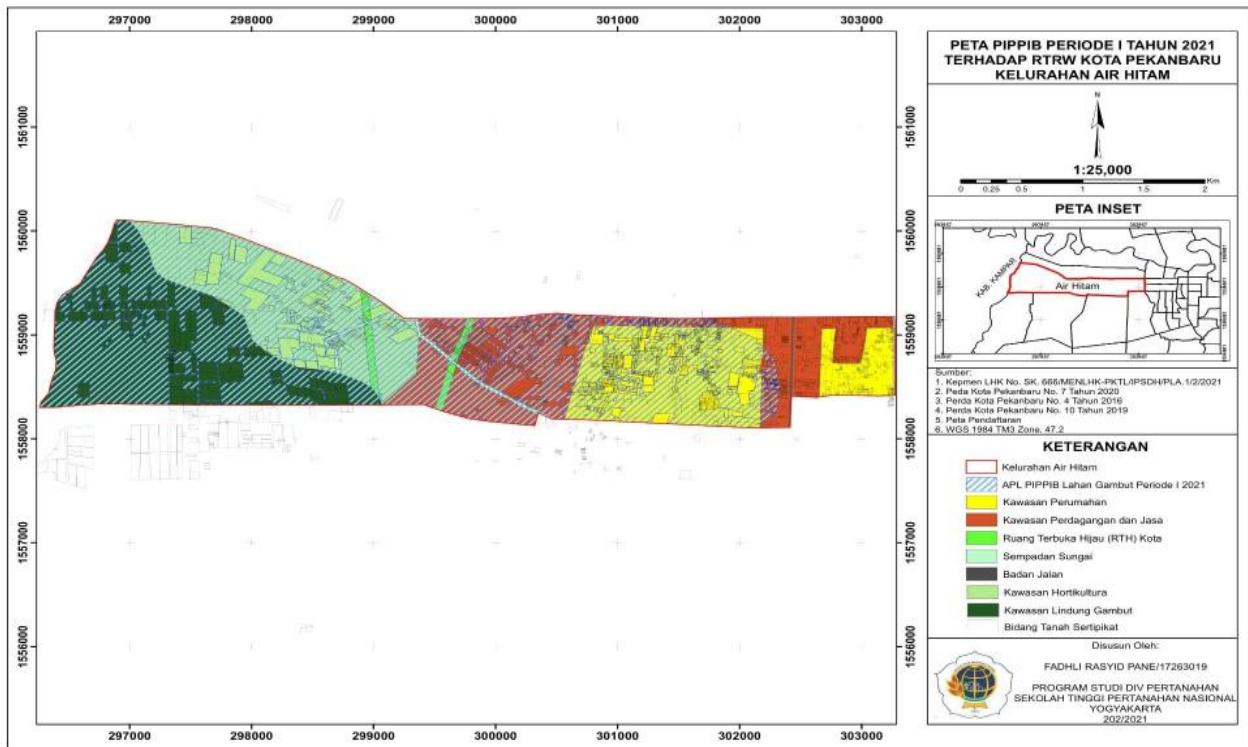


Figure 7. Map of PIPPIB Period I Year 2021 to the Spatial Planning (RTRW) Map of Pekanbaru City Air Hitam Village year 2020.  
 Source: Data field, 2021

According to the Head of Spatial Planning of the Pekanbaru City Public Works and Housing (PUPR) Office, the control or ownership of land by people who have proof of land rights or other proof of ownership is still recognized, but the land use must be following the spatial pattern in Pekanbaru City RTRW. He also mentioned that the future development plan of Pekanbaru City for peatland could not be established, but the building was adapted to preserve the peat ecosystem and the City's Green Open Spaces (RTH).

### E. Conclusion

Government, through Government Regulation No. 57 of 2016 and Government Regulation (PP) No. 71 of 2014, tries to maintain the existence and function of peat ecosystems in line with the policy of Presidential Instruction No. 5 of 2019. However, the implementation of the policy is considered less severe toward the wanted objectives. The PIPPIB policy as an instrument of peatland control is "indicative" in nature and contains a conditional exclusion element so that it is possible to revise continuously, the impact of which is often sliding or moving from one point to another in each PIPPIB revision. Meanwhile, the Ministry of ATR/BPN addressed the Presidential Instruction with different interpretations, causing chaos in the statutory system, interdependence, and overlap between regulations. In the end, it is the community that becomes the victim. No legal logic justifies that the RTRW Law must comply with the PIPPIB Decree issued by the KLHK because areas with APL status are areas where the Ministry of ATR/BPN carries out the regulation. Especially community lands that the Presidential Instruction excludes, but because of the PIPPIB Decree, all land management and

administration regulations ceased. This interpretation of the law is very problematic and harms many parties because it impedes the community's economic growth due to the failure of access to capital and the land market works according to the mechanism.

The scope of solutions provided by the KLHK through the Director General of Forest Planology and Environmental Regulation further extends bureaucracy and makes it difficult for the community. This long and complicated bureaucracy tends to cause the results of requests for clarification by the affected community not to receive the entirety of the clarification response letter. As a result, public awareness of administrative order is reduced because people are disappointed and disadvantaged. For the community, the affected land cannot be used for economic improvement and does not get legal certainty.

## F. Recommendations

1. The Ministry of ATR/BPN should revoke the Circular Letter of the Secretary General of ATR/BPN related to the response to Presidential Instruction No. 5 of 2019 because the Presidential Instruction only refers to Right to Cultivate (HGU) and Right to Use permits, not individual community land in APL following RTRW. Therefore, the above Presidential Instruction does not hamper the legalization of land as a national strategic program.
2. The Ministry of ATR/BPN should establish a land service system integrated with the Ministry of LHK to complete the control or ownership of land in the APL PIPPIB to speed up the process of clarifying PIPPIB.

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