

Application of The Principle of Contradicture of Delimitation to The Legal Certainty of The Granting of Land Rights on The Boundaries of State Forest Area in South Barito Regency

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Abstract. *This study aims to analyze the application of the principle of contradictory delimitation in granting land rights on land parcels bordering state forest areas in South Barito Regency and to identify obstacles and solutions in its implementation. The research is motivated by the still high potential for land boundary disputes in areas directly bordering forest areas, while the community's need for legal certainty of land rights continues to increase. The principle of contradictory delimitation as regulated in Government Regulation Number 24 of 1997 is an important principle in determining land boundaries through agreements between bordering parties as the basis for issuing land rights. This study uses a sociological juridical research method with a case approach, is descriptive, uses primary data obtained through interviews and field observations as well as secondary data in the form of laws and regulations, literature, and supporting documents that are analyzed qualitatively. The results of the study indicate that the application of the principle of contradictory delimitation in granting rights to land bordering state forest areas has been implemented through the stages of boundary designation by the applicant, installation of boundary markers, field inspection, cadastral measurement and mapping, and boundary determination based on the agreement of the interested parties, including the government as the manager of the forest area. The application of this principle contributes to the realization of legal certainty regarding the location, boundaries, area, and shape of land parcels, thereby minimizing the potential for overlapping or land disputes. However, its implementation still faces various obstacles, including the unfinished process of forest area confirmation, and not all forest area boundary markers have been installed in the field. This study concludes that the principle of contradictory delimitation is a crucial instrument for ensuring legal certainty in granting land rights within state forest boundaries. Its*

successful implementation depends heavily on the availability of definitively established forest boundaries, synchronized spatial data, cross-sectoral coordination, and active community participation in the boundary-determination process. Therefore, it is necessary to accelerate forest area confirmation, strengthen land and forestry data integration, improve the quality of geospatial-based measurement and mapping, and refine inter-agency coordination mechanisms to ensure more effective land rights granting in areas bordering forest areas, provide legal certainty for the community, and reduce the potential for future land disputes.

Keywords: *Delimitation Contradiction; Forest Area; Measurement.*

1. Introduction

Land is a resource whose quantity, area and availability are limited and is an inseparable part of all aspects of human life, especially Indonesian society. From a constitutional perspective, Article 33 paragraph (3) of the 1945 Constitution states that the land, water, and natural resources contained therein are controlled by the state and used as much as possible for the prosperity of the people. This provision then became the main basis for regulating national agrarian law as regulated in Law Number 5 of 1960 concerning Basic Agrarian Principles or popularly known as UUPA which places land as a strategic resource that has a social function and must be used for the greatest prosperity of the people.

The role of land resources in community life is crucial, serving as a platform for carrying out various daily activities. Therefore, land holds strategic value for everyone at all levels. It's not surprising that conflicting interests over land ownership and control often arise among communities living in both rural and urban areas.

In rural areas, land use tends to be or is dominant in the plantation, fisheries or agricultural sectors in the broad sense, whereas in urban areas, land use is dominant in the very dynamic business and service sectors.

In rural and urban areas, the important role of land resources makes land have high economic value and is vulnerable to conflicts of interest between individual citizens, legal entities and government agencies at various levels, starting from village governments, district/city governments, provincial governments and central governments which act as legal subjects in the control and ownership of land.

Based on the conditions or facts on the ground, not all areas in a region can be cultivated or exploited productively by the community, considering that regulations regarding the use and utilization of land/land are limited to certain areas only.

The Central Kalimantan Province is broadly divided into two categories based on the status of the area, namely forest areas and non-forest areas as regulated in the Decree of the Minister of Forestry Number SK. 529/Menhut-II/2012 Concerning Amendments to the Decree of the Minister of Agriculture Number 759/KPTS/UM/10/1982 Concerning the Designation of Forest Areas in the Province of Central Kalimantan Level I Region with an area of $\pm 15,300,000$ HA. (fifteen million three hundred thousand hectares) as forest areas.

In the first dictum, the area of forest and water conservation areas and certain areas designated as forest areas in Central Kalimantan Province is set at $\pm 12,719,707$ hectares, however in its development the area designated as forest and conservation areas in Central Kalimantan Province experienced changes with the issuance of the Decree of the Minister of Environment and Forestry Number: SK. 6627 / MENLHK-PKTL / KUH / PLA.2 / 2021 concerning the Map of the Development of the Confirmation of Forest Areas in Central Kalimantan Province Until 2020. In the Decree, the area of forest areas in Central Kalimantan Province is still very dominant compared to the area of non-forest areas or more popularly known as APL (Other Use Areas).

Based on these provisions, it can be seen that the comparison between forest areas and non-forest areas and the amount of land/soil available in the APL area in the Central Kalimantan Province, especially in South Barito Regency, with an estimated ratio of 71% being forest areas and the remaining 29% being areas for other uses.

Other Use Areas (APL) are areas designated for the community, legal entities, or government agencies in granting land rights or land registration (Suyadi, 2023) or development activities based on such conditions, the availability of land/ground as a resource is becoming increasingly limited.

On the other hand, the need for land/plots increases along with the increase in the population in an area, which is caused by natural population growth or because of migration of people from villages to cities or vice versa which is usually triggered by the search for more productive land or better job opportunities, so that pressure on land/land is increasing, in addition to that, physical development activities carried out by the government and the community have increased from time to time which at a certain stage friction or conflict of interest occurs, at that moment there is a need for legal protection for land rights subjects which provides legal certainty in the practice of land control and ownership.

One of the national strategic programs in the land sector that is widely known in the community is the complete systematic land registration (PTSL) which is a strategic step by the government in order to accelerate the first land registration, in addition to efforts to accelerate, based on the provisions of Article 3 of PP. 24 of 1997, land registration in general aims to:

1. To provide legal certainty and protection to rights holders of a plot of land, apartment units and other registered rights so that they can easily prove themselves as the rights holders in question.
2. To provide information to interested parties, including the Government, so that they can easily obtain the data needed to carry out legal actions regarding registered land plots and apartment units.
3. To ensure orderly land administration (Parlindungan, 1999).

In line with the provisions of Article 3 of PP. 24 of 1997, and by examining the provisions of land registration activities carried out in the previous period (the era of PP. 10 of 1961), it can be seen that in PP. 24 of 1997 explicitly regulates the objectives of implementing land registration which were previously not explicitly stated in PP. 10 of 1961 in the context of the objectives of this land registration the government provides direction and targets to be achieved through PP 24 of 1997, in addition it is also motivated by the achievement of the target of land registration in the previous period which is considered not to have provided satisfactory results, so the government considers it necessary to improve the provisions related to land registration, among which are regulations regarding systematic land registration which are expected to be able to provide support for the implementation of land registration activities in a relatively short time, but can provide satisfactory results.

Apart from that, it was also found that most of the land ownership spread throughout the region is not supported by evidence that is easy to obtain and can be trusted for its accuracy, so that it is necessary to guarantee legal certainty and legal protection for the community through land registration.

The objective conditions that occur in the field regarding areas that have been granted land rights are still often found to be a dispute, dispute or land case in this case, cases of ownership/control disputes or land boundary disputes, based on the material presented by the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency, especially the Directorate General VII during the 2020 National Working Meeting, several typologies of land cases that occurred in the region and were handled by Directorate General VII which is in charge of handling land disputes and conflicts, there are 9,124 dispute cases and 13,300 cases (Prasetyo et al., 2020). In addition to the Ministry of ATR/BPN, complaints about land cases were also submitted to the National Commission on Human Rights, based on the material presented by the Deputy Chairperson of the

National Commission on Human Rights Dr. Prabianto Mukti Wibowo, M.Sc on September 24, 2025, the number of cases or complaints handled by the National Commission on Human Rights is dominated by complaints of human rights violations related to agrarian conflict (Wibowo, 2025).

In line with the above, according to Haryo Budhiawan et al., there are also many cases of land disputes that are tried in general courts in civil and criminal cases, there are also land disputes that are tried in the state administrative court environment regarding the cancellation of certificates as products of state administrative bodies, there are also land cases that are included in religious courts regarding the position of joint property land in marriage, inheritance and waqf land disputes (Prasetyo et al., 2020).

Based on the database in the Supreme Court of the Republic of Indonesia's decision directory up to October 2025, the number of land-related cases handled at various levels of court was recorded at 392,358 cases that had received decisions from the panel of judges (Supreme Court of the Republic of Indonesia, 2025), this number of cases has not been including land cases handled by other government agencies.

2. Research Methods

This research is a sociological juridical legal research, a research method that examines and analyzes how law works in society empirically. The research examines law as real behavior that lives and develops in society (law in action), so it not only examines the law as written in legislation (law in books), but also examines how the law is applied and implemented in practice.

In this study, law is viewed as a social phenomenon that can be observed through the behavior of both the public and government officials in implementing legal provisions related to land registration. Therefore, primary data was obtained directly from the field through interviews, observations, and documentation studies of parties involved in the land rights granting process within state forest boundaries.

3. Results and Discussion

3.1. Overview of Research Location

South Barito Regency is a regency in Central Kalimantan Province, with its capital in Buntok. Geographically, South Barito Regency is located in the southern part of Central Kalimantan Province and is located around the Barito River Basin (DAS), which has long been a major transportation route for the community. South Barito Regency is geographically located between 1°20' and 2°35' South Latitude and 114° and 115° East Longitude. This region borders East Barito

Regency to the north, Kapuas Regency to the east, South Kalimantan Province to the south, and North Barito Regency to the west.

South Barito Regency covers an area of approximately 6,267.0887 km², with a topography dominated by lowlands, swamps, rivers, and some forest areas. These geographic characteristics make rivers a vital part of local life, serving as a means of transportation, a source of livelihood, and a supporter of economic activity. Furthermore, the natural conditions, still influenced by forests and swamps, contribute to the region's unique spatial and land use patterns (Indonesiopedia, n.d.).

In the land sector, South Barito Regency faces a complex situation because part of its territory borders directly on state forest areas. This situation raises various issues related to land ownership status, land boundaries, and legal certainty regarding community-controlled land. In practice, land parcels that have been used by the community for a long time are still found located in areas bordering forest areas or designated as state forest areas.

Central Kalimantan Province is one of Indonesia's provinces with extensive forest areas, spread across almost all districts and cities. According to data from the Central Kalimantan Provincial Statistics Agency (BPS Kalimantan Tengah, 2024), most of the administrative area in Central Kalimantan is still dominated by forest areas, consisting of conservation forests, protected forests, permanent production forests, limited production forests, and convertible production forests.

This situation indicates that forestry remains a crucial element in the spatial planning structure and land use in Central Kalimantan Province. The existence of forest areas also directly impacts land administration activities, land use, investment, regional development, as well as the implementation of land registration which can only be carried out in other use areas (APL).

3.2. Profile of the South Barito Regency Land Office

The South Barito Regency Land Office is a vertical agency of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency in the district/city which is under and responsible to the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency through the Head of the Regional Office of the National Land Agency, which carries out the duties and functions of implementing government duties in the land sector at the district level.

Based on the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 17 of 2020, the South Barito Land Office consists of six administrative sections/subsections, namely:

1. General administration subsection
2. Survey and mapping section
3. Land rights determination and registration section
4. Arrangement and empowerment section
5. Land acquisition and development section
6. Land dispute control and handling section

3.3. Organizational Structure and Human Resources

As a vertical agency of the ATR/BPN, the South Barito Regency Land Office is led by a Head of Office who is responsible to the Minister of ATR/Head of BPN through the Head of the BPN Regional Office of Central Kalimantan Province. The organizational structure of the South Barito Regency Land Office was established to provide effective, efficient, transparent, and accountable land services.

Based on Regulation of the Minister of ATR/Head of BPN Number 17 of 2020 concerning the Organization and Work Procedures of the Regional Offices of the National Land Agency and the Land Office, the organizational structure of the South Barito Land Office is structured to support these functions.

3.4. Application of the Principle of Contradictory Delimitation in the Context of Granting Land Rights on the Boundaries of State Forest Areas

The application of the principle of contradictory delimitation in granting land rights is a crucial step in ensuring clarity and certainty regarding the location, extent, and boundaries of the land parcel for which rights are being sought. This principle requires that boundary determination be based on an agreement between the bordering parties and be proven through field boundary marking by the relevant parties.

In areas bordering state forest areas, the application of this principle becomes even more crucial due to the potential for overlap between community land ownership and established or government-designated state forest boundaries. Therefore, careful consideration of each stage of the process, including the delineation and determination of land boundaries, is crucial to ensuring that the requested land is not located within an area that is legally still considered a state forest area.

Based on the research results, it is known that the stages of the process of granting land rights are generally divided into three main stages, namely:

1. Land Measurement and Mapping

The stages of implementing land measurement and mapping are carried out through several interrelated stages to ensure certainty regarding the location, boundaries, and area of the land.

- Measurement Application: The first stage begins with an application from the rights holder or interested party through the land office service counter. In both sporadic and systematic land registration, applications are submitted individually by the applicant or their attorney-in-fact. Every application requires completed requirements based on the applicable SOP, consisting of a letter of application, KTP, KK, documents proving the legal basis, a statement letter stating that the boundary markers/stakes are not in dispute, geotagging photos of the location, and payment of Non-Tax State Revenue (PNBP), while systematic land registration and land redistribution carried out on the government's initiative are free of charge.
- Measurement Preparation: Before going into the field, the surveyor prepares the assignment letter and checks the availability of the registration map, registration base map, and technical base points. If technical base points are not available locally, a 4th-order technical base point can be prepared as a reference. The officer also prepares a measurement plan and notifies the applicant and adjacent landowners.
- Determination and Installation of Boundary Marks (Contradictory Delimitation): Before measurement, boundaries are determined based on the principle of contradictory delimitation with the consent of adjacent landowners. The applicant installs boundary markers (stakes or monuments) in accordance with Article 22 of PMNA Number 3 of 1997 concerning Implementation Guidelines for PP Number 24 of 1997 Concerning Land Registration, utilizing specific criteria for parcels under 10 hectares or 10 hectares and above. Deviations due to local conditions are determined by a decision of the Head of the Land Office.

In the process of boundary disputes, officials first attempt resolution through deliberation. If no agreement is reached, a temporary land boundary can be established until a legally binding decision is made. Based on observations, the installation of boundary markers by landowners directly bordering state forest areas is carried out by placing stakes/monuments on the shared boundary between the state forest area and the land parcel controlled by the rights applicant.

To avoid problems or boundary disputes, the installation of boundary markers/monuments in the field is carried out based on the coordinate values of the forest area boundaries which refer to the development map of forest area confirmation in Central Kalimantan Province, especially in South Barito Regency (Interviews with surveyors at the South Barito Regency Land Office, May 2026).

In the activities of granting land rights through independent sporadic land registration activities, PTSL, and redistribution from 2019 to 2026, land plots were found that were directly adjacent to the boundaries of various forest area functions in several villages/sub-districts in South Barito Regency. Based on Article 17 paragraphs 2 and 3 of PP No. 24 of 1997 concerning Land Registration, boundary determinations in systematic and sporadic land registration are arranged based on agreements between interested parties, while boundary markers must be maintained by the respective rights holders.

In the practice of granting land rights on forest boundaries in South Barito, the boundary agreement between individuals/legal entities and the government refers to the Decree of the Minister of Environment and Forestry Number 6627/MENLHK-PKTL/KUH/PLA.2/2021 concerning the Map of Development of Forest Area Confirmation in Central Kalimantan Province until 2020. This decree provides information on forest area status, boundaries, and functions, serving as a basis for identifying or determining land plots inside or outside the forest area.

The study shows that the map attached to the Decree is utilized by surveying and mapping officers of the South Barito Regency Land Office in the field for installing and determining shared land parcel boundaries (*contradictoire delimitatie*) bordering forest areas (Interviews with Brian Juniar, AP, SH, surveyor at the South Barito Regency Land Office, May 20, 2026). Surveyors play an important role in directing boundary positions using the Global Positioning System (GPS) to achieve precise placement and avoid overlaps between community-owned land and state forest areas.

In practice, precise positioning is determined using the Avenza Maps application (Interview with the Head of the Survey, Measurement and Mapping Section of the South Barito Regency Land Office, May 20, 2026), and data from boundary delimitations, agreements, and measurements are entered into a measurement drawing (GU) document as proof of fulfillment of the contradictory delimitation principle. This Android-based application is applied during initial boundary setting before plot measurement for rights granting occurs (Interviews with Brian Juniar, AP, SH, surveyor at the South Barito Regency Land Office, May 20, 2026).

During field implementation attended by landowners, surveyors, and village/sub-district officials, forest boundaries lacking nearby physical markers are determined by referring to indicative or definitive coordinates established in Ministry of Environment and Forestry Decree Number 6627/MENLHK-PKTL/KUH/PLA.2/2021. Indicative boundaries mean that formal boundary arrangement has not yet been fully completed, allowing for potential future adjustments once final demarcation, third-party rights settlement, and marker installation are finalized.

4. Conclusion

Based on the research results and discussion, the following conclusions can be drawn: 1. The delimitation of land boundaries (contradictory delimitation) for granting rights directly adjacent to forest areas is carried out by referring to the coordinates and spatial information contained in the Decree of the Minister of Environment and Forestry Number 6627/MENLHK-PKTL/KUH/PLA.2/2021 concerning the Map of the Development of the Confirmation of Forest Areas in Central Kalimantan Province. This reference is used and agreed upon by the community owners of the adjacent land to confirm the location of the land and to fulfill the principle of contradictory delimitation for land parcels to which rights are granted, as well as to ensure that the land parcels are outside the forest area. This is very important to avoid conflicts of control between the community and the state forest area. 2. The process of installing land boundary markers on the side bordering the forest area, depends on officers with the support of the Avenza Map application as a guide, this is done considering that not all forest areas have had boundary markers installed, so the boundary arrangement process takes longer, because it is carried out twice, the first time is the initial reference, while the second is the boundary marker that has been corrected to the first position so that it is right on the boundary of the forest area.

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