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Inconsistency of Court Decisions on Legality of Yogyakarta No.68/KEP/2015 Governor Decree and Compliance

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Abstract: The dispute over the location determination for Kulon Progo Airport under the Governor of DIY Decree No. 68/KEP/2015 exposes not merely judicial inconsistency among the Administrative Court (PTUN), the Administrative High Court, and the Supreme Court, but a deeper doctrinal ambiguity in Indonesian administrative law. This article argues that the core issue is not simply whether the decree fulfills the criteria of a State Administrative Decision (KTUN), but the absence of a coherent framework to assess administrative acts with both regulatory and individual characteristics. By analyzing the divergent rulings, this study demonstrates that the Supreme Court's decision constitutes a critical doctrinal shift. It redefines location determination as a justiciable KTUN and introduces a stricter standard of review that integrates formal legality with substantive compliance, particularly alignment with the Regional Spatial Plan (RTRW). The article's main contribution lies in proposing the concept of "hybrid administrative decisions" to better capture the legal nature of such decrees. This conceptualization not only clarifies the object of administrative disputes but also strengthens judicial control over land acquisition policies. Ultimately, the study highlights the need for clearer legislative guidance to prevent future interpretative disparities and ensure stronger protection of citizens' land rights.

Keywords: administrative decision, land right, spatial planning.

INTRODUCTION

Judicial review of administrative actions issued by government officials constitutes a fundamental mechanism for ensuring accountability in public administration and safeguarding the rule of law. Within Indonesian administrative law, one of the most persistent doctrinal issues concerns the judicial classification of governmental acts as State Administrative Decisions (*Keputusan Tata Usaha Negara* / KTUN), particularly in determining whether such acts are subject to administrative adjudication before the Administrative Court. This issue becomes increasingly complex when governmental actions simultaneously exhibit regulatory characteristics while producing direct, concrete, and individualized legal consequences. In such situations, the boundaries between policy (*beleid*) and adjudicable administrative decisions become blurred, creating interpretative uncertainty in judicial practice.

This doctrinal ambiguity is especially evident in the context of land acquisition for public purposes, where location determination decisions (*penetapan lokasi / penlok*) function as the legal gateway for initiating compulsory land acquisition procedures. Although formally framed as administrative planning instruments, *penlok* decisions often directly affect identifiable communities whose land and livelihood are designated for public infrastructure projects. Across Indonesia, disputes over location determinations have emerged in various strategic development projects, including airports, toll roads, dams, industrial estates, and National Strategic Projects (PSN). These disputes demonstrate that the legal controversy surrounding *penlok* is not an isolated phenomenon, but rather reflects a systemic issue in Indonesian administrative law concerning the legal nature and judicial reviewability of hybrid administrative acts. (Ananda 2022, 10–15)

Unlike conventional land dispute scholarship, which predominantly focuses on compensation mechanisms, ownership conflicts, procedural fairness, or agrarian reform, this article does not primarily examine land disputes in a material sense. Instead, it focuses on a more fundamental administrative law question: the inconsistency of Indonesian administrative courts in interpreting whether a location determination constitutes a State Administrative Decision (KTUN) that is subject to judicial review. This distinction is crucial because the classification of a governmental act determines whether affected communities are granted access to judicial remedies under the Administrative Court system. When courts classify *penlok* as a non-justiciable general policy (*beleid*), affected communities are effectively deprived of access to legal protection at an early stage of land acquisition, thereby shifting the dispute from judicial resolution to administrative inevitability.

This problem is illustrated by the dispute over Governor of the Special Region of Yogyakarta Decree No. 68/KEP/2015 concerning the location determination for the New Yogyakarta International Airport (NYIA) in Kulon Progo. The significance of this case lies not merely in the land conflict it generated, but in the doctrinal fragmentation it revealed among Indonesian courts. The Yogyakarta Administrative Court (PTUN), the Surabaya Administrative High Court (PT TUN), and the Supreme Court of Indonesia issued divergent interpretations regarding the legal status of the decree, particularly in relation to whether it fulfills the elements of a KTUN namely concreteness, individuality, finality, and its compliance with statutory requirements under the Administrative Court Act, the Administrative Governance Act, and the Land Acquisition Law. (Maharani and Wahyuningsih, n.d., 200–208)

At the first-instance level, PTUN Yogyakarta held that the location determination constituted a KTUN because it produced direct legal consequences for identifiable individuals whose land was designated for acquisition. The court emphasized that although the decision covered a geographically extensive area, it remained concrete and individual in nature because the affected land parcels and their occupants could be specifically identified. Furthermore, PTUN found that the decree was final because it served as the legal basis for initiating land acquisition procedures without requiring additional normative approval. Importantly, PTUN also examined the substantive legality of the decision and found inconsistencies with the Regional Spatial Plan (RTRW), thereby concluding that the decree violated principles of legality and spatial governance.

In contrast, the Surabaya Administrative High Court overturned this judgment by classifying the decree as a general policy (*regeling*) rather than a KTUN. The court reasoned that the location determination had not yet produced final legal consequences because additional administrative stages such as inventory, identification, and appraisal were still required before land acquisition could proceed. Based on this interpretation, PT TUN concluded that the decree lacked finality and therefore fell outside the jurisdiction of the Administrative Court. This reasoning sparked academic debate, as it diverged from established

administrative practice in which a location determination serves as the juridical foundation for initiating all stages of land acquisition. (Maharani and Wahyuningsih, n.d., 200–208)

The Supreme Court ultimately rejected the reasoning of PT TUN and reinstated the judgment of PTUN Yogyakarta. The Court held that the decree satisfied the requirements of a KTUN because it was concrete, individual, and final in its legal effect. The Court emphasized that finality does not depend on the completion of subsequent technical administrative procedures, but rather on whether the decision has already determined the legal status of affected parties. In addition, the Court reaffirmed that conformity with the Regional Spatial Plan (RTRW) constitutes an essential element of substantive legality. A location determination that is inconsistent with the RTRW constitutes an abuse of authority (*détournement de pouvoir*) and violates the principle of legal certainty as well as good governance principles (AUPB). (Wasito 2024)

The judicial disparities in this case reflect a deeper structural issue within Indonesian administrative law, namely the absence of a consistent doctrinal framework for classifying hybrid administrative decisions. Such inconsistencies create legal uncertainty not only for courts but also for communities affected by large-scale development projects. When judicial interpretation of KTUN elements varies across courts, the accessibility of legal remedies becomes unpredictable, thereby weakening the effectiveness of administrative justice. This condition is particularly problematic in land acquisition contexts, where state authority intersects directly with constitutionally protected property rights. (Nadhira, M, and Sinaga 2024, 34–43)

Empirically, similar disputes over location determinations have repeatedly arisen in various regions of Indonesia, particularly in infrastructure projects categorized as national strategic priorities. These include toll road development in Java and Sumatra, dam construction projects in Central Java and Eastern Indonesia, and industrial zone expansion in multiple provinces. In many of these cases, affected communities have challenged *penlok* decisions on similar grounds, including spatial inconsistency, inadequate public participation, and premature determination of land acquisition areas. However, the absence of uniform judicial interpretation regarding the KTUN status of *penlok* has resulted in inconsistent access to judicial remedies across jurisdictions, thereby reinforcing the urgency of doctrinal clarification.

Through an examination of these judicial inconsistencies, this study departs from existing scholarship that largely treats the Kulon Progo case as a conventional land dispute. Instead, it positions the case within a broader doctrinal debate concerning administrative law classification and judicial control over executive authority. The central argument advanced in this article is that location determinations should be conceptualized as hybrid administrative decisions that simultaneously contain regulatory and individual elements, thereby requiring a combined formal and substantive standard of judicial review. Previous studies have not sufficiently addressed how such hybrid characteristics generate interpretative ambiguity in applying the KTUN criteria, nor how such ambiguity affects judicial consistency in administrative adjudication. Accordingly, this study proposes a clearer doctrinal framework for assessing *penlok* decisions as KTUN and evaluates how the Supreme Court's ruling strengthens judicial control over spatial governance decisions. Accordingly, this research is guided by two principal questions: first, how judicial disparities emerged in assessing the legality of Governor of DIY Decree No. 68/KEP/2015, particularly in relation to finality, concrete-individual characteristics, and spatial planning conformity; and second, how these disparities affect the protection of community land rights and how the Supreme Court's decision reshapes judicial control over location determinations in Indonesia.

METHOD

This study employs a normative legal research method (*normative juridical research*) that focuses on the analysis of written legal norms as reflected in legislation, doctrinal writings, legal principles, and judicial decisions. The study adopts a *law in books* perspective, meaning that law is examined as a system of norms rather than as empirical social behavior. Accordingly, the primary objective of this research is to identify, interpret, and systematically analyze legal norms relevant to the classification and judicial review of State Administrative Decisions (*Keputusan Tata Usaha Negara / KTUN*), particularly in the context of location determination (*penetapan lokasi / penlok*) decisions.

In terms of approach, this research combines several doctrinal approaches. First, a statute approach is used to examine relevant legal instruments, including Law No. 5 of 1986 concerning the Administrative Court as amended by Law No. 9 of 2004 and Law No. 51 of 2009, Law No. 30 of 2014 concerning Government Administration, Law No. 2 of 2012 on Land Acquisition for Public Interest, and Law No. 26 of 2007 on Spatial Planning. These statutes are analyzed to determine the legal criteria of KTUN, the limits of governmental authority, and the legality requirements of location determination decisions.

Second, this research applies a case approach, focusing on judicial decisions related to the Governor of DIY Decree No. 68/KEP/2015 concerning the Kulon Progo International Airport location determination. The analysis includes decisions from the Yogyakarta Administrative Court (PTUN), the Surabaya Administrative High Court (PT TUN), and the Supreme Court of Indonesia. These cases are examined to identify judicial inconsistencies in interpreting the elements of KTUN, namely concreteness, individuality, and finality, as well as differing approaches to assessing conformity with Regional Spatial Plans (RTRW).

Third, a conceptual approach is employed to analyze the doctrinal concept of KTUN within Indonesian administrative law. This includes an examination of classical administrative law theory on *beschikking*, as well as contemporary developments concerning hybrid administrative acts that combine regulatory and individual characteristics. This conceptual framework is used to explain doctrinal ambiguity in classifying location determination decisions as either policy acts (*beleid*) or adjudicable administrative decisions.

The technique of legal analysis used in this study is doctrinal analysis of judicial reasoning, particularly through the identification of *ratio decidendi* in each court decision. This involves systematically comparing the legal reasoning adopted by PTUN, PT TUN, and the Supreme Court in determining whether the location determination constitutes a KTUN. In addition, a comparative judicial analysis is conducted to highlight inconsistencies in legal interpretation across different levels of courts, especially regarding the interpretation of finality, concrete-individual characteristics, and substantive legality based on spatial planning conformity.

The legal materials used in this study consist of three categories. Primary legal materials include relevant legislation and judicial decisions as described above. Secondary legal materials consist of legal doctrines, academic journal articles, and scholarly commentaries on administrative law, KTUN theory, and land acquisition law. Tertiary legal materials include legal dictionaries and encyclopedias used to support conceptual clarification and terminological precision. All legal materials are analyzed qualitatively through systematic interpretation, logical reasoning, and doctrinal synthesis. The analysis is conducted to construct a coherent legal argument regarding the classification of location determination decisions as KTUN and to assess the consistency of judicial reasoning in Indonesian administrative courts. This methodological framework ensures that the study does not merely describe legal events, but critically examines the structure of legal reasoning underlying judicial decisions.

RESULTS AND DISCUSSION

Judicial Disparities Between the First-Instance Administrative Court (PTUN), the Administrative High Court (PT TUN), and the Supreme Court in Assessing the Legality of Governor of DIY Decree No. 68/KEP/2015, Particularly Concerning Finality, Concrete-Individual Characteristics, and Compliance with the Spatial Plan (RTRW)

The administrative dispute arising from Governor of the Special Region of Yogyakarta (DIY) Decree No. 68/KEP/2015 concerning the location determination for the Kulon Progo Airport development illustrates not only a conflict over land acquisition policy, but more fundamentally a doctrinal fragmentation within Indonesian administrative law regarding the legal classification of *penetapan lokasi* (penlok) as a State Administrative Decision (KTUN). This case exposes inconsistent judicial interpretation across three levels of adjudication PTUN Yogyakarta, PT TUN Surabaya, and the Supreme Court, particularly in applying the doctrinal elements of KTUN: concreteness, individuality, and finality. These elements, as developed under Article 1(9) of the Administrative Court Act and further interpreted through jurisprudence, function as the legal threshold for judicial reviewability of administrative acts. (Nurhikmah, Arief, and Mustahar 2024, 204)

From a doctrinal perspective, the inconsistency among the courts reflects competing interpretive approaches within administrative law: a formalistic approach adopted by PT TUN Surabaya, and a purposive-substantive approach adopted by PTUN Yogyakarta and later affirmed by the Supreme Court. The dispute thus cannot be understood merely as factual disagreement over land acquisition, but rather as a conflict of legal interpretation regarding the nature of administrative authority (*discretionary power*) and the boundary between *beleid* (policy) and *beschikking* (individual administrative decision). In classical administrative law theory, a *beschikking* is characterized by its direct legal effect on specific legal subjects, whereas *beleid* is generally non-justiciable due to its abstract and general nature. However, modern administrative governance increasingly produces “hybrid administrative acts” that simultaneously contain policy direction and individualized legal consequences, thereby challenging traditional classification frameworks.

The dispute involved the Governor of DIY as the Defendant and dozens of residents, primarily farmers and land cultivators in Temon and Glagah Districts, as Plaintiffs. The core of their claim was that the decree did not merely constitute a preparatory policy, but had already produced legal effects by determining their land as part of the airport development area. From a rights-based perspective, this stage is critical because location determination operates as a “triggering legal act” that initiates compulsory acquisition procedures, thereby affecting the enjoyment of property rights even before formal expropriation occurs. At the first-instance level, PTUN Yogyakarta (Decision No. 07/G/2015/PTUN.YK) adopted a substantive interpretation of KTUN. The court held that the decree fulfilled the elements of concreteness, individuality, and finality under Article 1(9) of the Administrative Court Act. Doctrinally, the court applied an expansive interpretation of “individuality,” consistent with the *functional approach* in administrative law, which holds that a decision remains individual when its legal effects can be directed toward identifiable persons, even if not explicitly named. This aligns with the doctrine of *indirect individualization*, where mass administrative decisions affecting a defined group still constitute KTUN if the group is determinable.

Regarding finality, PTUN adopted a “legal effect doctrine of finality,” emphasizing that a decision is final when it produces binding legal consequences, not when all technical implementation stages have been completed. This reflects the modern administrative law understanding that finality is not procedural exhaustion but normative legal impact. By grounding its reasoning in Articles 19–23 of Law No. 2 of 2012, PTUN further reinforced that location determination is the juridical entry point for land acquisition, thereby constituting a decisive legal act. Consequently, PTUN’s reasoning reflects a purposive interpretation aimed

at ensuring effective judicial protection (*effective judicial protection principle*). In addition, PTUN conducted a substantive legality review of the decree's conformity with the Regional Spatial Plan (RTRW). The court found that the decree conflicted with Regional Regulation No. 2 of 2010 on the Provincial RTRW for 2009–2029. This reasoning reflects the principle of *legality control* (*rechtmatigheidstoetsing*), where administrative acts must not only be procedurally valid but also substantively consistent with higher planning norms. The court's reliance on Articles 21, 22, and 23 of the RTRW regulation demonstrates the application of hierarchical norm theory (*stufenbau theory*), where spatial planning instruments function as binding legal norms, not merely policy documents. (Nurhikmah, Arief, and Mustahar 2024, 55) (F and A 2021, 555).

In contrast, PT TUN Surabaya adopted a formalistic and procedural interpretation of KTUN. The court classified the decree as a *regeling* (general policy) rather than a KTUN, emphasizing the absence of immediate and fully realized legal consequences. PT TUN relied on a sequential administrative theory, where legal effect is considered incomplete until all procedural stages of land acquisition (inventory, identification, valuation) are completed. This reflects a narrow interpretation of finality based on procedural completion rather than normative effect. The court's reliance on Supreme Court Decision No. 38 K/TUN/1999 demonstrates a conservative doctrinal approach that prioritizes administrative hierarchy and procedural segmentation of state action. The Supreme Court, however, rejected this formalistic approach and reinstated the substantive reasoning of PTUN. The Court applied a jurisprudential doctrine of "effective legal impact," holding that a decision is final when it alters the legal status of individuals, even if further implementation steps remain. This interpretation is consistent with previous jurisprudence (Supreme Court Decisions No. 295 K/TUN/2013 and No. 144 K/TUN/2012), which recognize that administrative acts affecting land rights are inherently individual in nature when they designate specific territorial objects.

Importantly, the Supreme Court introduced an implicit doctrinal clarification regarding hybrid administrative acts. By recognizing that *penlok* simultaneously functions as policy and binding decision, the Court effectively moved beyond the rigid *beleid–beschikking* dichotomy. Instead, it adopted a functional classification approach, focusing on legal consequences rather than formal categorization. This shift is doctrinally significant because it expands judicial control over executive action and prevents administrative authorities from avoiding judicial review through classification strategies. From a human rights perspective, the Court's reasoning also strengthens the protection of substantive and procedural rights. The designation of land through *penlok* directly implicates the right to property as protected under constitutional and international human rights standards. However, beyond property rights, the case also engages broader procedural rights, including the right to access justice, the right to participation in spatial planning, and the right to be heard before deprivation of property. These rights are reflected in Law No. 30 of 2014 on Government Administration, particularly Article 10, which requires adherence to principles of legality, prudence, and good governance (*AUPB*). The Supreme Court's insistence on spatial conformity further reinforces the principle that development policy must respect both legal hierarchy and participatory governance.

The Court also rejected the argument that national strategic planning instruments, such as Presidential Regulation No. 2 of 2015 (RPJMN) and Presidential Regulation No. 28 of 2012, could override provincial spatial planning. This reinforces the principle of legal hierarchy (*lex superior derogat legi inferiori*) and confirms that development objectives cannot justify derogation from spatial legality. Ultimately, the Supreme Court's decision resolves doctrinal inconsistency by affirming that location determinations constitute KTUN subject to both formal and substantive judicial review. More importantly, it establishes a jurisprudential standard that administrative classification cannot be used to evade judicial control. From a broader administrative law perspective, this case signifies a shift toward rights-oriented

administrative adjudication, where judicial review functions not only as a legality control mechanism but also as a safeguard for constitutional and human rights protection in development governance.

Legal Implications of the Judicial Disparities for the Protection of Community Land Rights in Land Acquisition for Public Purposes, and How the Supreme Court's Decision Establishes a New Standard for Reviewing Location Determinations Issued by Local Governments

The judicial disparities in the dispute over the location determination for the development of the new airport in Kulon Progo illustrate a significant dynamic in the protection of community land rights, while also testing the extent to which regional government officials must comply with spatial planning norms, the general principles of good governance (AUPB), and land acquisition procedures. The first-instance Administrative Court (PTUN Yogyakarta) granted the plaintiffs' claim by recognizing the location determination as an Administrative Decision (KTUN) subject to judicial review. However, this ruling was subsequently overturned by the Administrative High Court (PT TUN Surabaya), which considered the decree to be a general policy lacking the elements of a KTUN. In resolving this inconsistency, the Supreme Court granted the plaintiffs' cassation and annulled the judgment of PT TUN Surabaya, thereby restoring the legal reasoning of PTUN Yogyakarta. Through this decision, the Supreme Court affirmed that a location determination (penlok) is not merely a governmental policy (beleidsregel), but constitutes a justiciable Administrative Decision (KTUN) that produces concrete legal consequences for affected communities. The implications of this ruling are far-reaching, as it strengthens judicial protection of community land rights and establishes a more definitive standard for assessing the legality of location determinations in land acquisition processes across Indonesia.

First, the ruling strengthens the legal standing of affected communities to challenge location determinations whenever such decisions realistically threaten, diminish, or extinguish their rights over land they lawfully occupy or control. This aligns with Article 53(1) of the Administrative Court Act (UU PTUN), which grants individuals whose interests are harmed by a KTUN the right to file suit before the Administrative Court. In the Kulon Progo case, although the Defendant argued that the lawsuit lacked clarity and that the Plaintiffs did not specify the precise land parcels they owned, PTUN considered that the harm was direct because the location determination decree served as the legal foundation for initiating the land acquisition process. As such, the legal relationship was already evident. The ruling expands the interpretation of "direct interest," enabling affected residents to file lawsuits without having to wait for the formal land acquisition stage where proof of ownership is typically required under Law No. 2 of 2012 on Land Acquisition. (Pramesti 2024, 39)

Second, the ruling underscores that conformity between the location determination and the spatial plan (RTRW) constitutes an absolute requirement of legality. Under Article 14(1)(a) of Law No. 2 of 2012, one of the prerequisites for issuing a location determination is "consistency with the Regional Spatial Plan (RTRW) and national/regional development plans." The Supreme Court concurred with PTUN Yogyakarta's reasoning that the DIY Provincial RTRW does not explicitly mandate the construction of a new airport in Kulon Progo; rather, it focuses on improving the existing Adisutjipto Airport. Accordingly, the determination of a new airport location contradicted Regional Regulation No. 2 of 2010 on the Provincial RTRW, especially Articles 21, 22, and 23, which provide no basis for opening new space for air transportation infrastructure but instead emphasize integration of existing transportation services.

Furthermore, PTUN and the Supreme Court referenced Presidential Regulation No. 28 of 2012 on the Spatial Plan for the Java–Bali Region and Presidential Regulation No. 2 of 2015

on the National Medium-Term Development Plan (RPJMN) as supporting materials for assessing spatial alignment. Although the RPJMN includes the Kulon Progo International Airport as a national strategic project, it does not constitute an RTRW. Within the hierarchy of norms, the RPJMN cannot override the Provincial RTRW. Therefore, local governments remain bound to ensure that location determinations comply with the spatial plan applicable to their region. This affirms the principle of *lex superior derogat legi inferiori*.

A further legal implication is that the Supreme Court's ruling establishes new standards for assessing legal standing and the legality of location determinations. Before this ruling, regional governments widely maintained that location determinations were general policies (*regeling*) lacking finality because additional steps in the land acquisition process were required. However, the Supreme Court held that location determinations are final, concrete, and individual, as they designate specific geographical areas and impose legal consequences on identifiable parties. In this way, the decree satisfies the elements of a KTUN under Article 1(9) of the Administrative Court Act: "a written determination issued by an administrative official, concrete, individual, and final, producing legal consequences for a person or private legal entity."

This ruling also creates a new standard by affirming that courts may conduct a limited substantive review of spatial planning compliance. Previously, substantive evaluation of spatial matters was often regarded as a policy domain beyond the scope of administrative judicial review. Yet through this case, both PTUN and the Supreme Court accepted that judicial review may include assessing whether the designated location aligns with the RTRW and whether the government adequately considered objections raised by affected residents. This approach reinforces the role of the judiciary in safeguarding the legality of administrative actions, in line with Article 49(a) of the Administrative Court Act (UU No. 5/1986 as amended by UU No. 51/2009), which authorizes courts to assess whether administrative actions comply with statutory regulations. (Pitang 2024, 771)

From the perspective of protecting community rights, the Supreme Court's decision provides stronger legal safeguards by ensuring that the government cannot rush into land acquisition without verifying that the location determination conforms to the spatial plan and without ensuring meaningful public involvement. The ruling reinforces the participatory principle in spatial planning as stated in Article 65 of Law No. 26 of 2007, which grants communities the right to access information on spatial planning and to participate in its processes. Additionally, Article 60 of the Spatial Planning Act grants communities the right to compensation if they suffer losses due to violations of the spatial plan. The ruling also strengthens key principles of good governance (AUPB) particularly prudence, impartiality, and legal certainty as codified in Article 10(1) of the Administrative Governance Act (Law No. 30 of 2014). The Governor was deemed imprudent for issuing a location determination without grounding the decision in an objective assessment of spatial conformity.

With this ruling, the Supreme Court indirectly demands greater caution from local governments in issuing future location determinations. Governments can no longer justify such determinations as merely preliminary or non-final. Following this precedent, location determinations must be ensured to comply with the RTRW and be supported by robust studies and adequate public participation. Any deficiency in this process exposes the determination to legal challenge and potential annulment. In the broader context of judicial disparities, the Supreme Court's decision harmonizes inconsistent assessments by delivering a definitive judgment that now serves as a national reference. The ruling has since been cited in disputes involving land acquisition for dams, toll roads, industrial zones, and other major development projects. Accordingly, the Supreme Court has established a new standard requiring that every location determination be evaluated through three primary dimensions: RTRW conformity, direct impact on community rights, and administrative prudence under AUPB.

The legal implications of this ruling are substantial for land acquisition processes conducted in the public interest. The decision restores balance between development objectives and community rights, reinforces the principle of spatial legality, and establishes a national standard for judicial review of location determinations by local governments. Under this new standard, governments may no longer prioritize development at the expense of fundamental community rights without undergoing a legitimate and lawful evaluative process, while communities now possess a stronger legal instrument to defend their rights when development policies diverge from positive law. (Apriliani 2021, 21)

CONCLUSION

The judicial disparity in the adjudication of Governor of DIY Decree No. 68/KEP/2015 reveals a structural problem in Indonesian administrative law, namely the absence of a consistent doctrinal framework for classifying location determination (*penetapan lokasi / penlok*) as a State Administrative Decision (KTUN). This inconsistency is not merely a technical divergence in judicial reasoning, but a systemic issue that creates legal uncertainty in land acquisition processes where state actions directly affect community land rights. Divergent interpretations between PTUN Yogyakarta, PT TUN Surabaya, and the Supreme Court weaken legal predictability and limit effective judicial protection for affected communities. The study confirms that the Supreme Court plays a corrective role by affirming that location determinations are KTUN subject to judicial review, including substantive legality such as conformity with Regional Spatial Plans (RTRW). However, reliance on case-by-case adjudication is insufficient to ensure doctrinal consistency. Therefore, structural and regulatory reforms are required. First, the Land Acquisition Law should be revised to explicitly clarify the legal status of *penlok* as either a KTUN or a hybrid administrative act to eliminate interpretative ambiguity. Second, the Supreme Court should issue judicial guidelines (SEMA/PERMA) to standardize interpretation of KTUN elements, particularly finality and concreteness in land acquisition cases. Third, harmonization between the Administrative Court Law and the Land Acquisition Law is necessary to ensure consistent judicial review mechanisms. Finally, public participation in spatial planning and location determination must be strengthened to ensure meaningful involvement before decisions produce binding legal consequences.

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