

IMPLEMENTATION OF ISSUANCE OF CERTIFICATE OF RIGHTS LAND ON PEAT AREAS IN THE CITY PEKANBARU

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Abstract

Land certificates are expected to guarantee legal certainty, protect community rights, while still paying attention to the ecological function of peat as part of the environment. The purpose of this study is to analyze the implementation, obstacles, and efforts to overcome obstacles in the issuance of land title certificates in peat areas in Pekanbaru City. The method used is sociological legal research. Based on the results of the study, it is known that the implementation of the issuance of land title certificates in peat areas in Pekanbaru City has not been carried out optimally, because the issuance of land title certificates in peat areas also has the potential to cause conflicts between the legal certainty of land rights and the interests of protecting the peat ecosystem if not accompanied by strict spatial use controls. Therefore, land certification in peat areas cannot be interpreted solely as legalization of land ownership, but must be placed within a conditional legal framework that takes into account the social function of land and environmental sustainability. Obstacles are complex and multidimensional in nature, including the unclear status and function of peat areas, which requires caution from land officials to avoid conflict with spatial planning and environmental protection provisions. Furthermore, the unstable physical condition of peatland causes difficulties in measuring and establishing boundaries, thus slowing the technical certification process. From an administrative and legal perspective, weak land rights, poorly documented land ownership histories, and overlapping land ownership claims are still common. This is exacerbated by the lengthy coordination process between agencies. Meanwhile, from the community perspective, obstacles also arise from a lack of understanding of land and environmental law, as well as minimal outreach and assistance, often making it difficult for applicants to meet the stipulated requirements.

Keywords: Implementation, Certificate, Peat

INTRODUCTION

Pekanbaru City is one of the rapidly developing urban areas in Riau Province. As a center of government, trade, and services, Pekanbaru is experiencing rapid economic growth, driving increasing demand for space and land. This growth is inextricably linked to increasing urbanization and infrastructure development, leading to a growing need for land legalization through certification. However, Pekanbaru's geographic characteristics, largely comprised of peatlands, present unique challenges in land management and utilization (Udiana, 2016).

Peat is a fragile ecosystem that serves important ecological functions, such as carbon storage, flood control, and maintaining hydrological balance. Therefore, land use in peat areas cannot be separated from the principles of environmental sustainability. Peatland management in Indonesia has been strictly regulated through several regulations, including Government Regulation Number 71 of 2014 in conjunction with Government Regulation Number 57 of 2016 concerning the Protection and Management of Peat Ecosystems, which requires that all land use take into account the peat's protective function and environmental carrying capacity. In the context of Pekanbaru, many peat areas have been converted into residential areas, plantations, and even commercial areas. This change in function raises legal issues related to the legality of land ownership, legal certainty, and the potential for disputes between communities, business actors, and local governments (Bakri, 2017).

The issuance of land title certificates in peat areas presents a dilemma between development needs and the obligation to preserve the environment. The National Land Agency (BPN) of Pekanbaru City, as the authorized institution in land administration, is obliged to ensure that every certification process is carried out in accordance with agrarian law, specifically Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA), and is in line with environmental protection provisions (Sumardjono, 2019). However, in practice, obstacles still arise such as inconsistencies in spatial planning data, overlapping land ownership claims, inappropriate land use, and technical constraints in mapping peat areas that have different physical characteristics from mineral soils (Mulyanto, 2018).

Overlapping regulations governing the use and protection of peatlands. On the one hand, Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA) stipulates that all land rights must be registered to ensure legal certainty. This land registration ultimately leads to the issuance of certificates as strong evidence. However, on the other hand, peatlands are also included in the environmental legal regime, particularly through Law Number 32 of 2009 concerning Environmental Protection and Management and derivative regulations related to peat ecosystem management. As a result, there is a regulatory dualism between efforts to protect peatlands as protected ecosystems and the community's need for legal certainty regarding land ownership in these areas.

Another factor complicating the implementation of land certificate issuance on peatlands is the limitations in land mapping and measurement. The vast expanse of peatland in Pekanbaru City often lacks well-integrated data at the National Land Agency (BPN). This opens up the possibility of overlapping ownership claims, both between individuals and between communities and the private sector. This situation creates legal uncertainty, which contradicts the primary purpose of land certification. According to Maria SW Sumardjono, legal certainty in the land sector can only be achieved if the land registration process is carried out comprehensively, accurately, and free from data manipulation, thereby minimizing future conflicts (Sumardjono, 2011).

The issuance of land certificates is a crucial instrument for ensuring legal certainty over land ownership in Indonesia. This concerns not only land administration issues but also legal protection for the rights of communities as land rights holders. In Pekanbaru City, a center of economic growth in Riau Province, the need for legal certainty over land ownership is increasing with the rapid flow of development and urbanization. In this context, peatland

has become a subject of particular interest due to its unique characteristics and the challenges it presents in the certification process.

Peat soil has different ecological characteristics than mineral soil in general. Peat is a wetland ecosystem with a very high organic content, is vulnerable to damage, and requires special management. Therefore, when peat soil is included in the land law regime, particularly regarding the issuance of certificates, more complex issues arise. Certificates, as proof of legal rights to land, are essentially intended to provide legal certainty to rights holders. However, in practice, the implementation of the issuance of land title certificates in peat areas in Pekanbaru City is not without legal, technical, and social obstacles.

From a legal perspective, land certificates issued in peat areas should have the same evidentiary force as certificates for non-peat land. Certificates are strong evidence of rights and are recognized by law as stipulated in Article 32 paragraph (1) of Government Regulation Number 24 of 1997 concerning Land Registration. However, in practice, cases are still frequently encountered where the validity of land certificates in peat areas is challenged because they are deemed to be in conflict with environmental policies. Here, there is a tension between the principle of legal certainty in the agrarian sector and the principle of sustainability in environmental management. Teguh Prasetyo stated that the law does not only aim to create certainty, but must also pay attention to justice and benefits for the wider community (Prasetyo, 2015).

Furthermore, social issues are also an integral part. Many communities have traditionally occupied peatlands without legal ownership documents. Customary or *de facto* land tenure practices persist, often clashing with land administration systems that require formal documentation. In Pekanbaru City, this phenomenon is further complicated by the rapid development of the property and plantation sectors, which have increased pressure on peatlands. Land certification, in this context, concerns not only formal legal aspects but is also closely linked to the socio-economic issues of communities dependent on peatlands for their livelihoods.

The local government, along with the Pekanbaru City Land Agency (BPN), has attempted to expedite the land certificate issuance process, including through the Complete Systematic Land Registration (PTSL) program. However, this program has not immediately resolved the certification problem in peatland areas. Many certificate applications are rejected or delayed because the land is classified as protected or has a specific ecological function. This has led to frustration among the community, who feel their land rights are being ignored. According to Philipus M. Hadjon, legal protection for the community must be realized in the form of concrete legal certainty, not just at the normative level (Hadjon, 2017).

In addition to legal and administrative issues, the issuance of land certificates in peatland areas is also influenced by political and economic factors. It is not uncommon for brokering or extortion to burden the public. This situation demonstrates the lack of transparency and accountability within the land bureaucracy. This situation aligns with Satjipto Rahardjo's view, which emphasizes that law should not be limited to normative texts but rather should be a vehicle for social reform oriented toward the welfare of the people (Rahardjo, 2010).

The issue of land certificate issuance in peatland areas in Pekanbaru City is becoming increasingly relevant to study because it involves three main dimensions: legal, environmental, and socio-economic. From a legal perspective, there is an urgent need to align land regulations with environmental regulations to avoid normative conflicts. From an environmental perspective, the issuance of certificates on peatland has the potential to lead to overexploitation that threatens the ecosystem. Meanwhile, from a socio-economic perspective, legal certainty over land is a key factor in improving community welfare. Therefore, research on the Implementation of Land Certificate Issuance in Peatland Areas in

Pekanbaru City is expected to make a real contribution to addressing this multi-dimensional issue.

By looking at the complexity of the problem, this background shows that the issuance of land certificates in peat areas is not just a technical land issue, but also concerns environmental sustainability and social justice. Land certificates are expected to be able to guarantee legal certainty, protect community rights, while still paying attention to the ecological function of peat as part of the environment. Therefore, this research is important to examine the extent to which the implementation of land certification policies can run effectively in Pekanbaru City, especially on peat areas that have unique and strategic characteristics.

RESEARCH METHODS

The type of research used in the study regarding the implementation of land title certificate issuance in peatland areas in Pekanbaru City is a sociological legal research. Sociological legal research, often referred to as socio-legal research, is legal research that views law not only as a written norm but also as a social reality that exists within society. This means that this research places law within an empirical framework, where law is understood from how it works and is practiced in everyday life. With this approach, researchers can determine the extent to which legal regulations regarding land certification are actually implemented by the National Land Agency (BPN) and complied with by communities living in peatland areas.

The purpose of sociological legal research is to assess the effectiveness of law enforcement, uncover obstacles to its implementation, and explore the unwritten laws prevailing in society. In the context of peatlands, this research can demonstrate how positive law interacts with social norms, culture, and ecological interests. Thus, sociological legal research is highly relevant to understanding the issue of peatland certification, as this issue concerns not only formal legal aspects but also closely interrelated social and environmental aspects (Soekanto, 2015).

The research approach to answer problems in sociological legal research is generally as follows:

- 1) The Statute Approach is an approach used to examine all laws and regulations relating to the legal problems or issues faced.
- 2) The conceptual approach (comparative approach) is an approach that is based on the views and doctrines that have developed within legal science. This approach is important because understanding these views/doctrines can provide a foundation for developing legal arguments to resolve the legal issues at hand.

To obtain quantitative data sources for this study, this research was conducted directly in the field related to the implementation of land title certificate issuance in peatland areas in Pekanbaru City. The data collected in this study are grouped into:

- a. Primary data, namely data that the author obtains directly from respondents by conducting research in the field regarding matters related to the problem being researched.
- b. Secondary data, namely data that the author obtained through the library by reading the literature and applicable laws and regulations that are related to the problem being researched.
- c. Tertiary data for research will be obtained through dictionaries, encyclopedias and other sources to support primary data and secondary data.

To obtain and collect the data needed in this research, the author used several methods, including:

- a. Observation, namely data collection that the author carries out by means of field observations of the research object.
- b. Non-structured interviews, non-structured interviews are where the interviewer is free to ask questions related to the problem to be investigated without being tied to a list of questions.
- c. Literature review, namely a method of collecting data by reading literature that is closely related to the problem being researched, both in the form of reading books and applicable laws and regulations.

Sociological legal research data can be analyzed qualitatively. Data collected from primary, secondary, and tertiary data are then analyzed qualitatively. Qualitative analysis does not use numbers, statistics, mathematics, or the like, but rather explanations in the form of sentences presented clearly. Conclusions in empirical (sociological) legal research are drawn inductively, namely a method of drawing conclusions starting from specific things, and then drawing conclusions based on similar aspects of those specific things. The data that has been analyzed and described is then summarized using the inductive method, namely drawing conclusions from specific statements to general statements.

RESULT AND DISCUSSION

A. Implementation of issuing land title certificates in peat areas in Pekanbaru City

The implementation of land title certificate issuance in peatland areas in Pekanbaru City demonstrates complex legal dynamics due to its direct interplay with the ecological characteristics of peatlands, urban development interests, and demands for legal certainty over land rights. From the results of the normative and empirical research analyzed, it can be concluded that land title policy in peatland areas is not solely a matter of land administration, but also a manifestation of the social function of land rights and environmental protection.

The state, through Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, affirms that the land, water, and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people. This provision is the constitutional basis for the state, in this case the National Land Agency, to regulate and organize land registration, including in peat areas in Pekanbaru City. The implementation of the issuance of land certificates in these areas is basically aimed at providing legal certainty and legal protection to land rights holders, as mandated in Article 19 of Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA).

The issuance of land certificates is one of the state's primary instruments for ensuring legal certainty in the land sector. Land, as a resource with high social, economic, and political value, demands clear and orderly legal regulations to prevent prolonged conflict within society. In the context of national agrarian law, land certificates are understood not merely as administrative documents but as strong evidence of rights to a plot of land recognized and protected by state law. Therefore, discussions regarding the issuance of land certificates cannot be separated from the theoretical framework of legal certainty, legal protection, and the principle of publicity in land law (Harsono, 2013).

Normatively, the primary legal basis for issuing land certificates in Indonesia stems from Article 19 of Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA), which requires the government to organize land registration throughout the Republic of Indonesia to ensure legal certainty. This provision was then further implemented through Government Regulation Number 24 of 1997 concerning Land Registration, which expressly states that the final result of the land registration process is the issuance of a certificate as proof of title. From this perspective, land certificates are a concrete manifestation of the state's role as regulator and guarantor of legal certainty in the land sector.

In a theoretical framework, the issuance of land certificates is closely related to the theory of legal certainty as proposed by Gustav Radbruch, who stated that legal certainty is one of the fundamental values of law, alongside justice and utility. Without legal certainty, land rights will always be vulnerable to disputes and unilateral claims. Land certificates serve as a tool to stabilize the legal relationship between the subject and the object of the land, so that these rights cannot be easily challenged by other parties (Radbruch, 1950). In this case, the legal certainty provided by a land certificate is not absolute certainty, but rather relative certainty but has strong evidentiary power.

Land certificates as a result of the land registration process have the status of strong evidence as stated in Article 32 paragraph (1) of Government Regulation Number 24 of 1997. This provision states that certificates are strong evidence regarding physical data and legal data as long as the data is in accordance with that stated in the land book and measurement letter. This view is in line with the opinion of Boedi Harsono who emphasized that land certificates do not create rights, but rather prove the existence of rights that have arisen previously (Harsono, 2013). Thus, the issuance of land certificates is a legal administrative process that is declarative, not constitutive.

However, although land certificates have strong evidentiary power, Indonesian land law adheres to a negative publication system with positive elements. This means that the state does not provide absolute guarantees regarding the material accuracy of the data contained in land certificates. Consequently, certificates can still be challenged if they are proven to contain legal defects, whether administrative or substantive. This demonstrates that the issuance of land certificates must be carried out carefully, transparently, and accountably to ensure the goal of legal certainty is truly achieved (Santoso, 2017).

From the perspective of legal protection theory, land certificates serve as a means of preventive and repressive legal protection for rights holders. Philipus M. Hadjon explains that preventive legal protection aims to prevent disputes through clear and open procedures, while repressive legal protection aims to resolve disputes that have already occurred through judicial mechanisms (Hadjon, 2014). In the context of land certificate issuance, preventive protection is realized through the land registration stages, which include physical data collection, legal data research, data announcement, and certificate issuance. Meanwhile, repressive protection is reflected in the existence of legal remedies for parties harmed by the issuance of legally flawed certificates.

The issuance of land certificates also has a sociological dimension that cannot be ignored. In many regions, particularly those with customary or long-standing land tenure, the certification process often faces various obstacles, such as limited written evidence, land boundary conflicts, and poor public understanding of land law. In such circumstances, the state is required to not only adhere to normative aspects but also pay attention to aspects of substantive justice. Satjipto Rahardjo emphasized that law must be understood as a means to serve humanity, not the other way around (Rahardjo, 2010). Therefore, the issuance of land certificates must be carried out with a humanistic approach and be responsive to the social realities of society.

Decree of the Minister of Environment and Forestry of the Republic of Indonesia Number: SK. 7099/MENLHK-PKTL/IPSDH/PLA.1/8/2019 Concerning Determination of Indicative Map for Cessation of New Permits for Primary Natural Forest and Peatland in 2019 regarding point eleven letter d that land owned by individual communities in Other Use Areas (APL) as long as it is accompanied by evidence of land rights/other proof of ownership issued before the Decree of the Minister of Forestry Number SK.323/Menhut-II/2011 and the results are reported to the Minister of Environment and Forestry through the Director General of Forestry Planning and Environmental Management.

Point Twelfth letter a for individual communities as referred to in the ELEVENTH Amar letter d after receiving legalization of proof of ownership of land rights/other proof of ownership and plotting of the area from the District/City Land Office can submit a request for clarification regarding the Indicative Map for the Termination of the Issuance of New Permits and the status of the land to the Director General of Forestry Planning and Environmental Management cq Director of Forest Resource Inventory and Monitoring;

The issuance of land certificates has broad legal implications, including in civil law, state administration, and economics. In civil law, land certificates serve as the basis for various legal acts such as sales, gifts, inheritance, and the assignment of mortgages. In state administrative law, the issuance of land certificates constitutes a state administrative decision, the validity of which can be tested through state administrative courts if deemed unlawful. Meanwhile, in the economic sector, land certificates serve credit (important instrument for accessing capital because they can be used as collateral for credit (Sumardjono, 2018)). Thus, the issuance of land certificates cannot be viewed as merely an administrative activity, but rather as a complex and multidimensional legal process. The success of land certificate issuance in realizing legal certainty depends heavily on the consistent application of laws and regulations, the professionalism of land officials, and active community participation. Without synergy between normative, theoretical, and empirical aspects, land certificates have the potential to become a source of new conflicts rather than a solution to land problems.

The research results show that the implementation of land registration provisions in peat areas faces structural and substantial obstacles. Peat areas have physical characteristics such as wet soil, are prone to contour changes, and are vulnerable to environmental damage if not managed sustainably. This condition has a direct impact on the process of measuring, mapping, and determining land boundaries as administrative requirements for certificate issuance. In practice in Pekanbaru City, there are plots of land that have been sociologically controlled and utilized by the community for a long time, but legally do not fully meet the formal requirements for registration because the status of peat areas falls under spatial and environmental control (Harsono, 2018).

From the perspective of the theory of legal certainty, as proposed by Gustav Radbruch, the law must contain three basic values: justice, utility, and legal certainty. In the context of land certification in peat areas, legal certainty through the issuance of certificates often conflicts with aspects of utility and ecological justice. Issuing certificates without controlling land use has the potential to encourage massive conversion of peatland, which ultimately harms public interests and the environment. Therefore, the research results indicate that the implementation of land certificate issuance in peat areas in Pekanbaru must be placed within the framework of conditional legality, namely legality accompanied by certain restrictions interests (for the sake of broader interests) (Radbruch, 2014).

The regulation of peat areas as part of the environment is regulated in Law Number 32 of 2009 concerning Environmental Protection and Management and is strengthened by Government Regulation Number 57 of 2016 in conjunction with Government Regulation Number 71 of 2014 concerning the Protection and Management of Peat Ecosystems. This provision emphasizes that the use of peatlands must take into account both their protective and cultivation functions. In practice in Pekanbaru City, the issuance of land certificates in peat areas is generally permitted as long as they are located within the cultivation function zone and are not included in the peat protection area. However, research results found that public understanding of peat zoning is still relatively low, resulting in frequent certification applications for land for which spatial planning rights cannot be issued.

From the perspective of the legal protection theory proposed by Philipus M. Hadjon, legal protection encompasses preventive and repressive protection. The implementation of land certificate issuance in peat areas in Pekanbaru can be categorized as a form of preventive

legal protection, because through land registration, the state seeks to prevent disputes, overlapping rights, and illegal land acquisition. However, such protection will be effective if supported by transparent procedures, clear information regarding the status of peat areas, and consistent policies between land agencies and environmental agencies (Hadjon, 2011).

The research also shows that a legal approach alone is insufficient to ensure the successful implementation of land certification in peat areas. Sociological and ecological approaches are crucial factors that must be integrated into land policy. In this regard, Satjipto Rahardjo's perspective on progressive law is relevant, where law is not understood strictly as a normative text, but as a means to achieve prosperity and substantive justice. The issuance of land certificates in peat areas must be directed not only at providing formal legality but also at ensuring that land use does not damage the ecological function of peat as an environmental buffer (Rahardjo, 2010).

In the context of Pekanbaru City, which is experiencing urban growth and high land demand, land certification in peat areas has strategic implications for spatial planning policies. Land certificates, as strong evidence of rights as regulated in Article 32 paragraph (1) of Government Regulation Number 24 of 1997 concerning Land Registration, can be a control instrument if accompanied by clear restrictions on land use in the land book and certificate. Thus, certification is not interpreted as legitimizing the free conversion of land functions, but rather as a means of regulating sustainable spatial use.

Based on the research results and discussion, it can be concluded that the implementation of land title certificate issuance in peat areas in Pekanbaru City has been carried out normatively in accordance with the national land law framework, but still faces challenges in technical, ecological, and institutional coordination aspects. It is necessary to harmonize policies between agrarian law and environmental law, increase public legal awareness, and apply the precautionary principle in every land title issuance in peat areas. With this approach, the goal of land registration to ensure legal certainty can be achieved without sacrificing environmental sustainability.

B. Obstacles in the implementation of issuing land title certificates in peat areas in Pekanbaru City

Obstacles to the implementation of land title certificate issuance in peatland areas in Pekanbaru City are multidimensional issues stemming not only from normative legal aspects but also from ecological conditions, institutions, and the level of public legal awareness. Research findings indicate that land certification in peatland areas cannot be fully equated with non-peatland areas, as the characteristics of peatland give rise to different legal and technical consequences.

The research results show that the implementation of land title certificate issuance in peatland areas in Pekanbaru City faces multidimensional obstacles, not only related to the administrative aspects of land management, but also closely intersecting with the ecological characteristics of peatlands and the disharmony in legal regulations between the agrarian and environmental sectors. These obstacles ultimately affect the effectiveness of land registration as an instrument for achieving legal certainty and legal protection for the community.

Based on the author's observations, the obstacles to the implementation of land title certificate issuance in peat areas in Pekanbaru City are generally multidimensional, encompassing legal, technical, administrative, and environmental aspects. From a legal perspective, weak land rights and overlapping land ownership are still common. From a technical perspective, the unstable physical characteristics of peat complicate the measurement and mapping process. From an administrative perspective, the lengthy coordination between agencies impacts the length of the certificate issuance process. Meanwhile, from an environmental perspective, caution in maintaining the ecological

function of peat is a primary consideration that indirectly slows down the certification process. Thus, these obstacles indicate that the issuance of land title certificates in peat areas is not merely a land administration issue, but is also closely related to environmental protection and regional spatial planning policies.

The first and most dominant obstacle found in this study is the normative and regulatory obstacle stemming from overlapping regulations between land law and environmental law. Normatively, land registration in Indonesia is regulated by Law Number 5 of 1960 concerning Basic Agrarian Regulations, which emphasizes that all land rights must be registered to ensure legal certainty. This provision is reinforced in Government Regulation Number 24 of 1997 concerning Land Registration, which requires the state to carry out comprehensive land registration. However, in the context of peat areas, these regulations must be confronted with the environmental legal regime, specifically Law Number 32 of 2009 concerning Environmental Protection and Management and Government Regulation Number 71 of 2014 in conjunction with Government Regulation Number 57 of 2016 concerning Peat Ecosystem Protection and Management.

In practice in Pekanbaru City, land rights cannot be granted to all peat areas, as some areas are designated as protected peat areas with legally restricted use. This situation creates uncertainty for communities who have actually controlled and utilized the land for years, but face legal obstacles in the certification process. This lack of synchronization between land and environmental policies places land officials in a dilemma between their obligation to provide legal certainty for land rights and their obligation to preserve peat ecosystems. From the perspective of the legal certainty theory put forward by Gustav Radbruch, the law is not only required to provide certainty but must also consider the values of utility and justice. When land norms are applied rigidly without considering environmental norms, the resulting legal certainty has the potential to harm ecological justice and the public interest (Radbruch, 2014).

The second obstacle identified in this study is the technical and administrative barriers to land registration in peat areas. Peatlands have different physical characteristics than mineral soils, such as high humidity levels, low soil bearing capacity, and changes in the land surface due to subsidence. These conditions directly affect the accuracy of land measurement and mapping, which is a crucial stage in the land certificate issuance process. In practice, surveyors often face difficulties in determining land boundaries precisely because boundary markers can easily shift or disappear due to unstable soil conditions (Harsono, 2013). In addition, administrative obstacles also arise due to limited physical and legal data held by land certificate applicants. Many plots of land in the peatland area of Pekanbaru City are still based on traditional rights, such as land certificates or hereditary physical ownership, without adequate formal document support. This causes the process of proving rights to be longer and more complex, thus delaying the issuance of certificates. From the perspective of legal protection theory, as stated by Philipus M. Hadjon, preventive legal protection can only be realized if administrative procedures are implemented clearly, simply, and are accessible to the public. When land registration procedures face technical obstacles that are not adequately anticipated, the goal of legal protection through certification becomes difficult to achieve (Hadjon, 2017).

The third obstacle identified in this study is sociological and institutional barriers related to the community's low level of legal understanding and weak inter-agency coordination. Many people in the peatland areas of Pekanbaru City still view land certificates solely as proof of absolute ownership, without understanding the social function of land and the restrictions on land use inherent to land rights in peatland areas. This perception fosters unrealistic expectations regarding the certification process, leading to dissatisfaction and potential conflict between the community and the government when certificate applications are rejected or restricted (Santoso, 2017).

On the other hand, research results indicate that coordination between land agencies, environmental agencies, and local governments is not yet optimal. Differences in interpretation of peatland status, spatial planning, and land use often lead to inconsistent policies in the field. This condition aligns with Satjipto Rahardjo's view, which emphasizes that law cannot function effectively if it is only understood as a normative text, without the support of legal awareness and institutional synergy. Law, within a progressive legal framework, must be able to respond to social and environmental realities contextually, not simply follow formal procedures (Rahardjo, 2010).

Obstacles to the implementation of land title certificate issuance in peat areas in Pekanbaru City demonstrate that land certification issues cannot be viewed solely as administrative issues. Normative-regulatory, technical-administrative, and sociological-institutional barriers are interrelated and mutually reinforcing. Therefore, resolving these barriers requires an integrative approach that harmonizes agrarian and environmental law, improves the technical capacity of land officials, and strengthens public education and legal awareness. In this way, land registration in peat areas can function optimally as an instrument of legal certainty that is just and sustainable.

C. Efforts to Overcome Obstacles in the Implementation of Issuance of Land Title Certificates in Peat Areas in Pekanbaru City

Addressing the obstacles to the issuance of land title certificates in peatland areas in Pekanbaru City is an urgent need stemming from the complexity of agrarian law issues that directly intersect with environmental law. Based on the research findings, the normative, technical-administrative, and sociological-institutional obstacles outlined above cannot be resolved in isolation but require an integrative approach that integrates legal certainty, environmental protection, and social justice. Therefore, the government's efforts to address these obstacles must be placed within a legal policy framework oriented toward sustainable development.

Theoretically, the state has a constitutional obligation to regulate, manage, and supervise the use of land and natural resources for the greatest prosperity of the people as mandated by Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. This obligation not only includes providing legal certainty through the issuance of land certificates, but also ensuring that land use, especially in peat areas, does not cause environmental damage that has a systemic impact. Therefore, efforts to overcome obstacles to land certification in peat areas must be understood as part of the state's responsibility in carrying out the state's control function over land and the environment.

Based on the author's observations, the obstacles in efforts to overcome obstacles in the implementation of the issuance of land title certificates in peat areas in Pekanbaru City are basically done through cross-sector coordination, increased administrative caution, and providing assistance to the community. However, there are still obstacles in these efforts, including limited human and technical resources, less than optimal integration of land and environmental data, and the still low level of legal understanding of the community regarding the characteristics of peat soil. These conditions cause the efforts made to not be fully effective and require strengthening policies, increased socialization, and more intensive synergy between the government and the community so that the goal of providing legal certainty of land rights in peat areas can be achieved sustainably.

The research results show that the most fundamental first step in overcoming obstacles to land certificate issuance in peat areas is strengthening the harmonization and synchronization of regulations between agrarian law and environmental law. To date, the disharmony between Law Number 5 of 1960 concerning Basic Agrarian Regulations and Law Number 32 of 2009 concerning Environmental Protection and Management, as well as

Government Regulation Number 71 of 2014 in conjunction with Government Regulation Number 57 of 2016 concerning Protection and Management of Peat Ecosystems, has been a major source of legal uncertainty in land certification practices. Regulatory harmonization is needed so that land officials have clear and uniform guidelines in determining which land parcels can be issued certificates and which land parcels must be restricted due to the peat's protective function.

From the perspective of Gustav Radbruch's theory of legal certainty, good law must be able to balance certainty, justice, and utility. Harmonizing agrarian and environmental regulations is a concrete manifestation of efforts to balance these three values. Legal certainty is realized through clear norms and certification procedures, justice is realized by protecting the rights of communities who have legally acquired land, and utility is realized through protecting peat ecosystems for the benefit of the public and future generations. Thus, regulatory harmonization is not only a technical matter of legislation, but also a philosophical necessity in enforcing land law in peat areas (Radbruch, 2014).

The second effort identified in the research findings is strengthening the technical and institutional capacity of land officials in implementing land registration in peat areas. The unstable physical characteristics of peatland, its susceptibility to subsidence, and its difficult to determine natural boundaries, require a different technical approach compared to land registration in non-peat areas. Therefore, improving the competence of surveyors, utilizing modern mapping technology, and integrating physical and legal data are strategic steps to minimize measurement errors and the potential for future disputes (Harsono, 2018).

Institutional strengthening also includes improving cross-sectoral coordination between land offices, environmental agencies, and local governments. Research shows that weak inter-agency coordination often leads to differing interpretations of peatland status and land use, thus delaying the land certificate issuance process. In this context, establishing a permanent and integrated coordination mechanism, for example through a shared database and regular coordination forums, is one solution to ensure policy consistency at the implementation level (Sumardjono, 2014).

From the perspective of the legal protection theory put forward by Philipus M. Hadjon, these efforts to strengthen technical and institutional capacity are part of preventative legal protection. Preventive legal protection aims to prevent disputes and legal violations from the outset through clear, transparent, and accountable procedures. With land officials possessing adequate technical capacity and supported by good institutional coordination, the issuance of land certificates in peat areas can be carried out more carefully without sacrificing legal certainty for the community (Hadjon, 2011).

A third, equally important effort is increasing legal awareness and public participation in the land certification process in peat areas. Research shows that some residents in Pekanbaru City still perceive land certificates as proof of absolute ownership, granting complete freedom to use the land. This perception contradicts the principle of the social function of land rights as stipulated in Article 6 of the Basic Agrarian Law, which emphasizes that every land right has a social function and may not be used solely for personal gain.

Increasing public legal awareness needs to be done through ongoing outreach regarding the status of peat areas, restrictions on land use, and the rights and obligations of land certificate holders. From the progressive legal perspective put forward by Satjipto Rahardjo, law should not only be understood as a collection of written norms, but also as a social process involving public awareness and participation. Therefore, land certification in peat areas should be positioned as a means of legal education that encourages the public to understand that legal certainty of land rights must go hand in hand with the responsibility to maintain environmental sustainability (Rahardjo, 2010).

Public participation in the land certification process can also serve as an instrument of

social control over land policies. By involving the public from the initial stages of land registration, the state can minimize conflict, increase policy legitimacy, and ensure that the issuance of land certificates does not conflict with local social and ecological conditions. This participation aligns with the principles of good governance, which emphasize transparency, accountability, and public participation in government administration.

The research and discussion results indicate that efforts to overcome obstacles in implementing land title certificate issuance in peatland areas in Pekanbaru City must be carried out through three main, integrated approaches: harmonization of agrarian and environmental regulations, strengthening the technical and institutional capacity of land officials, and increasing legal awareness and public participation. These three efforts cannot be separated from each other, as failure in one aspect will directly impact the effectiveness of the others.

With this integrative approach, it is hoped that the issuance of land certificates in peat areas will not only provide legal certainty and protection for the community, but also serve as an instrument for controlling environmentally conscious spatial use. Thus, the objectives of land registration, as mandated by the Basic Agrarian Law and its implementing regulations, can be achieved in a just and sustainable manner, particularly within the context of the continuing development of Pekanbaru City.

CONCLUSIONS

The implementation of land title certificates in peatland areas in Pekanbaru City has not been optimally implemented, as the issuance of land title certificates in peatland areas also has the potential to create conflicts between legal certainty of land rights and the interests of protecting peatland ecosystems if not accompanied by strict spatial utilization controls. Therefore, land certification in peatland areas cannot be interpreted solely as legalization of land ownership, but must be placed within a conditional legal framework that takes into account the social function of the land and environmental sustainability.

Obstacles to the implementation of land title certificate issuance in peat areas in Pekanbaru City are complex and multidimensional. The main obstacles include the unclear status and function of peat areas, particularly regarding the distinction between protected and cultivated peat areas, which requires caution from land officials to avoid conflicts with spatial planning and environmental protection regulations. Furthermore, the unstable physical condition of peat soils causes difficulties in measuring and determining boundaries, thus slowing the technical certification process. From an administrative and legal perspective, there are still many weak land title bases, poorly documented land ownership histories, and overlapping land ownership claims. This is exacerbated by the lengthy inter-agency coordination process, particularly in obtaining environmental recommendations, which impacts the uncertainty of the completion time for certificate issuance. Meanwhile, from the community perspective, obstacles also arise from a lack of understanding of land and environmental law, as well as minimal outreach and assistance, often making it difficult for applicants to meet the stipulated requirements.

Efforts to Overcome Obstacles in the Implementation of Land Title Certificate Issuance in Peat Areas in Pekanbaru City are efforts to overcome obstacles in the implementation of land title certificate issuance in Pekanbaru City in principle have been directed at strengthening cross-sector coordination, increasing administrative and technical caution, as well as mentoring and outreach to the community. The National Land Agency strives to synchronize land data, spatial planning, and peat area functions, while environmental agencies emphasize the clarity of protected and cultivated peat area boundaries

and the protection of peat's ecological functions. From the community's perspective, increasing document readiness, compliance with procedures, and understanding of land law are important factors in facilitating the certification process.

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