

## AGRARIAN CONFLICT OVER LAND OF PT. INDONESIAN RAILWAYS IN LANGKAT: AN ANALYSIS OF POSITIVE LAW AND ISLAMIC LAW

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### ABSTRACT

The issue of land use by PT. Kereta Api Indonesia (Persero) in Langkat Regency from the perspective of positive law and Islamic law. The main problem lies in the widespread use of land owned by PT. KAI by the community without legal permission, which has led to conflicts over land ownership and control. From the perspective of positive law, this study examines the legal basis for PT. KAI's ownership of the land under Law No. 5 of 1960 on the Basic Principles of Agrarian Law (UUPA), Law No. 23 of 2007 on Railways, and Ministry of State-Owned Enterprises Regulation No.PER-13/MBU/09/2014 on Guidelines for the Management of State-Owned Enterprises' Fixed Assets. These provisions affirm that land assets owned by PT. KAI are part of the state's wealth, managed professionally, and protected by law. This study employs a normative and empirical approach. The normative approach is used to analyze the legal provisions governing the status and management of land, while the empirical approach is conducted through field studies and interviews to uncover the social dynamics and actual practices of land utilization. The normative approach is used to examine the legal provisions governing the status and management of land, while the empirical approach is conducted through field studies and interviews to uncover the social dynamics and actual practices of land utilization. The analysis revealed that weak supervision and the absence of an effective social approach have led to many residents unlawfully occupying or utilizing land. From an Islamic legal perspective, such actions contradict the principles of al-amanah (trust), al-milkiyyah (property rights), and 'adalah (justice), and are inconsistent with the concept of tasarruf which requires that the right to utilize land be exercised lawfully and without harming others. This study recommends the enforcement of strict yet humane laws by PT. KAI, accompanied by mediation and consultation with the community. Harmonization between positive law and Islamic legal values Harmonization between legal and Islamic legal values needs to be strengthened to create fair, sustainable, and humanitarian resolutions to agrarian conflicts.

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## INTRODUCTIONS

PT Kereta Api Indonesia (KAI) in its establishment process cannot be separated from the long history of railways that has existed since the Dutch colonial period. The first railway line in Indonesia was the Semarang–Vorstenlanden (Solo–Yogyakarta) track which was built in Kemijen Village. The inauguration of the construction of the line was carried out on June 17, 1864 by the Governor General of the Dutch East Indies, Mr. L.A.J. Baron Sloet van de Beele. This project is carried out by a private company called *Naamloze Vennootschap Nederlandsch Indische Spoorweg Maatschappij* (NV. NISM) using a 1435 mm rail width. (Yolanda et al., 2025)

Etymologically, the term Grondkaart comes from the Dutch language, where the word grond means land and kaart means map. In the context of terminology, Grondkaart is understood as a technical description or survey letter that is the result of soil measurement and mapping activities. This document serves as a reference in proving land ownership. During the colonial period, the Grondkaart was used as a means of controlling land controlled by railway companies. Thus, the land recorded in the Grondkaart is the only authentic evidence that shows that PT Kereta Api Indonesia (PT KAI) has rights to land and building assets inherited since the era of Dutch colonial rule. (Rumondang et al., 2024)

Inseparable from the history of the beginning of railway development in Indonesia, the grondkaart used by PT. KAI to take over the assets. The railway was designed by the State Railway Company, or Staat Spoorwegen (SS), and has been in operation since 1878. In addition, there is a Private Railway Company, or Verenigde Spoorwegbedrijf (VS), which has been in operation since 1867. (Teguh, 2020)

PT Kereta Api Indonesia (Persero), hereinafter referred to as KAI, is one of the State-Owned Enterprises (SOEs) that has the authority to provide, manage, and implement railway transportation services in Indonesia. In line with the development of the business world and increasing market needs, KAI is currently also developing various supporting business activities by utilizing the potential of its resources. These activities include the management of railway services, the implementation of train-based tourism, restaurant services both on the train and at the station, as well as the provision of catering and logistics distribution services. (Karini, 2021)

The land belongs to PT. Indonesian Railways (PT. KAI) is spread across various regions in Indonesia and has the status of a state asset managed by this state-owned company. Currently, PT. Indonesian Railways (PT. KAI) has a lot of inactive land spread across various regions in Indonesia. These lands are assets owned by PT. KAI that is not used for railway operations, such as dead rails, abandoned stations, and vacant land used by railway lines. Director of Safety and Security of PT Kereta Api Indonesia (Persero) Sandry Pasambuna said that PT. KAI has 270.3 million square meters of land/land assets. These land assets are spread across a number of regions in Indonesia such as Java, Sumatra, and Madura. However, in total, PT. KAI actually owns and controls assets up to 327.8 million square meters. With this amount, 57.5 million square meters of which have been worked on with the Ministry of Transportation (Kemenhub), so that assets beyond that are 270.3 million square meters.

PT KAI as a State-Owned Enterprise (BUMN) generally holds land rights in the form of Land Management Rights (HPL) or Use Rights from the state. This land use must comply with the regulations contained in the UUPA and related government regulations, including spatial planning regulations. For example, Regulation of the Minister of Agrarian Affairs (PMA) Number 9 of 1965 regulates the transfer of land functions controlled by state institutions, including PT KAI. It is stipulated that land controlled by the state is converted into Right of Use (right of use) if used for government purposes, and changed to Right of Management (right to manage) if intended for other people. (Iffan et al., 2019)

Currently, land use and control consists of two aspects: physical and juridical control. A right-holder protected by law usually has physical control over the land in question. In connection with the utilization and control of land

owned by PT. Indonesian Railways (Persero) (PT. KAI), the goal is to utilize the land to develop and increase the potential and role of railways with facilities, infrastructure and supporting facilities.

In its development, there are many problems related to the use of state land, including the land assets of PT. KAI, which is used by organizations or individuals (third parties), either legally (officially) or illegally (unofficially). This condition is caused by the lack of understanding of the law that regulates the use and status of land of PT. KAI as state land. Currently, there are still many lands owned by PT Kereta Api that have not been used according to their designation or to support railway operations. This dormant land often causes various complex problems in the community. Here are some of the key issues that arise:

1. Land Disputes Disputes often arise between PT KAI and communities living along the railroad tracks or in former installations, especially when PT KAI claims the land as its assets under existing regulations. These disputes can lead to evictions, which often face resistance from long-time residents.
2. Unclear Legal Status There is uncertainty regarding the legal rights of people who use PT KAI's land, especially if they do so without a valid permit. This ambiguity could cause problems if PT KAI decides to reuse its assets.
3. Default (Breach of Contract) Problems arise in the land lease agreement with PT KAI when the community misuses the land or does not return it after the agreement ends. PT KAI will take possession of the land and ask the tenant to immediately vacate and return the land to PT KAI.
4. Conflict of Claims The community sometimes tries to obtain a land certificate on PT KAI's property, but this is opposed by PT KAI, thus potentially giving rise to a lawsuit. (Chandra et al., 2017)

In fact, the use of land assets owned by PT. Indonesian Railways (KAI) by third parties can occur through various cooperation schemes, such as lease agreements, build for handover (BOT), build handover, operational cooperation, business cooperation, and land use rights above Management Rights (HPL). This is in accordance with the Attachment to the Letter of the Head of the National Land Agency No. 500-1255 dated May 4, 1992, PT. Indonesian Railways (Persero) (PT. KAI) is a state-owned enterprise that is allowed to conduct business of leasing asset land in accordance with the agreement stipulated in the Regulation of the Minister of SOEs No.PER-04/MBU/08/2017 concerning Guidelines for SOE Cooperation in the context of asset utilization if In addition, the Decree of the Board of Directors of PT KAI (Persero) No.KEP.U/KL.104/V/1/KA-2017 concerning Guidelines for the Implementation of Long-Term Fixed Assets and the Decree of the Board of Directors of PT KAI (Persero) No.KEP.U/KA.102/IV/1/KA-2016 concerning Guidelines for the Implementation of the Company's Fixed Assets for A period of 5 (five) years must be used to carry out cooperation in the utilization of PT KAI's assets. (Lukman, 2024)

The problems described above are not much different from the results of the researcher's initial observations in the field about the land use problems of PT. KAI in three sub-districts, namely Kuala, Finish, and Binjai sub-districts in Langkat district. Researchers found a phenomenon where people use a lot of land from PT. KAI without any form of cooperation or can be said to be illegal. This corresponds to the following symptoms:

1. Many people erect buildings on the land of PT. KAI.
2. Many people apply the land of PT. KAI by planting various kinds of hard plants such as palm oil.
3. There is a village office building that stands on the land of PT. KAI.
4. There is a house of worship built on the land of PT. KAI.
5. There are people who lease the illegal land back to other communities.

The above problems, when viewed from the perspective of Islamic law, can be categorized as Jarimah Takzir, namely the use of state land without a permit. The authority to impose punishment should be with the ruler or the government. The form of punishment is not specifically stated, but is the authority of the ruler.

The urgency of research on land use problems by PT Kereta Api Indonesia (KAI) in the perspective of positive law and Islamic law in Indonesia can be carried out by optimizing the use of research assets needed to develop appropriate and ideal land use policies and in line with applicable land laws. This is important because most of PT KAI's land assets are not used for railway business activities.

Based on the explanation of the background of the problem that has been described, there are several problems that can be identified in this study. First, what is the legal position of the land owned by PT. KAI in Lalat Regency. Second, what is the public's perception of the land status of PT. KAI in the area. Third, how to use the land owned by PT. KAI by the community when viewed from the perspective of positive law and Islamic law. Fourth, how to analyze the legal solutions that can be offered in overcoming land use problems of PT. KAI in Lalat Regency.

In order not to extend the discussion beyond the context of the research, the author limits the scope of this research only to the land use problems of PT. KAI in Langkat Regency, with a focus on three sub-districts, namely Kuala District, Finish District, and Binjai District. The analysis in this study is limited to two perspectives, namely positive law and Islamic law, so that the discussion can be carried out in a more targeted and in-depth manner. This research is entitled "Land Use Problems of PT. KAI in Langkat Regency Perspective on Positive Law and Islamic Law" which is expected to provide a comprehensive understanding of the issue.

## METHOD

This study uses a combined approach between *normative legal research* and *empirical legal research*. According to Soerjono Soekanto, normative legal research is research that focuses on the study of literature materials or secondary data, while empirical legal research is carried out by examining the reality that occurs in practice in the field. (Muhammad, 2024)

Normative legal research in this context is used to examine and analyze positive legal regulations on the use and utilization of state land by the community in general. The law that regulates this is contained in the Regulation of UUPA Law Article 2 of Government Regulation Number 16 of 2004 which is more clearly stated in Law Number 23 of 2007 is the Law on Railways. This law regulates various aspects related to railways in Indonesia, including infrastructure, facilities, human resources, as well as norms, criteria, requirements, and procedures for the implementation of railway transportation. (Bachtiar, 2019)

Data collection in this study was carried out through two main techniques, namely literature studies and field studies. Literature studies aim to obtain primary, secondary, and tertiary legal materials that are relevant to the research topic. This process includes the collection and sorting of legal materials based on relevance, grouping according to hierarchy, systematic preparation, and content analysis to find meanings, patterns, and relationships between legal concepts.

Meanwhile, field studies were conducted in Binjai, Finish, and Kuala Districts through in-depth interviews, direct observation, and documentation. In-depth interviews were conducted with the people occupying the land, officials of related agencies, and community and religious leaders to explore information about perceptions, legality, and legal solutions that may be applied. The interviews were conducted in a semi-structured manner, recorded with the informant's permission, and transcribed for analysis. In addition, direct observation is carried out to observe community activities, socio-economic conditions, and land use, while documentation is used to obtain secondary data from archives, reports, and other written documents.

Data analysis uses a qualitative approach with three main methods. First, content analysis that focuses on legal materials through the process of identification, coding, interpretation, synthesis, and drawing conclusions. Second, the analysis of interactive models that includes the process of collecting, condensing, presenting, and drawing conclusions cyclically and continuously. Third, triangulation is carried out through comparisons between data collection methods, various sources of information, as well as perspectives from positive legal theory and Islamic law to ensure the validity and validity of research findings.



This research was carried out in Langkat Regency, precisely in Binjai, Finish, and Kuala Districts. This location was chosen because it has the potential for conflicts related to PT. KAI and is an area with the historic Binjai-Kuala railway line which was built in 1890. The line ceased operations in 2002 due to flash floods of the Binge River that damaged the connecting bridge, cutting off the railway line.

## RESULT AND DISCUSSIONS

### Land Utilization Owned by PT. KAI by the community according to positive law and Islamic law

PT Kereta Api Indonesia (PT KAI) is a State-Owned Enterprise (BUMN) that manages railway infrastructure, including land and building assets used for railway activities. The land assets controlled by PT KAI are actually state assets controlled by government agencies, especially the Department of Land Transportation cq. Directorate General of Railways. PT KAI does not own the land personally, but manages the land for the purpose of railway operations. (Masrohatin et al., 2024)

Land used for basic infrastructure such as railroads, buildings, and railway devices is granted with use rights as long as it is still used for active traffic on behalf of the Department of Transportation. For land other than basic infrastructure, PT KAI can obtain a Building Use Rights (HGB) for 30 years or management rights if the land is also used by other parties (third parties). (Pratiwi et al., 2023)

The management, utilization, and transfer of PT KAI's assets must be in accordance with laws and regulations, including the Regulation of the Minister of Finance No. 96/PMK.06/2007 which regulates the procedures for the use of state-owned goods. Land and buildings that are no longer used must be handed back to the manager of state goods, namely the Minister of Finance. (Teguh, 2020)

In the Islamic view, the land and the entire universe are believed to belong to Allah SWT. Man is only given the right as a caliph (manager) on earth to utilize and maintain the land according to the limits and laws of Allah. The property rights acquired by humans, both individuals and groups, are relative and limited and must be used with social and spiritual responsibility.

- First, khalafiyah (replacement), which is the process of placing a new party in the position of the previous party who has lost his ownership rights.
- Second, at-tawallud min al-mamlūk (ownership of something that comes from the object owned), that is, every product or something that arises from the object belonging to a person becomes the right of the owner of the object.
- Third, iḥrāz al-mubāḥāt (ownership through the possession of something mubah), i.e. the possession of property that does not fall into the legal possession of another person and there is no shari'a prohibition on owning it.
- Fourth, al-'uqūd (akad), which is the cause of ownership born from a handover transaction or agreement that causes the transfer of property rights. (Aulia et al., 2024)

Thus, the Islamic economic system has provided an explanation of the concept of ownership (al-milkiyyah) which is divided into three categories:

1. Personal ownership (*al-milkiyyāt al-fardiyyah*), which is the status of sharia law over an object that gives individuals the right to use and manage it (taṣarruf) in accordance with the provisions of sharia.
2. Public ownership (*al-milkiyyāt al-'āmmah*), which is property whose use is allowed by the Shari'a to be used jointly by the wider community, so that it cannot be monopolized or controlled by a few parties.
3. State ownership (*milkiyyāt al-dawlah*), i.e. property whose management is permissible by the Shari'ah is under the authority and supervision of the caliph or state, who has the right to regulate or specialize its use for certain parties according to the benefits. Muslims or people according to their ijtihad. The state is

responsible for the wealth it owns and maintains, manages, and uses it for the benefit of its people, in the purposes of war, managing the government, employees, providing education, providing public facilities, enforcing the law. and justice, helping the poor, and other matters related to the interests and welfare of the people. (Harahap & Tanjung, 2022; Hikam & Khasanah, 2023)

In Islam itself there are rules on how to obtain land and land ownership. Land ownership in Islam can be obtained through several ways regulated by shari'i:

- a) Selling
- b) Inheritance
- c) Hibah (grant)
- d) Ihya'ul mawat (reviving dead land): Land that is not owned and not used becomes the property of the person who first brought it to life, for example by cultivating crops or building on it.
- e) Tahjir (making a boundary on dead land): Marking and claiming dead land that no one owns.
- f) Iqtha' (state gift): The state can give state-owned land to individuals or groups who are considered capable of managing it. (Aaron, 2022; Herlambang, 2019)

State Owned Land or often called state land is land that is directly controlled by the state and not attached to land rights by other parties. This means that the land is not waqf land, customary land, or state/regional property assets (BMN/BMD). In agrarian law terms in Indonesia, it is more appropriately referred to as "state-controlled land" than "state-owned land", because the state does not act as a private owner of the old concept of "domein verklaring", but rather as a "public ruler" who regulates and organizes the allocation, use and maintenance of land for the prosperity of the people. (Silvia, 2020)

Land Owned by the Ummah (Public Ownership) in Islam is a type of land or property ownership that is not owned by the individual or by the state, but is managed for the common benefit of mankind and used collectively by the community. In the concept of Islam, everything really belongs to Allah SWT, and humans are only as managers or beneficiaries who are entrusted to be used for the welfare of everyone. (Megawati, 2022)

Characteristics and Definition of Land Owned by the Ummah:

- a. Ownership is collective: This land is not owned by individuals, nor is it privately owned by the state, but is managed for public benefits such as highways, rivers, grasslands, municipal parks, or shared natural resources.
- b. Not to be traded privately: Because this public property is a necessity for many people's lives, Islam prohibits any party from claiming private ownership of it.
- c. Managed by the state as a representative of the people: The state plays the role of a manager and accessor, not as an absolute owner. The function of the state is to ensure that the benefits of this land can be enjoyed by all citizens without discrimination or monopoly.
- d. Ensuring benefits for all people: The use of land owned by the people must be fair, not detrimental to other parties, and aims at social and economic benefits in general.
- e. Theological basis: Based on the belief that Allah is the true owner of the universe, while humans only receive the trust, so that the management of common ownership must be in accordance with the sharia and Islamic moral values that demand justice and balance. (Adipka et al., 2018; Horses, 2020)

Examples of Land Owned by the Ummah:

- a. Lands that are used as public facilities such as roads, bridges, and city parks.
- b. Natural resources such as rivers, mines, forest areas whose benefits are enjoyed together.
- c. Public land that is a gathering place for people and is used for social and religious purposes.

- d. The use of land that is not used in fiqh law and the views of the scholars (ihya' al-mawat) and the land of ghashab.

In Islamic law, abandoned land is known as dead land or al-mawat, which is land that is not managed, not utilized, or not owned by anyone for a certain period of time so that it becomes unproductive. This land is different from land that already has ownership rights, because in Islam, abandoned land objects are land that has never been managed or legally owned.

Ihya' al-mawat in language means "to revive the dead land". In fiqh, this term refers to the cultivation or use of land that was previously unowned, uncultivated, and not used by anyone so that it becomes productive, for example for cultivation, housing, or other businesses.

Islam encourages optimal use of land for the benefit of the ummah. The main principle used is ihya' al-mawat, which is to revive dead soil by cultivating and utilizing it so that it becomes productive. (Ayunanda et al., 2024)

Within the framework of national land law, al-mawat land includes abandoned land, embossed land, and reclaimed land. Ihya' al-mawat in Indonesia usually only provides the right of use and management (haq al-intifa'), not the right of full ownership (al-tamlik). This land management must have permission from the government, in contrast to the classic fiqh concept which allows direct control by dead land cultivators.

The management of abandoned land and ihya' al-mawat is supported by several laws and regulations in Indonesia, such as Law No. 32 of 2009 concerning Environmental Protection and Management, Government Regulation No. 82 of 2001 concerning Abandoned Land Management, and Regulation of the Minister of Environment No. 13 of 2010. This regulation regulates the procedures for revitalization and utilization of dead land in accordance with the principles of environmental and social sustainability. (Arrasyid et al., 2024)

The concept of Ihya' al-Mawat in Islam refers to the livelihood or utilization of dead or abandoned land that was previously not used or managed by anyone, so that it becomes productive and brings benefits to the community. This principle makes the person who revives the dead land able to have the right to the land, with the note that the land is completely unowned and without a legal owner. However, in the constellation of modern land law in Indonesia, including regarding state-owned land as managed by PT Kereta Api Indonesia (PT KAI), the application of ihya' al-mawat must be adjusted and received government permission because legally state land cannot be separated from state control and regulation.

Specifically related to land owned by PT KAI which is a state asset and managed by a state-owned enterprise, the land is included in the category of state land whose management is subject to the provisions of national agrarian law. Lands owned by PT KAI that are not optimally utilized or look empty cannot necessarily be taken over or revived without permission from the government and PT KAI itself. The use of state land in the perspective of ihya' al-mawat must still go through a formal process, including the application of permits and responsible management to avoid disputes and violations of the law.

In relation to the problem of PT KAI's land use, ihya' al-mawat can be a solution if the abandoned land can be revived productively with the approval of the manager (PT KAI) and the government. This will be beneficial for the benefit of the community while supporting the optimization of state assets. However, the use of PT KAI's land without a permit is considered ghashab and contrary to the principles of Islamic law and national law, so it must be avoided and resolved through legal channels.

### **Legal Solutions to Land Use Problems of PT. KAI in Langkat Regency**

PT Kereta Api Indonesia (PT KAI) in resolving land disputes generally takes the formal legal route through the courts, especially when there is a seizure or claim from a third party against the land that is the company's assets. For example, PT KAI once sued and appealed and appealed related to a land dispute in Medan claimed by another

party, although in the end the Supreme Court rejected the appeal filed by PT KAI. The status of land controlled by PT KAI itself is generally in the form of Management Rights (HPL) and Right of Use, which give authority to PT KAI to manage and utilize the land in accordance with the provisions of laws and regulations. (Ardani, 2020)

In addition, PT KAI also regulates and protects assets through legal processes and coordination with local governments and the National Land Agency to prevent land abuse. In the case of land tenure by the community, PT KAI together with the local government strive to prioritize dialogue and deliberation to find a fair solution and provide legal certainty for both parties. This effort is made to avoid unilateral evictions and maintain the principle of justice. (Mubarak et al., 2022)

On the other hand, people who use PT KAI's land assets are advised to have an official permit in the form of a lease agreement or cooperation with PT KAI. Land that is not used for railway operations can be transferred to the community with clear administrative arrangements, including the registration of a temporary use rights certificate as proof of legal administrative ownership.

### **Dispute Resolution according to Islamic Law**

Islam is present with human life not only regulates the problem of the relationship of worship to God, but more broadly covers all lines of human life such as: socio-cultural interaction, economy, and domestic problems. In human life, of course, not only does it run smoothly and safely, there must also be sparks in social life. And the coming of Islam brings solutions that will remain relevant in every period of human life.

Islamic law is the home of many human orders in judging whether an act is in accordance with shari'a or not. Dispute resolution according to Islamic law can be pursued through several methods based on the principles of peace (shul), deliberation (syuro'), and justice ('adl) in accordance with sharia. In Islamic law, Islah or peace through deliberation is the main method that is highly recommended to resolve disputes. This process is carried out in a peaceful way through consensus between the parties to the dispute. If an agreement is not reached, the parties can appoint a third party as a mediator (arbitrator) to help find a solution that satisfies both parties without going against sharia principles. In addition, there is the concept of Al-Shulh, which is a formal peace agreement that is carried out to reduce disputes through deliberation, often by involving intermediaries or guardians who are mutually agreed upon. Al-Shulh emphasizes the spirit of kinship and consensus to achieve truth and peaceful solutions. (Azharuddin & Tanjung, 2022)

If peace cannot be realized through deliberation, then dispute resolution can be carried out through Tahkim or arbitration, namely by appointing a judge or arbitrator who is trusted to decide the case fairly based on Islamic law. As a last resort, if all out-of-court efforts are unsuccessful, dispute resolution can be pursued through Al-Qadha or the formal judiciary. This court has full authority to decide cases in accordance with the provisions of Islamic law and provide legal certainty for the parties to the dispute.

## **CONCLUSION**

Based on the results of research on land use problems of PT. KAI in Langkat Regency in the perspective of positive law and Islamic law, several important findings were obtained. First, the land of PT. KAI has a complex legal position because it comes from the colonial heritage assets of the Dutch East Indies which were controlled by the state through the domeinverklaring policy and after independence were transferred to state assets managed by PT. KAI as a state-owned enterprise. Based on the 1960 Law and its derivative regulations, this land has the status of State Property (BMN) whose use is limited to railway purposes or through official cooperation mechanisms.

Second, the public's perception of PT. KAI shows that there is an information gap. Many residents consider the land that has not been used for a long time as free land, even though it legally still belongs to the state. The lack



of socialization and the length of time people occupy the land often give rise to social ownership claims, which leads to conflicts when PT. KAI conducts asset control.

Third, from a positive legal perspective, the land use of PT. KAI without an official permit is classified as illegal possession because it is not in accordance with the provisions of the UUPA, Government Regulation No. 27 of 2014, and PMK No. 115/PMK.06/2020 which stipulates that state assets can only be used through the mechanism of leasing, borrowing, or utilization cooperation. Meanwhile, from the perspective of Islamic law, the actions of people who use land without permission include ghashb (deprivation of rights) because state land is classified as mal al-dawlah whose use must be in accordance with the public interest and the approval of the authorities.

Fourth, the solutions offered emphasize legal certainty as well as humanitarian considerations. PT. KAI has provided a land use scheme through a lease agreement or official cooperation. However, if a conflict has already occurred, a settlement can be reached through deliberation (islah), arbitration (tahkim), or the judiciary as a last resort to ensure the protection of state assets and justice for the community.

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