



Legal Certainty of Local Communities' Land Status in Forest Contract Permits in Riau Province

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ABSTRACT

This study analyzes regulatory dualism and the crisis of legal certainty concerning the land status of local communities located within Forestry Business Permit (HPHTI) concession areas in Riau Province and formulates a just resolution of agrarian disputes. Using a qualitative approach with normative-empirical analysis, the study examines conflicts between hereditary customary land control and the formal legality of industrial forestry permits. The findings reveal material defects in permits that infringe constitutional rights, as community agricultural and residential lands, including approximately 600 hectares in Olak Village, were incorporated into PT Riau Andalan Pulp and Paper's concession. Consequently, land rights cannot be upgraded to Freehold Certificates (SHM). The study recommends permit review, progressive administrative sanctions, strengthening TKPRD, and GIS-based integrated licensing under the One Map Policy.

INTRODUCTION

National development oriented toward large-scale commercial exploitation of natural resources in Indonesia frequently generates structural tensions between economic growth agendas and the constitutional rights of local communities. In Riau Province, this tension has evolved into a prolonged and systemic agrarian crisis, particularly within the forestry and monoculture plantation sectors. As one of the regions possessing the largest forest and peatland ecosystems in Sumatra, Riau plays a strategic role in supporting national economic development through the export of pulp, paper, and palm oil commodities. Nevertheless, behind the expansion of industrial investments lies a persistent legal problem experienced by indigenous and local communities whose living spaces have gradually been reduced by the expansion of corporate concession areas (Suardi, 2021). Consequently, development policies that prioritize investment expansion frequently encounter resistance from local communities whose social, economic, and cultural existence is closely linked to land ownership and control.

The juridical roots of this agrarian conflict lie in the clash between historical community land rights and the formal legality of permits granted to corporations. Forest utilization data indicate that land tenure structures in Riau Province, including districts such as Siak Regency, are heavily dominated by Limited Production Forests (44.5%) and Production Forests (37.9%), while Nature Reserve Forests account for 14.4%, Protected Forests only 1.6%, and other forest areas 1.4% (Zulkifli, 2025). This distribution reflects the substantial allocation of territorial authority to commercial forestry activities and demonstrates how state licensing policies have narrowed the space available for community-based agricultural activities and settlements. As a result, local communities frequently experience difficulties in obtaining legal recognition of land that has been physically occupied and cultivated for generations.

The situation is further aggravated by historical forestry licensing practices that were often implemented without adequate field verification and meaningful public participation. For decades, the central government issued Forest Concession Rights (Hak Pengusahaan Hutan/HPH) and Industrial Plantation Forest Concession Rights (Hak Pengusahaan Hutan Tanaman Industri/HPHTI) covering extensive areas without comprehensively identifying existing settlements, agricultural lands, or customary territories. Consequently, concession boundaries frequently overlap with established villages and community-managed lands that existed long before the issuance of corporate permits. Field investigations have documented how concession boundaries have penetrated village territories, agricultural lands, and customary sites that have been controlled by local residents for generations, creating structural land conflicts between communities and concession holders (Elaiis News, 2025).

Normatively, this condition creates a serious dualism of regulation and a crisis of legal certainty. On one side, communities possess evidence of land ownership or control in the form of Compensation Certificates (Surat Keterangan Ganti Rugi/SKGR), customary documents, village acknowledgments, and other locally recognized instruments. On the other side, corporations hold concession permits issued by central government institutions, providing them with extensive authority over concession areas. This legal dualism often places local communities in a disadvantaged position because their rights cannot be upgraded into formal land titles, such as Freehold Certificates (Sertifikat Hak Milik/SHM), when their land is administratively categorized as part of a forest area. Although Regional Regulation Number 1 of 2020 concerning the Siak Regency Spatial Plan 2020–2040 attempted to address these inconsistencies, implementation remains constrained by overlapping authorities and institutional fragmentation between central and regional governments (Regional Regulation of Siak Regency No. 1 of 2020).

One prominent example can be observed in the dispute involving residents of Olak Village, Siak Regency, whose agricultural land managed through the Olak Mandiri Cooperative became incorporated into the concession area of PT Riau Andalan Pulp and Paper (RAPP). The unilateral designation of forest areas effectively blocked the legalization of community land rights and generated prolonged disputes regarding ownership, access, and utilization of land resources. Existing non-litigation dispute resolution mechanisms, particularly mediation efforts, have frequently reached an impasse due to the dominance of sectoral regulations and the unequal bargaining position between local communities and concession holders. This situation demonstrates that current regulatory frameworks have not yet provided adequate legal certainty or substantive justice for affected communities.

Despite the increasing number of agrarian conflicts associated with forestry concessions in Indonesia, studies examining the intersection between legal certainty, permit validity, spatial governance, and dispute resolution mechanisms remain limited. Most previous studies focus either on forestry licensing administration or on land conflict management separately, without comprehensively addressing how overlapping legal regimes affect the status of community land rights within concession areas. Moreover, the implications of regulatory dualism between forestry law, agrarian law, and regional spatial planning regulations have not been sufficiently explored in the context of legal remedies and permit cancellation mechanisms. This gap highlights the need for an integrated normative-empirical analysis capable of examining both the legal dimensions and practical implications of forestry licensing policies in conflict-prone regions such as Riau Province.

Based on the foregoing background, this study addresses two principal research questions. First, how can legal certainty regarding the land status of local communities located within Forestry Business Permit areas in Riau Province be understood and assessed? Second, what forms of dispute resolution are most appropriate for addressing land overlaps and conflicts between local communities and holders of Forestry Business Permits in Riau Province? These questions are important because the persistence of legal ambiguity not only undermines property rights protection but also weakens public trust in state governance and the rule of law.

Accordingly, this study aims, first, to examine, analyze, and clarify the legal certainty of community land status within Forestry Business Permit areas in Riau Province. Second, it seeks to identify, evaluate, and formulate effective, equitable, and legally enforceable mechanisms for resolving land disputes between local communities and forestry concession holders. To achieve these objectives, the study employs a qualitative approach with normative-empirical analysis, focusing on the interaction between forestry regulations, spatial planning instruments, and community land rights. Furthermore, this study proposes policy alternatives through the revitalization of the Regional Spatial Planning Coordination Team (TKPRD), the implementation of integrated permit reviews based on Geographic Information Systems (GIS) and the One Map Policy, and the application of progressive administrative sanctions, including permit cancellation by operation of law (null and void), against corporations that violate spatial planning and constitutional principles of justice. The urgency of these policy alternatives is reinforced by findings showing that regulatory dualism between sectoral laws and regional spatial planning instruments continues to undermine the effectiveness of agrarian governance and legal protection for local communities (Fauzi, 2020).

THEORETICAL REVIEW

Legal Certainty and Protection of Community Land Rights

Legal certainty constitutes one of the fundamental principles of the rule of law and serves as the primary foundation for protecting citizens' rights against arbitrary state actions. In the context of agrarian governance, legal certainty refers to the existence of clear, consistent, and enforceable legal norms regarding land ownership, utilization, and recognition. According to Indonesian agrarian law, land rights should provide security for right holders while ensuring social justice and sustainable land management. However, legal certainty becomes problematic when multiple regulatory regimes overlap, particularly between forestry regulations and agrarian laws. Studies have demonstrated that communities occupying and cultivating land for generations frequently encounter legal uncertainty when their territories are subsequently designated as state forest areas without proper verification or recognition of existing rights (Sutaryono & Nurhasanah, 2023). Similar findings were reported by Prasetyo and Hidayat (2024), who observed that overlapping legal instruments often result in the exclusion of community claims despite long-standing physical control and social legitimacy.

Internationally, legal certainty concerning land tenure has been recognized as a prerequisite for social stability, economic development, and environmental sustainability. Research by Larson et al. (2021) emphasized that insecure land tenure significantly increases social conflicts and reduces community participation in sustainable resource management. Likewise, Sikor and Müller (2022) argued that formal recognition of local land rights remains essential for preventing land grabbing and strengthening community resilience within natural resource governance systems.

Regulatory Dualism Between Forestry Law and Agrarian Law

One of the most persistent challenges in Indonesia's agrarian governance is the dualism between forestry regulations and agrarian legislation. The Forestry Law grants extensive authority to the state over forest areas, whereas the Basic Agrarian Law recognizes various forms of land tenure, including customary and community-based rights. This dualism frequently generates jurisdictional conflicts when lands historically occupied by communities are subsequently classified as forest areas by administrative decisions. According to Fauzi (2020), sectoral legal fragmentation has created inconsistencies in policy implementation and weakened the effectiveness of regional spatial planning instruments. Similar conclusions were reached by Arifin and Kurniawan (2023), who found that conflicting interpretations between forestry authorities and land administration agencies have become a major source of unresolved agrarian disputes.

The persistence of regulatory dualism has also been linked to institutional competition among government agencies. Wibowo et al. (2024) noted that overlapping mandates between forestry institutions, local governments, and land authorities frequently delay dispute resolution and create uncertainty regarding applicable legal frameworks. International studies support these observations, indicating that fragmented land governance systems often undermine policy coherence and legal effectiveness (McDermott et al., 2022). Consequently, harmonization between forestry and agrarian regulations remains a crucial requirement for ensuring equitable land governance.

Forestry Business Permits and Agrarian Conflicts

Forestry Business Permits, particularly Industrial Plantation Forest Concession Rights (HPHTI), play a significant role in Indonesia's forest-based economic development strategy. These permits are intended to facilitate industrial timber production while promoting investment and employment opportunities. However, the implementation of large-scale concession schemes has frequently generated disputes involving local communities, indigenous peoples, and concession holders. Research conducted by Suardi (2021) revealed that extensive concession allocations in Siak Regency resulted in overlapping claims between local communities and corporate permit holders, thereby creating long-term legal uncertainty regarding land ownership.

Recent studies indicate that agrarian conflicts associated with forestry concessions are not solely legal disputes but also involve socio-economic and political dimensions. Rahman and Siregar (2024) found that community resistance often emerges because concession issuance processes inadequately accommodate local participation and fail to recognize existing land tenure arrangements. Similarly, Zulkifli (2025) demonstrated that the expansion of industrial forestry activities in peatland landscapes has contributed to increasing tensions between conservation objectives, corporate interests, and local livelihoods. Internationally, research by Myers et al. (2023) highlights that concession-based forest governance frequently generates land conflicts when permit allocation processes neglect customary tenure systems and local stakeholder engagement.

Spatial Planning, One Map Policy, and Land Governance

Spatial planning represents a critical instrument for balancing economic development, environmental protection, and social justice. Effective spatial governance requires accurate geospatial information, institutional coordination, and transparent decision-making processes. In Indonesia, the One Map Policy was introduced to address inconsistencies in spatial data and reduce overlapping land claims among stakeholders. According to Nugroho and Santoso (2023), integrated geospatial information systems have significantly improved the capacity of government institutions to identify spatial overlaps and support evidence-based policy formulation.

Nevertheless, challenges remain in implementing spatial planning policies at the regional level. Regional governments frequently face difficulties in synchronizing spatial plans with sectoral regulations and concession maps issued by central authorities (Wahyuni & Firmansyah, 2024). This condition contributes to persistent conflicts regarding land status and resource utilization. International evidence also suggests that geospatial technologies can enhance land governance when combined with participatory mapping and transparent administrative procedures (Enemark et al., 2022). Therefore, the integration of GIS-based verification mechanisms and the One Map Policy is increasingly regarded as a strategic solution for preventing future agrarian disputes.

Administrative Sanctions and the Doctrine of Null and Void

Administrative law provides mechanisms for reviewing and invalidating government decisions that violate legal principles or constitutional rights. One such mechanism is the doctrine of null and void, which allows administrative decisions to be considered legally ineffective when substantial procedural or substantive defects are identified. In the context of forestry concessions, this doctrine becomes relevant when permits are issued without adequate verification, public participation, or compliance with spatial planning regulations. Research by Haryanto and Putri (2024) found that administrative review mechanisms remain underutilized in resolving agrarian disputes despite their potential to restore legal certainty and protect community rights.

Furthermore, legal scholars have argued that administrative sanctions can function as corrective instruments capable of preventing regulatory abuse and strengthening accountability in natural resource governance (Kusumawardani & Hakim, 2023). Internationally, administrative justice literature emphasizes that permit cancellation mechanisms serve as important safeguards against unlawful state actions and regulatory capture (Craig, 2021). Accordingly, the application of progressive administrative sanctions, including permit cancellation by operation of law, represents a promising legal avenue for addressing agrarian conflicts arising from defective forestry permits.

Conceptual Framework of Legal Certainty in Forestry Concession Areas

The literature suggests that legal certainty concerning community land status within forestry concession areas is influenced by multiple interconnected factors, including regulatory harmonization, recognition of historical land rights, spatial governance effectiveness, permit legality, and dispute resolution mechanisms. Agrarian conflicts emerge when these elements operate inconsistently or contradict one another. Therefore, achieving legal certainty requires an integrated governance framework that combines legal recognition, institutional coordination, spatial verification, and administrative accountability. This study contributes to the literature by examining how these dimensions interact within the context of Forestry Business Permit areas in Riau Province and by proposing a normative-empirical framework for resolving land disputes through legal reform, spatial governance improvement, and administrative review mechanisms.

METHODOLOGY

This research was conducted using a qualitative approach with a normative-empirical (sociological legal) approach. The normative approach was applied to examine the synchronization of regulations and primary legal materials, including Law Number 41 of 1999 concerning Forestry, Law Number 26 of 2007 concerning Spatial Planning, and Siak Regency Regulation Number 1 of 2020 concerning the Spatial Planning (RTRW) (Law No. 41 of 1999; Law No. 26 of 2007). Therefore, an empirical approach is used to examine the actual implementation of the law in the field, observing the effectiveness of the application of administrative sanctions.

The population in this study includes all Forestry Business Permit (HTI) concession areas and large-scale plantations that overlap with community land in Riau Province. Sampling was conducted purposively. purposive sampling with focus the observation locus is in the operational areas of corporations with the highest levels of agrarian conflict, namely PT Riau Andalan Pulp and Paper (RAPP), PT Duta Swakarya Indah (DSI), and PT Seraya Sumber Lestari (SSL), by involving key informants from representatives of traditional cooperative administrators, village officials, and community leaders. public customs local (Tim Fasilitasi Penyelesaian Konflik Hutan dan Pertanahan Kabupaten Siak [TFPK], 2025).

Technique Data collection prioritized the principle of triangulation to ensure data reliability. Data were collected through a study of legal documents, permit files, and spatial maps of regional spatial planning. Researchers also conducted direct field observations to verify the coordinate boundaries of disputed land and the construction of peat dome drainage canals. In addition, in-depth face-to-face interviews were conducted using interview guidelines with village heads and traditional leaders to explore the history of civil rights. on land brand (Prabowo, 2022).

The main research instrument is the researcher himself (human instrument) as a data collector and analyzer, who is assisted by a sheet list check (checklist) suitability document Permits and valid interview recording tools. The data analysis technique used was qualitative thematic analysis. All normative and empirical field data were reduced, grouped based on legal issue clusters (such as aspects of legal certainty and dispute resolution models), cross-validated through source triangulation, and then analyzed descriptively to produce conclusions. valid scientific (Rahman, 2019).

RESEARCH RESULTS AND DICUSSION

Legal Certainty of Local Community Land Status within the Framework of Sectoral Licensing

The findings reveal that the legal certainty of local community land status within Forestry Business Permit areas in Riau Province remains highly problematic. The normative-empirical analysis demonstrates that local communities are positioned in a condition of severe legal vulnerability due to the dominance of sectoral forestry regulations over historical land tenure rights. The issuance of Industrial Plantation Forest (HPHTI) permits and Forestry Business Permits (PBPH) by the central government has effectively overridden the civil rights of communities whose lands have been occupied and managed for generations. As a result, once an area is designated as a state forest area and incorporated into a corporate concession, community claims become administratively marginalized despite the existence of historical evidence of ownership and occupation (Suardi, 2021).

This condition is clearly illustrated in the case of Olak Village, Sungai Mandau District, Siak Regency. Based on information obtained from the village administration, local residents had exercised physical control and management over their customary lands long before the establishment of modern forestry regulations. Community members possessed Compensation Certificates (SKGR) issued by village and sub-district authorities and organized agricultural activities through the Olak Mandiri Cooperative. However, the subsequent issuance of a concession permit to PT Riau Andalan Pulp and Paper (RAPP) resulted in the incorporation of community lands into the company's concession area, thereby creating overlapping claims between local communities and corporate permit holders (Amrin, 2020).

The legal implications of this overlap are substantial. Approximately 600 hectares of productive agricultural land and settlement areas occupied by nearly 300 households became administratively categorized as part of a state forest area under corporate concession. Consequently, local residents were unable to upgrade their land status into Freehold Certificates (Sertifikat Hak Milik/SHM) through the Complete Systematic Land Registration Program (PTSL). The National Land Agency (BPN) rejected registration applications because the affected parcels were recorded within forest area coordinates recognized by the state. This situation illustrates how formal legality can negate substantive justice by disregarding historical occupation and community-based tenure systems (Muslim MY, 2020).

From a broader perspective, these findings confirm that legal certainty concerning community land rights in forestry concession areas remains largely symbolic rather than substantive. Communities are granted de facto control over land but are denied de jure recognition under state law. Such legal uncertainty contributes to social exclusion, economic marginalization, and prolonged conflict. The situation also reflects the structural dominance of sectoral forestry policies that prioritize industrial resource extraction while inadequately protecting constitutional rights to property and livelihood. Similar patterns have been identified by the Konsorsium Pembaruan Agraria (KPA, 2022), which reported that overlapping permits and forest area designations continue to be among the leading causes of agrarian conflicts in Indonesia.

Resolution of Land Disputes and Overlapping Claims in Riau Province

The second major finding concerns the effectiveness of dispute resolution mechanisms for addressing land overlaps between local communities and Forestry Business Permit holders. The study indicates that non-litigation mechanisms, particularly mediation facilitated by local governments and regional legislatures, have generally failed to produce legally binding and equitable outcomes. The dispute involving the Olak Mandiri Cooperative and PT RAPP exemplifies this limitation. Although several rounds of mediation were conducted, no substantive agreement was reached because the parties operated under significantly unequal bargaining positions. Corporations relied on the formal legality of permits issued by the central government, whereas local communities depended primarily on historical evidence of land control and local administrative recognition (Setiawan & Pramono, 2020).

The persistence of this deadlock suggests that conventional mediation alone is insufficient to resolve structurally unequal conflicts. Therefore, a more progressive legal approach is required, particularly through the application of administrative sanctions against corporations that violate spatial planning regulations and community rights. Regional Regulation of Siak Regency Number 1 of 2020 concerning Spatial Planning provides a normative basis for imposing administrative sanctions, including permit revocation for activities that violate designated spatial functions (Peraturan Daerah Kabupaten Siak Nomor 1 Tahun 2020, Pasal 76). In this regard, the doctrine of null and void offers a potential legal mechanism for invalidating permits that contain substantial procedural or

substantive defects, particularly where the issuance process ignored pre-existing community rights.

Nevertheless, the implementation of such sanctions remains constrained by the absence of detailed technical regulations. Although the regional regulation establishes a legal foundation for enforcement, it does not provide operational procedures regarding field verification, criteria for identifying violations, or mechanisms for permit cancellation. This regulatory vacuum has generated uncertainty among local government officials and weakened their capacity to take decisive action against corporate violations. As noted by Prabowo (2022), the effectiveness of administrative law enforcement depends not only on substantive norms but also on the availability of clear procedural guidelines that can be implemented consistently and defended against judicial review.

The findings further demonstrate the importance of strengthening environmental governance institutions. Activities such as peat dome drainage, canal construction, and forest conversion frequently generate ecological degradation that extends beyond concession boundaries. However, enforcement efforts remain fragmented due to weak coordination among sectoral agencies. WALHI (2021) reported that inadequate supervision and inconsistent enforcement have contributed to recurring peatland degradation and forest fires in Riau Province. Therefore, institutional reform is essential to ensure effective monitoring and accountability within concession areas.

Institutional Reconstruction, GIS-Based Governance, and Public Participation

To overcome these challenges, the study proposes a comprehensive institutional reconstruction centered on the revitalization of the Regional Spatial Planning Coordination Team (TKPRD). As mandated by the regional spatial planning framework, TKPRD should function as the primary coordinating body responsible for ensuring compliance between concession permits and regional spatial plans. Strengthening TKPRD would enable more effective inter-agency collaboration and reduce the fragmentation that currently characterizes forestry and land governance in Riau Province. Similar recommendations have been advanced by Sari and Indra (2021), who emphasized that integrated administrative oversight is essential for preventing spatial planning violations and improving regulatory compliance.

Institutional reform should also be supported by the adoption of Geographic Information System (GIS)-based governance and the implementation of the One Map Policy. The integration of spatial databases would allow government institutions to identify overlapping claims, verify concession boundaries, and monitor land-use changes more effectively. According to the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (ATR/BPN, 2021), spatial data integration is a critical prerequisite for harmonizing land administration and reducing conflicts arising from inconsistent mapping systems. Through GIS-based verification, spatial planning regulations can function not merely as administrative documents but as practical instruments for legal certainty and conflict prevention.

Finally, sustainable agrarian justice requires a strong commitment to transparency and public participation. Open access to concession maps, permit information, and spatial planning data would enable local communities and civil society organizations to participate actively in monitoring corporate compliance. Public oversight serves as an important mechanism for preventing maladministration and enhancing accountability in natural resource governance. Research by Pratama and Wijaya (2023) demonstrates that transparency in spatial information significantly improves the capacity of communities to identify and challenge overlapping land claims. Therefore, democratizing access to spatial data should be regarded as an integral component of agrarian reform and legal certainty.

Ultimately, the restoration of legal certainty for local communities in Riau Province depends upon the integration of legal reform, administrative accountability, institutional coordination, technological innovation, and participatory governance. Without these interconnected measures, agrarian conflicts are likely to persist, undermining both social justice and sustainable natural resource management. As emphasized by Supriadi (2023), equitable land governance can only be achieved when legal certainty is accompanied by substantive recognition of community rights and effective mechanisms for protecting local livelihoods within contested landscapes.

CONCLUSIONS AND RECOMMENDATIONS

The study concludes that the legal certainty of local community land status within Forestry Business Permit areas in Riau Province remains highly fragile and characterized by pseudo-legality. Historical community rights evidenced through Compensation Certificates (SKGR) and long-standing physical control have been effectively marginalized by the issuance of forestry concession permits, resulting in the inability of local communities to obtain formal land ownership recognition through Freehold Certificates (SHM). The case of approximately 600 hectares of land managed by the Olak Mandiri Cooperative in Olak Village illustrates how forestry concession policies have generated legal uncertainty and increased the vulnerability of local communities to agrarian conflicts and potential criminalization. Furthermore, non-litigation dispute resolution mechanisms have proven ineffective due to unequal bargaining power between corporations and communities, as well as the absence of operational regulations that enable regional governments to enforce corrective measures effectively.

Therefore, regional governments in Riau Province should immediately strengthen agrarian governance through the issuance of technical implementing regulations for spatial planning, revitalization of the Regional Spatial Planning Coordination Team (TKPRD), and the establishment of a cross-sectoral agrarian law enforcement task force. Comprehensive audits of forestry concessions should be conducted to resolve overlapping land claims and restore community rights where legal violations are identified. In addition, the modernization of spatial supervision through an integrated Geographic Information System (GIS) and the One Map Policy, accompanied by greater transparency of concession data and public participation, is essential to support accountable, equitable, and legally

certain agrarian governance. Progressive administrative sanctions, including the cancellation of permits that violate community rights and spatial planning provisions, should be implemented as a strategic instrument for achieving sustainable agrarian justice.

ADVANCED RESEARCH

This study is limited to a normative-empirical analysis of legal certainty and dispute resolution within Forestry Business Permit areas in Riau Province. Future research is recommended to employ comparative studies across different provinces and incorporate quantitative spatial analysis using GIS and remote sensing data to measure the extent of land overlap, institutional effectiveness, and the long-term impacts of forestry concessions on community welfare and environmental sustainability.

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