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Legal Analysis of the Transfer of Land Rights of PTPN I in the Development of the Citrland Project

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Abstract

The transfer of land rights with the status of Right of Cultivation (HGU) owned by PT Perkebunan Nusantara I in the development of the Citraland project emphasizes aspects of legal certainty, administrative mechanisms, and the legal responsibilities of the parties involved. This research employs a normative juridical method with statutory and conceptual approaches, through an examination of agrarian legal norms, regulations governing the management of State-Owned Enterprise assets, legal doctrines, and relevant legal practices. The results of the study indicate that the transfer of HGU cannot be carried out directly to the developer; instead, it must first involve the relinquishment of the right so that the land reverts to state land, followed by the granting of new land rights by the land authority in accordance with spatial planning designations and construction permits. Legal responsibility is reciprocal in nature, whereby PTPN I is obligated to ensure the legality and accountability of state asset management, while the developer is required to fulfill all requirements for the acquisition of land rights and development permits in order to provide legal certainty and protection for good-faith members of the public. This study affirms that compliance with the principles of legality, transparency, and accountability constitutes a fundamental prerequisite to prevent disputes and potential state losses in the transfer of strategic assets.

INTRODUCTION

Land, as an agrarian resource, occupies a strategic position within the social, economic, and political structure of Indonesia. Land is not merely understood as an immovable object but as a primary instrument supporting public welfare. Access to land determines livelihoods, housing, and the economic sustenance of the people. In the context of developing countries, land often becomes an arena of competing interests among the state, corporations, and communities. Therefore, the control and transfer of land rights is not merely a private matter but has a strong public dimension. Its management must reflect the principle of social justice (Dewi et al., 2024).

In national development, land serves as a key factor supporting investment and economic growth. Sectors such as agriculture, plantations, industry, and property heavily rely on land availability. Proper management can enhance community welfare and generate employment opportunities. However, inequitable control may exacerbate social disparities. Non-transparent land transfers can harm vulnerable groups, often leading to prolonged agrarian conflicts. Therefore, all land policies must be grounded in legal certainty, with the principle of justice serving as the foundation for the equitable distribution of land benefits (Huda, 2019).

The social function of land is affirmed in Law Number 5 of 1960 concerning Basic Agrarian Principles. This provision underscores that every land right carries a social dimension. In other words, land use must not contradict public interests. Individual rights are constrained by social obligations to the community. This principle embodies distributive justice in agrarian utilization. The state is obliged to ensure that land is not monopolized by specific groups, and equitable access becomes the primary objective of national agrarian policy. Consequently, Indonesian agrarian law is oriented toward collective welfare (Adnan, Gultom & Sunarto, 2024).

The constitutional basis for land control is stipulated in the 1945 Constitution of the Republic of Indonesia, particularly Article 33, paragraph (3). This provision states that the earth, water, and natural resources are controlled by the state, with the goal of maximizing the prosperity of the people. The state acts as a regulator and manager, not as an absolute owner. This principle emphasizes the state's responsibility to safeguard public interests (Ikhsan, 2021). Resource management must avoid unilateral exploitation. This constitutional value forms the foundation of the national agrarian legal system. Any transfer of state land must adhere to this principle. Land regulation reflects the fifth principle of Pancasila, which is social justice. Land management must not be concentrated solely for the benefit of certain economic elites. Distributive justice serves as the foundation for equitable resource allocation. As a strategic asset, land must provide space

for the welfare of the marginalized. Excessive monopolization or commercialization undermines constitutional objectives. From a legal perspective, justice is not only formal but also substantive. The state must act as a balancing entity to protect public interest. Therefore, agrarian policies must prioritize equitable distribution (Kurniawan, Alghazali, & Fadhila, 2022).

Land carries deep historical and cultural significance. Communities around plantation areas often have emotional ties to the land, which serves both as a livelihood and as a source of social identity. Transfers that disregard these social aspects may trigger conflict. Losing land equates to losing economic resources and social stability, often resulting in the displacement of traditional communities. Legal approaches must consider these social realities, with social justice as a primary consideration. The transfer of ex-PTPN I land to the elite residential project Citraland has generated significant legal and social controversy (Arliman, 2023). Land that was previously part of state assets with productive plantation functions has shifted to a high-value commercial property. This change raises questions regarding the legality of the transfer procedures, policy transparency, and compliance with state asset management principles. Communities question whether the process met administrative requirements and obtained approval from competent authorities. Additionally, there are allegations that the transfer mechanism was not fully transparent to the public, generating distrust toward state asset governance. Legally, this situation necessitates scrutiny of legal certainty and accountability. Thus, this case is crucial for analysis within the framework of agrarian law and state administration (Kolopaking, 2021).

The development of Citraland on former plantation land also impacts communities that have long depended on the land for their livelihoods. Changes in land status reduce local economic access and may lead to marginalization. The tension between corporate interests and the social rights of residents is a critical issue (Botutihe, 2024). From a distributive justice perspective, the transfer of state assets for commercial purposes must be evaluated based on the principle of public welfare as mandated by the constitution. If procedures are not carried out lawfully and fairly, prolonged agrarian conflicts may arise. Therefore, a comprehensive legal audit and policy evaluation are necessary to ensure state land management remains oriented toward public interest. The Citraland case serves as an important reflection for improving agrarian governance in Indonesia (Basana et al., 2024).

Management of state-owned assets is regulated under Government Regulation Number 27 of 2014. This regulation requires appraisal and official approval before asset transfer, and every action must be legally accountable. These mechanisms aim to prevent

abuse of authority (Rumondang et al., 2024). Failure to follow procedures may constitute unlawful conduct, potentially causing state losses due to administrative deviations. Public transparency is a critical component. Implementation of these regulations determines the legitimacy of land transfers. Land rights constitute strong property rights, yet their execution must not conflict with public interest. State land transfers must consider the rights of surrounding communities. If unlawful actions occur, affected parties are entitled to compensation. Legal responsibility is inherent in all legal subjects, and the state must ensure legal certainty in every transaction. Ambiguity in procedures may lead to disputes, making legal certainty an absolute requirement.

The case of ex-plantation land transfer illustrates potential structural inequities. Public assets are converted into high-value commercial properties, while local communities face economic marginalization. This disparity reflects a failure of substantive justice from a socio-legal perspective. Law cannot be purely formalistic; it must protect vulnerable groups. Policy orientation must return to public welfare. Oversight by the government and relevant institutions is crucial. The Ministry of State-Owned Enterprises and land authorities have both moral and legal obligations. Principles of transparency, accountability, and legality must be upheld. Legal audits are required to ensure procedural compliance, restoring public trust. State asset management must be free from corruption and collusion, and an effective supervisory system strengthens state legitimacy. Thus, land control truly serves public welfare (Tsaurah, Fuad, & Salim, 2023).

The novelty of this research lies in its comprehensive analysis of the ex-PTPN I land transfer for the Citraland project through a multidimensional approach. The study not only examines formal legality based on administrative and civil law but also integrates constitutional, sociological, and social justice perspectives. This approach provides a complete picture of the relationships among the state, corporations, and communities. The analysis focuses on balancing legal certainty with distributive justice. Accordingly, this research enriches contemporary agrarian law literature and offers recommendations for strengthening state asset governance. Its contribution lies in formulating a supervisory model oriented toward social justice.

METHODS

This study is a normative-juridical research with an analytical-normative approach, focusing on the examination of written legal norms, expert doctrines, and relevant court decisions concerning the transfer of land rights owned by PT Perkebunan Nusantara I in the development of the Citraland project (Purwati, 2020). The legal materials employed consist of primary legal sources, including the Civil Code (KUH Perdata), the Basic

Agrarian Law (UUPA), regulations governing the management of State-Owned Enterprise assets, land transfer documents, and relevant court decisions; and secondary legal sources, such as books, scholarly journals, and expert opinions on agrarian law and state asset governance. Data collection was conducted through library research, systematically reviewing legislation and relevant literature. The obtained data were analyzed using a descriptive qualitative method to evaluate the conformity of land rights transfer procedures with the principles of legality, transparency, accountability, and the protection of the rights of both companies and affected communities. Through this approach, the study aims to provide a comprehensive overview of legal certainty and the effectiveness of governance in the transfer of land as a strategic state asset within the context of the Citraland project (Effendi & Ibrahim, 2018).

RESULT AND DISCUSSION

1. Legal Basis and Mechanism for the Transfer of Land Rights with the Status of Right of Cultivation (HGU) Owned by PT Perkebunan Nusantara I to a Third Party (Citraland Developer)

Right of Cultivation (Hak Guna Usaha, HGU) is one of the recognized land rights under the Indonesian land law system based on the Basic Agrarian Law (UUPA). Conceptually, HGU grants the right to cultivate state land for a specified period for agricultural, plantation, or livestock activities. This right is limited, non-absolute, and carries a social function that must support public welfare. The state retains ultimate authority over the land, meaning that the granting of HGU to a legal entity such as PT Perkebunan Nusantara I is merely delegative. Therefore, any transfer or change in the designation of HGU land must comply with the principle of state control and public interest (Rismahayani, 2025).

As a State-Owned Enterprise (BUMN), PTPN I manages HGU land not merely as ordinary agrarian property but as part of state-separated assets. Consequently, its management is governed not only by agrarian law but also by the legal regime for state-owned enterprises. Any transfer or utilization of the land must consider the interests of the state as the primary shareholder. Such land cannot be freely sold like private land. Principles of prudence and government oversight are integral to every asset utilization policy (Sati & Setyadji, 2022).

The legal basis for managing BUMN assets derives from Law Number 19 of 2003, which affirms that BUMN assets are state-separated wealth that remains within the framework of public interest. Any transfer of fixed assets, including HGU land, must obtain approval from the Minister of State-Owned Enterprises and be based on the

principles of transparency and accountability. This mechanism aims to prevent state losses arising from undervalued asset transfers or abuse of authority. Therefore, every transaction involving HGU land must undergo a multilayered evaluation and approval process.

Technical regulations for managing BUMN assets, such as the Ministerial Regulation on Asset Management Guidelines, stipulate that land transfers must be conducted through an independent appraisal. The appraisal determines the fair market value of the land based on market conditions, location, and development potential. Without such appraisal, the transfer risks causing financial losses to the state. Therefore, the appraisal is not merely an administrative formality but a financial protection instrument, reinforcing good corporate governance in BUMN management (Sugiharto, 2021).

The intersection of agrarian law and BUMN law is particularly relevant in the case of Citraland's development. HGU land owned by PTPN I, transferred for residential development, cannot be sold directly to the developer. Legally, the land must first be relinquished to the state. Once reverted to state land, the developer may apply for new rights, such as a Right to Build (Hak Guna Bangunan, HGB). This mechanism ensures that changes in land use comply with the law. If the transfer occurs without reverting HGU to the state, it potentially violates the UUPA and BUMN regulations. PTPN I does not have the authority to sell HGU land directly, as it is not the absolute owner; it only has management rights for specific business purposes. Any procedural deviation may be classified as an unlawful act, with legal risks ranging from administrative to criminal liability if state losses occur (Pangestu, 2020).

The administrative stages for transferring HGU begin with an official request submitted to the Ministry of State-Owned Enterprises and the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN). The request must explain the urgency, intended use, and compliance with spatial planning. Evaluation is conducted based on state interest and agrarian legality. Without approval from both institutions, the process cannot proceed, demonstrating the strict nature of HGU transfer procedures. Once approved, an independent appraisal determines the economic value of the land. The appraisal serves as the basis for asset transfer approval, ensuring the state is not financially disadvantaged. Transparency at this stage is crucial to prevent conflicts of interest, and the appraisal becomes an essential document in state financial audits.

The next step involves relinquishing the HGU to the state through official registration with BPN. This removes the HGU status from the land registry; without relinquishment, the land remains legally under PTPN I. This step is mandatory and cannot be bypassed,

marking the starting point of legal legitimacy for the rights change (Susanti & Suyanto, 2024).

After reverting to state land, the developer can apply for new rights according to the development plan, such as HGB. Granting new rights must comply with spatial planning and business permits. This process provides legal certainty for developers and consumers. Certificates issued following proper procedures carry full legal force, whereas development without new rights may be considered illegal. The roles of the relevant institutions are critical: ATR/BPN has the authority to determine land status and issue rights; the Ministry of BUMN supervises state asset management; and local governments ensure spatial planning and building permit compliance. Coordination among these three parties is key to legal compliance.

In the Citraland case, the main legal issue is whether all procedures were correctly followed. Any direct sale between PTPN I and the developer without HGU relinquishment constitutes a legal defect. HGU land cannot be transferred privately without government approval, and such violations may invalidate derivative rights, potentially harming consumers (Rahmadani & Saraan, 2022).

The validity of transfer agreements must also satisfy Article 1320 of the Civil Code (KUHPerdata), including lawful cause and a legal object. If the object involves a right that cannot be transferred, the agreement is null by law. Government approval serves as an additional objective requirement for HGU land; without it, the agreement remains internal and cannot alter the legal status of the land. Legal compliance must also include transparency in the transfer process. Information regarding land status, appraisal results, and ministerial approvals must be accountable. Lack of transparency may trigger disputes among developers, communities, and the state, potentially leading to certificate cancellation or project suspension. Therefore, the principle of good governance is of paramount importance (Ekawati et al., 2021).

2. Forms of Legal Responsibility Between PTPN I and Citraland in the Implementation of Land Rights Transfer

The legal responsibility between PT Perkebunan Nusantara I and the Citraland developer in the implementation of land rights transfer originates from PTPN I's position as the holder of HGU over state land. As a State-Owned Enterprise (BUMN), PTPN I's authority to manage land is limited and subject to national agrarian law, particularly Law Number 5 of 1960. HGU is not ownership but a right to cultivate land for a specified period according to its designated use. Therefore, PTPN I does not have absolute authority to transfer the land to a third party without state approval. Every transfer action

must remain within the legal framework, prioritizing the interests of the state and public welfare (Nasution & Budhiawan, 2025).

The procedure for transferring HGU to a third party must follow formal stages, beginning with a request for approval submitted to the Ministry of State-Owned Enterprises and the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN). This is followed by a feasibility evaluation and an objective land valuation. A critical next step is the relinquishment of HGU by PTPN I to the state, thereby restoring the land's status as state land. Without this relinquishment, a direct transfer to the developer may be legally defective (Putri & Sitabuana, 2022). This mechanism aims to safeguard legal certainty and prevent future land disputes. Once the land reverts to state land, the developer may apply for new rights, typically a Right to Build (Hak Guna Bangunan, HGB), in accordance with agrarian and spatial planning provisions. This process clarifies that developers do not receive a direct transfer of HGU but obtain new rights based on state approval. All procedures must be administratively recorded at the National Land Agency to ensure legality and legal certainty. Omitting any step may jeopardize the land's legal status (Jaya & Fautanu, 2020).

PTPN I can be held accountable if procedural violations or state losses occur due to unlawful transfers. Such responsibility may be civil, administrative, or criminal if abuse of authority is involved. Audits by state supervisory institutions serve as control instruments to ensure HGU management complies with regulations. This demonstrates that PTPN I's responsibility extends not only to the developer but primarily to the state.

The Citraland developer, as the rights recipient, has a legal obligation to ensure that the transfer process is conducted lawfully and completely before commencing development. The developer must comply with agrarian regulations, spatial planning permits, and environmental regulations. All permits, including location permits, building approvals, and environmental documents, must be obtained to establish a strong legal foundation for the project. These obligations reflect adherence to the principles of legality and legal certainty (Ramdany & Setiawati, 2021).

Developers are also bound by civil law provisions, including the validity requirements of agreements under Article 1320 of the Civil Code (KUHPerdata). If a transfer agreement fails to meet the requirements of consent, legal capacity, a specific object, or a lawful cause, the agreement may be annulled. Furthermore, developers are prohibited from utilizing the land before completing all transfer procedures, as doing so may result in future legal liability (Septiady, 2024). The principle of prudence serves as the foundation for all development activities.

Legal protection for Citraland residents is also part of the developer's responsibility. Consumers who have purchased property are entitled to legal certainty regarding the status of the land and buildings they own. If disputes arise due to defective HGU transfer procedures, the developer is obligated to provide remedies through administrative resolution, mediation, or compensation (Irawan et al., 2025).

The government, through the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, plays a central role in ensuring legal certainty over the land status of the Citraland project. The government verifies documents, prevents overlapping rights, and mediates disputes between PTPN I, developers, and communities. Additionally, the government has the authority to impose administrative sanctions or halt the project if spatial planning or permit violations are detected. This role reflects the state's function as the manager of agrarian resources (Mitrano, 2020).

3. Transfer of PTPN I Land Rights in Accordance with Agrarian Law and Regulations Governing State-Owned Enterprise Asset Management

The Citraland project represents the development of an integrated residential area that combines housing, commercial facilities, green open spaces, and social infrastructure within a planned zone. This development model has emerged in response to increasing urban housing demand and regional economic growth. However, large-scale projects like Citraland carry not only commercial implications but also significant legal consequences for agrarian law, spatial planning, and public interest. Therefore, the legality of the project is strongly determined by compliance with land and spatial planning regulations (Pangestu, 2019).

From an agrarian law perspective, the conversion of land from plantation to residential use must comply with the principle of state control. Any land use must align with spatial planning designations and obtain land-use permits from local authorities. Non-compliance may result in legal conflicts and land disputes. The land in question was initially held under HGU by PT Perkebunan Nusantara I as a state-owned enterprise. HGU is not ownership but a right to cultivate state land for a specified period and agrarian purposes. Consequently, PTPN I does not have full authority to directly transfer the land to third parties without a lawful legal mechanism (Saputra, 2024).

PTPN I's involvement in Citraland must adhere to the principle of legality. Any change in the use of HGU land for non-agrarian purposes must be preceded by relinquishment of rights to the state. Without this relinquishment, transfers to developers lack a strong legal basis. This principle is essential to ensure legal certainty and prevent the misuse of state assets. The transfer of PTPN I's HGU land is also subject to the regulations governing state-owned enterprise assets under Law Number 19 of 2003. HGU

land is classified as separated state assets, and any plan for utilization or transfer requires approval from the Minister of State-Owned Enterprises and must undergo a transparent and accountable asset valuation process. This mechanism is intended to prevent state losses (Baho, 2023).

In addition to ministerial approval, the land transfer requires consent from the land authority for the change of land status. Once the HGU is relinquished and the land reverts to state land, new rights can be granted to the developer, such as a Right to Build (HGB). Without these administrative stages, the transfer may be legally defective and subject to annulment. From a legal consequence standpoint, PTPN I's status as a BUMN entails institutional responsibility to the state. PTPN I cannot be treated as a purely private legal entity because it manages state wealth. Any unauthorized transfer of land constitutes an unlawful act that may harm the state, giving rise to administrative, civil, and even criminal liability (Arisaputra, 2021).

Management of BUMN assets must also comply with the principles of good governance, including transparency, accountability, and prudence. Decisions by PTPN I's board of directors cannot replace government authority in approving the transfer of state assets. Without approval from the relevant ministries and land authorities, any transfer is considered ultra vires. Restrictions on the transfer of state assets are reinforced through layered oversight, including administrative supervision by ministries, internal supervision by the board of commissioners and internal audit units, and external oversight by state audit institutions. This oversight ensures the clarity of land ownership structures and prevents uncertainties that could trigger disputes (Sanjaya & Yuniar Rahmatiar, 2024).

Verifying the legitimacy of the transferred land is a crucial step in assessing the legal standing of the Citraland project. Legitimacy must be confirmed through HGU relinquishment, ministerial approval, and issuance of new land rights by the land authority. Certificates issued without completing these procedures carry only relative legal force and may be subject to annulment. The legal status of the Citraland project does not rely solely on land rights but also on the completeness of all development permits, including compliance with spatial planning and environmental approvals. If all transfer procedures and permits are properly fulfilled according to agrarian law and BUMN regulations, the project possesses strong legal legitimacy. Conversely, any procedural defect in the initial transfer stage may result in prolonged disputes, harming the state, the developer, and the community as consumers (Sharfinda, Antikowati, & Prakoso, 2023)

CONCLUSION

The transfer of PTPN I's HGU to a third party (the Citraland developer) must be based on the synergy between national agrarian law and regulations governing state-owned enterprise asset management. HGU, as a right to cultivate state land, cannot be directly transferred without first being relinquished to the state and subsequently granted as a new right to a third party by the competent authorities. This process must comply with Law Number 5 of 1960 and Law Number 19 of 2003, including obtaining approval from the Minister of State-Owned Enterprises, conducting an independent asset appraisal, fulfilling administrative procedures such as formal requests and changing the land status to state land, and ensuring the issuance of new rights in accordance with spatial planning and building permits. In its implementation, PTPN I is responsible for ensuring the legitimacy of the relinquishment and asset approval, while the developer must comply with the procedures for acquiring rights, registration, and building permits. This framework ensures legal certainty, transparency, protection for good-faith stakeholders, and prevention of potential state losses and future disputes.

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