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Responsibility of the Regional Government of the Special Capital Region of Jakarta for the Granting of Building Permits on National Vital Objects (Dispute Case of Residents VS PT. Pertamina (Persero) Located in Plumpang)

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Abstract: Land utilization at this time encounters many problems due to the lack of public awareness regarding the importance of ownership of land rights to the attitude of people who are indifferent to their surroundings. This causes conflicts until disputes arise over the utilization of state land by the community. The purpose of this study is to determine the responsibility of the Special Capital Region of the Jakarta Government and the settlement of disputes over the issuance of building permits on land owned by PT Pertamina (Persero) located in Plumpang. The author uses normative juridical research using books, journals, and expert opinions as secondary data sources. This research uses 3 (three) main approaches, namely the statute approach, the conceptual approach, and the case approach. The results of the study are that the Provincial Government of DKI Jakarta is responsible for all risks that may arise as a result of the issuance of IMB for residents around the PT Pertamina Depot in Plumpang as a consequence of the rule of law and democracy. In addition to dispute resolution through the general judicial channel, there are other ways with non-litigation channels or out-of-court channels. Responsibility consists of 2 (two) types, namely political responsibility (responsibility) and legal responsibility (liability). Dispute resolution can be carried out through the litigation route, namely by civil lawsuit and/or state administrative lawsuit and non-litigation route with alternative dispute resolution.
Keywords: State Land; Dispute; Accountability; PT. Pertamina.

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I. INTRODUCTION

One of the important components in human life is land because with land humans carry out sustainable development to develop their living environment. Over time with the increase in population and activities, of course, it forces humans to accommodate their settlements and buildings[1]. In accommodating their settlements, it is not uncommon for a handful of irresponsible residents to utilize land that is not even clear on the status of ownership rights to the land. As we know, ownership of land rights is one of the things that is essential to identify land owned by someone.

Legislation in Indonesia relating to land was initially regulated in Government Regulation Number 8 of 1953 concerning the Control of State Lands[2]. Currently, the regulations governing land rights are set out in the Basic Agrarian Law Number 5 of 1960 (UUPA). UUPA explicitly states that the purpose of the establishment of the law is to achieve the prosperity of the people, which is expected to be in line with the goals of the nation and state, namely realizing the welfare of the people[3]. According to the UUPA, land is the surface of the earth and the body of the earth which is very important for Indonesia in carrying out national development to achieve the welfare of the people. Thus, it can be concluded that there is an urgency related to identifying the ownership of land rights owned by a person.

Land utilization currently encounters many problems due to the lack of public awareness regarding the importance of ownership of land rights to the attitude of people who are indifferent to their surroundings.[4] This causes conflicts, so disputes arise over the utilization of state land by the community. It should be noted that state land is land as an object and the state is the subject, where the state as a subject has a legal relationship in the form of a power ownership relationship over land[5]. In terms of authorizing land rights, the National Land Agency (BPN) can grant certificates to individuals or legal entities if the ownership of the land is clear. Thus, the BPN cannot grant certificates of land rights if there are things that are not by the regulations, such as the land does not have a clear title and is in a state of dispute.

[1] Hidayah Putriningrum dan Lina Jamilah., 2023, *Pendirian Rumah Perseorangan Di Atas Tanah Pemakaman Milik Pemerintah Kota Bandung Di Pemakaman Umum Cikadut*, Bandung Conference Series, Bandung, h. 734-738

[2] Urip Santoso, 2012, *Eksistensi Hak Pengelolaan Dalam Hukum Nasional*, Mimbar Hukum, Yogyakarta, h. 275-188

[3] Urip Santoso, 2013, *Kewenangan Pemerinah Daerah dalam Penguasaan Atas Tanah*, Dinamika Hukum, Banyumas, h. 186

[4] Ms. Fauziyah. (2017) Principles The Rule Of Law In The Settlement Of The Election Of Head Village, doi. https://doi.org/10.2991/iclgg-17.2018.14 https://www.atlantis-press.com/proceedings/iclgg-17/25902331. h.106

[5] Dayat Limbong, 2017, *Tanah Negara, Tanah Terlantar Dan Penertibannya,* Mercatoria, Medan, h. 1-9

Such a conflict occurred on land owned by PT Pertamina (Persero) located in Plumpang. As we know, PT Pertamina (Persero) is a State-Owned Enterprise (SOE) so the land assets used by PT Pertamina (Persero) are state-owned. The location of PT Pertamina (Persero) located in Plumpang is precisely in North Jakarta, Special Capital Region of Jakarta which stands on 153 hectares of land. Of the total land area, it can be divided into 4 areas, namely area A which is used as a fuel oil depot of 72 hectares, and the rest is for a safe boundary area or buffer zone which is divided into 3 areas, namely area B of 11 hectares, area C of 12.5 hectares and area D of 58 hectares. Over time, the area that was originally used as a buffer zone was utilized by residents as a place to live precisely in area D. This area D is called Tanah Merah, located on the north side of PT Pertamina Plumpang Depot[6].

The community claims that the use of land owned by PT Pertamina (Persero) located in Plumpang has been since 1972. This means that they are illegally using land that does not belong to them to build buildings and settle there. The provisions of Article 2 of Government Regulation instead of Law No. 51 of 1960 concerning Prohibition of Use of Land without the Permission of the Rightful Owner or his Proxy clearly state that it is prohibited to use land without the permission of the rightful owner or his legal representative. In this case, the rightful person is the Minister of Agrarian Affairs or the person/legal entity entitled to the land. So if residents want to use the land, they must have the permission of the entitled person and then they can apply for a Building Construction Permit (IMB). It should be noted that according to Article 12 of DKI Jakarta Provincial Regulation No. 7/2010 on Building, IMB can be granted to a person who will construct a building even though the status of the land does not belong to him but has obtained a land utilization permit from the holder of the land rights. Indeed, in this case, the community should not get the IMB because the community uses the land without the permission of the rightful owner and does not have a clear ownership right status.

However, some things are contrary to what should be. Where the regional head through the Jakarta Investment and One Stop Integrated Service Office makes decisions regarding the granting of Building Construction Permits[7]. This is contrary to Government Regulation instead of Law Number 51 of 1960 and DKI Jakarta Provincial Regulation Number 7 of 2010. It should be further noted that the issuance of the IMB is only based on a "political contract" between the head of the region and the people who occupy the land owned by PT Pertamina Plumpang.

Therefore, this study focuses on the responsibility of the Regional Government of the Special Capital Region of Jakarta for the issuance of building permits on land owned by PT Pertamina (Persero) located in Plumpang and dispute resolution over the utilization of land owned by PT Pertamina (Persero) located in

[6] https://money.kompas.com, diakses pada 1 Desember 2023.

[7] https://megapolitan.kompas.com , Isi Surat IMB Milik Warga Tanah Merah yang Diterbitkan Pemprov DKI, diakses pada tanggal 28 November 2023.

Plumpang. The purpose of this study is to determine the responsibility of the Regional Government of the Special Capital Region of Jakarta for the issuance of building permits on land owned by PT Pertamina (Persero) located in Plumpang and the settlement of disputes over the utilization of land owned by PT Pertamina (Persero) located in Plumpang.

II. METHODS

The author uses normative juridical research using books, journals, and expert opinions as secondary data sources and uses 3 (three) main approaches, namely the statute approach, conceptual approach, and case approach. In this study, researchers used 3 (three) legal materials which include primary legal materials, secondary legal materials, and tertiary legal materials. Primary Legal Materials as follows:

a. Constitution of the Republic of Indonesia Year 1945 (UUD 1945)
b. Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA)
c. Law Number 28 of 2002 on Building
d. Law Number 9 of 2015 on the Second Amendment to Law Number 23 of 2014 on Regional Government
e. Government Regulation instead of Law No. 51 of 1960 on Prohibition of the Use of Land without the Permission of the Rightful Owner or his Proxy
f. Regional Regulation of the Special Capital Region of Jakarta Province Number 7 of 2010 concerning Building Structures
g. Jakarta Special Capital Region Governor Regulation Number 118 of 2020 concerning Space Utilization Permits

Secondary Legal Materials as follows the sources of secondary legal materials used in this research are books, journals, and literature that are the discussion and expert opinions to explore information related and relevant to the issues raised. Tertiary legal materials are legal materials that provide important additional direction and explanation of primary and secondary legal materials[8]. Tertiary legal materials used by the author are legal dictionaries and the Big Indonesian Dictionary (KBBI).

III. ANALYSIS AND DISCUSSION

Responsibility of the Government of the Special Capital Region of Jakarta for the issuance of building permits on land owned by PT Pertamina (Persero) located in Plumpang.

In the scope of state and government administration, a position burdened by authority has a responsibility. The authority to approve, authorize, and issue Building Permits (IMB) is in the hands of the regional head, in this case, the Governor as the head of the Provincial Region. In the issuance of the IMB, it can be

[8] Bambang Sunggono, 2002, *Metodologi Penelitian Hukum*, Raja Grafindo Persada, Jakarta, h. 116

examined whether the IMB issued by the regional head is based on personal action or based on the theory of authority[9].

The mechanism of authority given to the regional head in granting IMB is the authority of attribution, whereas in Law Number 23 of 2014 concerning Regional Government (UU Otoda) it is explained that attribution is the authority given by law to bodies and/or officials in government agencies. Based on this, the authority to grant IMB by the DKI Jakarta Provincial Government is essentially based on 2 (two) laws and regulations, namely DKI Jakarta Provincial Regulation Number 7 of 2010 concerning Building and DKI Jakarta Governor Regulation Number 118 of 2020 concerning Space Utilization Permit. According to DKI Jakarta Provincial Regulation Number 7 of 2010 concerning Building, Article 5 paragraph (2) states that IMB is one of the Building Organizations. Furthermore, Article 12 alludes to the administrative requirements of building buildings which reads: (1) every person who will construct a building must have land with clear ownership status. (2) buildings built on land owned by others must obtain permission for land utilization from the land rights holder in the form of a written agreement. (3) The written agreement as referred to in paragraph (2) must at least include: a. the rights and obligations of the parties; b. the area, location, and boundaries of the land; c. the function of the building; d. the period of land utilization."

Furthermore, in Article 15 of DKI Jakarta Provincial Regulation Number 7 the Year 2010 on Building, it is stated that "every person who will construct a building must have an IMB". Looking at the provisions contained in the DKI Jakarta Provincial Regulation Number 7 of 2010 concerning Building Structures, it can be concluded that IMB is an essential thing for someone who will erect a building.

DKI Jakarta Governor Regulation Number 118 of 2020 concerning Space Utilization Permits (hereinafter referred to as Pergub DKI Jakarta No. 118 of 2020). Article 3 paragraph (3) states "IMB is one of the space utilization permits, which in the next paragraph, namely paragraph (4), states that to obtain a space utilization permit it must meet administrative and technical requirements. The intended administrative requirements must contain applicant data, building owner data, land data, and other supporting documents. When viewed from this legal perspective, it can be concluded that everyone who will build a building must have an IMB and to obtain the IMB, a person must have clear data and ownership status of land rights.

The Regional Government of the Special Capital Region of Jakarta issued an IMB for residents who live around the depot owned by PT Pertamina in Plumpang, meaning that the regional head, namely the governor of DKI Jakarta, is responsible for the issuance of the IMB. This is a boomerang for the DKI Jakarta Government,

[9] Muhammad Fahmirian Noor, Konsepsi Penggantian Kerugian Atas Pemberian Izin Mendirikan Bangunan (IMB) Yang Tidak Sesuai Dengan RTRW (Kajian Terhadap Pasal 37 Undang-Undang No.26 Tahun 2007 Tentang Penataan Ruang), *Artikel Ilmiah*, Fakultas Hukum Universitas Brawijaya Malang, Tahun 2015, h. 13

because as we know the land used by residents to settle is owned by PT Pertamina which has the status of state land. Thus there is a discrepancy between the laws and regulations that have been made by the DKI Jakarta Provincial Government and the reality. The DKI Jakarta Provincial Government is responsible for all risks that may arise as a result of the issuance of IMB for residents around the PT Pertamina Depot in Plumpang as a consequence of the rule of law and democracy. In the legal dictionary, responsibility consists of 2 (two) types, namely political responsibility (responsibility) and legal responsibility (liability).

Political accountability is related to the political system or is more focused on democracy (democratic pressure)[10]. If this political accountability is applied to the implementation of regional government according to the Otoda Law, then the implementation of government affairs in the form of duties and authorities and obligations of the Regional Government as stipulated in Article 65 and Article 69. The provisions in the two Articles have the consequence of being accountable by the provisions of Article 65 paragraph (1) letter g and paragraph (2) letter e of Law Number 9 of 2015 concerning the Second Amendment to Law Number 23 of 2014 concerning Regional Government states: "The Regional Government is obliged to carry out other duties by the provisions of laws and regulations and exercise other powers by laws and regulations".

In Article 69 paragraph (1) of Law Number 9 of 2015 concerning the Second Amendment to Law Number 23 of 2014 concerning Regional Government, it is stated that regional heads also must submit an accountability report. This accountability report is political accountability because the government will use the report to assess the implementation of local government.[11] Furthermore, legal responsibility means that in running a government that harms the interests of the people or other parties, the local government must be responsible and accept legal charges for its actions. In exercising authority, the actions of officials need to be scrutinized. This is to find out whether in carrying out these actions, an official does so based on individual responsibility or official responsibility. Individual responsibility relates to arbitrary actions or abuse of power in the form of maladministration. Meanwhile, official responsibility relates to the validity of government actions concerning the use of authority, procedure, and substance.

Legal accountability can be carried out through 3 (three) legal means, namely administrative law, criminal law, and civil law[12]. Thus, the three legal means are known as administrative responsibility, criminal responsibility, and civil responsibility. Administrative liability is an official responsibility. Criminal liability is the personal responsibility of local government officials who commit maladministration of government actions. Furthermore, civil liability can be an

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[10] Muhammad Syarif Nuh, 2012, *Hakikat Pertanggungjawaban Pemerintah Daerah dalam Penyelenggaraan Pemerintahan*, Fakultas Hukum Universitas Muslim Indonesia, Makassar, h. 55

[11] *Ibid*.

[12] *Ibid*., h. 57

official responsibility if it relates to unlawful acts by the authorities. Meanwhile, civil liability can become a personal liability if there is maladministration[13]. Based on the above, it can be concluded that Provincial Governments have limited liability for governmental actions, which depends on whether the action was taken based on their position or whether the action was taken arbitrarily.

Dispute Resolution on the Utilization of Land Owned by PT Pertamina (Persero) Located in Plumpang

Based on Article 2 of Government Regulation instead of Law No. 51/1960 on the Prohibition of the Use of Land without the Permission of the Rightful Owner or his Proxy, it states: "the prohibition of using other people's land without permission or legal power of attorney". The agrarian dispute that occurred between residents and PT Pertamina in Plumpang arose because the land owned by PT Pertamina, which has the status of state land, was occupied by residents without permission. This became a problem after the issuance of IMB by the DKI Jakarta Provincial Government. The emergence of disputes between the parties involved certainly caused unrest[14]. As such, the dispute must be resolved and regulated on how best to reach an agreement and make a decision that is fair to each party.

From the point of view of Article 4 of Government Regulation instead of Law No. 51 of 1960, the Governor/Regent of the region has the right to take action in resolving the problem of unauthorized use of land by ordering vacating. However, in this dispute between the residents and PT Pertamina in Plumpang, it was the government that granted the IMB. It needs to be reaffirmed that related to land utilization permits, the right to grant permits should be PT Pertamina because PT Pertamina holds management rights where the rights granted by the state to PT Pertamina meet the subject based on Article 67 of the Regulation of the Minister of Agrarian Affairs Number 9 of 1999 concerning Procedures for Granting and Cancellation of State Land Rights and Management Rights.

The dispute resolution of the utilization of state land owned by PT Pertamina in Plumpang can be done in several ways, among others:

1. Litigation Dispute Resolution

The settlement of this route is known as settlement through the judicial body. In essence, all disputes can be submitted to the court, both within the scope of the general court and the State Administrative Court (TUN)[15]. A civil lawsuit can be filed if there are parties who feel their rights have been violated by others. According to Article 118 paragraph (1) HIR, a civil lawsuit is a lawsuit that contains a dispute.

A. Lawsuit to General Court

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[13] *Ibid*.

[14] Hartana dan Putu Darmika, 2022, *Upaya Penyelesaian Sengketa Tanah Melalui Mediasi sebagai Jalur Alternatif*, Undiksha, Bali, h. 331

[15] Nia Kurniati, 2016, *Hukum Agraria Sengketa Pertanahan Penyelesaian Melalui Arbitrase dalam Teori dan Praktik*, Refika Aditama, Bandung, h. 179

The court that has absolute competence in examining, deciding, and resolving this civil lawsuit is the District Court, which is stipulated in Article 50 of Law Number 49 of 2009 concerning the Second Amendment to Law Number 2 of 1986 concerning General Courts. The position of the parties to the dispute in a civil lawsuit, namely:

a. The party proposing dispute resolution acts as the plaintiff
b. The party drawn as the opposing party in the settlement of the dispute acts as the defendant.

In the dispute between residents and PT Pertamina in Plumpang, a civil lawsuit can be filed to the District Court. The party acting as the plaintiff is PT Pertamina and the defendant is the Provincial Government of DKI Jakarta and residents who live on land owned by PT Pertamina in Plumpang.

The reason why these parties are drawn to the District Court is because:

a. PT Pertamina, as the Plaintiff, is a legal entity that has been authorized through Government Regulation No. 31 of 2003 concerning the Transfer of the Form of the State Oil and Gas Mining Company. The Company has legitimacy as a legal entity by the provisions of Article 7 paragraph (6) of Law Number 1 Year 1995. In terms of acting as a representative, PT Pertamina is the board of directors whose position and capacity to represent before the Court is legal[16].
b. DKI Jakarta Province as the defendant, because the DKI Jakarta Provincial Government is a public legal entity that is one of the subjects in civil law. As for what makes the DKI Jakarta Provincial Government the defendant the DKI Jakarta Provincial Government committed a tort in Article 1365 of the Civil Code. The elements contained in Unlawful Acts are the existence of an act. the act is against the law, there is a fault, there is a loss, and there is a causal relationship between the act and the loss.
c. Residents who live on land owned by PT Pertamina in Plumpang as defendants, because these residents control the object in dispute and these residents commit a Wrongful Act.

B. Lawsuit to the State Administrative Court

Meanwhile, disputes resolved through the State Administrative Court (TUN) are disputes involving persons/civil law entities with State Administrative bodies/officials over the issuance of a State Administrative decision (KTUN). In her book, Nia Kurniati explains: "Land disputes that are state administrative disputes arise due to the issuance of decisions that result in disputes. Decisions that often cause disputes are generally administrative (legal) actions that contain deficiencies (errors, mistakes, delays, oddities, oddities) in the decision[17]."

The administrative legal acts that can be said to contain deficiencies can be classified as follows:

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[16] Yahya Harahap, 2019, *Hukum Acara Perdata: Tentang Gugatan, Persidangan, Penyitaan, Pembuktian dan Putusan Pengadilan*, Sinar Grafika, Jakarta, h. 142

[17] Nia Kurniati, *Op.Cit*., h. 181

a. Legal acts that are carried out under authority, but do not pay attention to the method or form stipulated by law;
b. Legal actions carried out under authority and carried out by the method or form stipulated by law but the content is contradictory to the law / violates moral/ethical/moral norms;
c. Legal actions that are carried out under authority and carried out by the method or form stipulated by law but the decisions taken contain elements of coercion, fraud, oversight, and intervention from third parties;
d. Legal acts that are carried out under authority and carried out by the manner or form prescribed by law but only decide on part of the whole matter;
e. Legal acts performed under the authority and carried out by the method or form stipulated by law but added with conditions which it turns out that the conditions are not included in the authority;
f. The legal acts carried out by the administrative organ are not authorized, either regarding the material or the matter to be decided[18].

Decisions that contain these deficiencies can be classified as decisions that result in defects due to:
a. Deviations from administrative provisions;
b. Deviations of a criminal nature;
c. Deviations due to neglect of civil provisions, namely administrative law actions that cause losses to citizens in various forms that can be valued in money[19].

State Administrative Decisions (KTUN) according to Article 1 point 9 of Law Number 51 of 2009 are: "A State Administrative Decree is a stipulation issued by a state administrative body or official that contains a state administrative legal action based on applicable laws and regulations, which is concrete, individual and final, which has legal consequences for a person or civil legal entity."

So that anyone who feels aggrieved by the issuance of IMB that violates the provisions, can file a lawsuit with the State Administrative Court (PTUN) as explained in Article 53 paragraph (1) of Law Number 9 of 2004 which reads: "Persons or civil legal entities who feel that their interests have been harmed by a State Administrative decision may file a written lawsuit to the competent court containing a demand that the disputed State Administrative Decision be declared null or invalid, with or without compensation and/or rehabilitation."

As discussed earlier, the approval, authorization, and issuance of the IMB are in the hands of the head of the region, in this case, the Governor as the head of the Province. So that the issuance of the IMB given to residents around PT Pertamina Plumpang Depot can be submitted to the PTUN.

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[18] Rusmadi Murad, 1991, *Penyelesaian Sengketa Hukum Atas Tanah*, Penerbit Alumni, Bandung, h. 8

[19] *Ibid.,* h. 10

Seeing from the explanation above, it can be concluded that PT Pertamina as a legal entity that feels aggrieved by the issuance of the IMB has legal standing as a plaintiff to sue the DKI Jakarta Provincial Government, especially the Governor of DKI Jakarta. The IMB issued by the Governor of DKI Jakarta is a written permit in the form of a State Administrative Decree (KTUN). Therefore, the Governor of DKI Jakarta as a state administrative official who issued the KTUN can be sued by the State Administrative Court (PTUN) by PT Pertamina.

2. Non-Litigation Dispute Resolution

In addition to dispute resolution through the public courts, there are other ways to resolve disputes through non-litigation or out-of-court channels. With the issuance of Law Number 30 Year 1999 on Arbitration and Alternative Dispute Resolution, there is legal certainty to be able to resolve disputes outside the public courts.

Alternative dispute resolution is a form of dispute resolution outside the court based on the agreement of the parties. The types of alternative dispute resolution include:

a. Consultation

The definition of consultation according to Nia Kurniati is an effort to resolve disputes that are personal in nature with a party called a client with another party called a consultant. The consultant here does not play a dominant role, because in this case the consultant only provides opinions and input for his client. Thus, for decisions taken from this consultation, it is entirely up to the client[20]. In Law Number 30 Year 1999 concerning Arbitration and Alternative Dispute Resolution, it is mentioned that one of the alternative dispute resolution is consultation, but no explanation is given regarding the meaning of consultation.

b. Negotiation

According to Nita Triana, negotiation is a way to solve problems by discussing and making agreements that are agreed by both parties to the dispute[21]. In short, negotiation is a bargaining process. The bargaining that is meant here is between the disputing parties deliberating to reach a consensus. Usually, the disputing parties settle by negotiation so as not to be highlighted in the public eye.

The legislation in Indonesia that mentions alternative dispute resolution through negotiation is Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution. However, it does not explicitly regulate the definition of negotiation.

c. Mediation

Mardalena Hanifah defines mediation as a fast, inexpensive, and effective dispute resolution method that can help both parties reach a fair and acceptable

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[20] Nia Kurniati, *op. cit.*, h. 186

[21] Nita Triana, 2019, *Alternative Dispute Resolution*, Kaizen Sarana Edukasi, Yogyakarta, h. 57

solution for the parties[22]. There are two mediation procedures, namely mediation conducted outside the court and mediation conducted in court.

The mediation procedure conducted outside the court is based on Law Number 30 of 1999 concerning Arbitration and Alternative Dispute Resolution. Mediation that has been completed by the parties can be requested for confirmation of the end of the dispute in the form of a peace deed.

Meanwhile, mediation procedures conducted in court are regulated by Supreme Court Regulation Number 1 of 2016 concerning Mediation Procedures in Court. Mediation referred to here is the process of resolving civil lawsuits by mediation between parties. Based on Article 130 HIR, it is mandatory to conduct mediation procedures first before the case is heard. The panel of judges is obliged to direct the parties to conduct mediation procedures first.

d. Conciliation

Conciliation as an alternative means of dispute resolution is not explicitly regulated in Law Number 30 Year 1999 concerning Arbitration and Alternative Dispute Resolution. However, the word conciliation is found in the provisions of Article 1 number 10 and the 9th paragraph of the General Elucidation in Law Number 30 Year 1999 concerning Arbitration and Alternative Dispute Resolution which states: "Alternative dispute resolution is an institution for resolving disputes or differences of opinion through procedures agreed upon by the parties, namely out-of-court settlement using consultation, negotiation, mediation, conciliation or expert judgment."

Oppenheim argues that conciliation is when a group of people listen to arguments from both sides and try to find a solution. They talk about what happened and try to make proposals for settlement, but the decisions they make do not have to be followed by everyone involved because the decisions are not binding.[23] Conciliation is a voluntary meeting. If the parties reach an amicable settlement, a peace agreement signed by both parties constitutes a legally binding contract. Settlements in conciliation procedures may include apologies, changes in policies and customs, re-examination of work procedures, re-employment, monetary compensation, or so on.

e. Expert Judgment

In the process of drafting or making an agreement that regulates the rights and obligations of the parties, a legal opinion or opinion is provided to the party to provide an interpretation or opinion on one or more terms of the agreement to clarify its implementation[24]. The term "expert judgment" as an alternative dispute resolution appears in Law Number 30 Year 1999 on Arbitration and Alternative

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[22] Mardalena Hanifah, 2016, *Kajian Yuridis: Mediasi sebagai Alternatif Penyelesaian Sengketa Perdata di Pengadilan,* Airlangga University Press, Surabaya, h. 2

[23] Oppenheim *dalam* Nita Triana, 2019, Alternative Dispute Resolution, Kaizen Sarana Edukasi, Yogyakarta, h. 109

[24] Nia Kurniati, *Op. Cit*., h. 198

Dispute Resolution. In dispute resolution, not only is a solution needed to resolve disputes between parties but legal opinions are also needed during the resolution process. It is stated in Article 52 of Law Number 30 Year 1999 on Arbitration and Alternative Dispute Resolution that when people agree, they can ask for help from a special group called an arbitration institution to understand and make decisions about certain parts of the agreement.

f. Arbitration

According to Priyatna Abdurrasyid, arbitration is when two people who disagree about a matter ask a neutral person or group of experts to listen to their arguments and make a fair decision that both parties must follow because the decision is binding and final. The definition of arbitration in Article 1 point (1) of Law Number 30 Year 1999 on Arbitration and Alternative Dispute Resolution is a way of resolving a problem between people without having to go to court. This happens when both parties to the dispute agree to use a written agreement.

VI. CONCLUSION

The responsibility of the Jakarta Special Capital Region Government for the issuance of Building Permits on land owned by PT Pertamina (Persero) located in Plumpang consists of 2 (two) types, namely political responsibility (responsibility) and legal responsibility (liability). Political responsibility is when the government will use the accountability report to assess the implementation of local government. Meanwhile, legal liability can be carried out with criminal liability, civil liability, and state administrative liability.

Settlement of disputes over the illegal use of state-owned land by citizens on national vital objects owned by PT Pertamina (Persero) located in Plumpang can be done through litigation and non-litigation. Settlement through litigation can be through a lawsuit to the general court and/or a lawsuit to the State Administrative Court. The lawsuit to the general court is to the District Court with a civil lawsuit with PT Pertamina as the Plaintiff and the DKI Jakarta Provincial Government and residents who occupy the object of the dispute as the Defendant. Meanwhile, a lawsuit to the State Administrative Court with a lawsuit for a State Administrative Decree (KTUN) where PT Pertamina as a legal entity is harmed by the issuance of KTUN in the form of an IMB issued by the Governor of DKI Jakarta. If through non-litigation channels, it can be done by negotiation, mediation, conciliation, consultation, expert judgment, and arbitration.

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I. INTRODUCTIONOne of the important components in human life is land because ...
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Such a conflict occurred on land owned by PT Pertamina (Persero) located inPlum...
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Plumpang. The purpose of this study is to determine the responsibility of theRegio...
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Tertiary legal
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examined whether the IMB issued by the regional head is based on personal actio...
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because as we know the land used by residents to settle is owned by PT Pertamin...
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official responsibility if it relates to unlawful acts by the authorities. Meanwhile,civi...
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The court that has absolute competence in examining, deciding, and resolvingthis ...
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a. Legal acts that are carried out under authority, but do not pay attention to theme...
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Seeing from the explanation above, it can be concluded that PT Pertamina asa leg...
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