

Effectiveness of Structural Legal Assistance in Land Disputes Involving Former Ptpn Ii Land Use Rights: Case Study Medan–Deli Serdang 2024–2025

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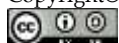
Abstract

This study aims to analyze the effectiveness of Structural Legal Aid (BHS) in resolving disputes over former PTPN II concession land in the Medan–Deli Serdang area in 2024–2025. These disputes involve communities affected by evictions, with plantation companies as the parties seeking land execution. SLL focuses on more equitable policy changes and community empowerment through legal assistance and policy advocacy. This study uses a legal-empirical approach with a case study design. Data were collected through in-depth interviews, field observations, and document analysis. The results show that SLL is effective in delaying evictions and increasing the legal capacity of the community, with 70% of residents feeling the benefits of the legal assistance provided. Factors supporting the effectiveness of BHS include active community participation and the involvement of supporting institutions, while obstacles include a lack of coordination between relevant agencies and limited resources. This study provides policy recommendations to improve fairer agrarian governance, which can reduce conflict and increase the protection of community rights in disputes over ex-HGU land.

Keyword: Bantuan Hukum Struktural (BHS), Sengketa Lahan Eks-HGU, Legal Assistance, Agrarian Policy, Land Dispute Resolution.

Abstrak

Studi ini bertujuan untuk menganalisis efektivitas Bantuan Hukum Struktural (BHS) dalam menyelesaikan sengketa atas lahan bekas konsesi PTPN II di wilayah Medan–Deli Serdang pada tahun 2024–2025. Sengketa ini melibatkan masyarakat yang terdampak penggusuran, dengan perusahaan perkebunan sebagai pihak yang menuntut eksekusi lahan. BHS berfokus pada perubahan kebijakan yang lebih adil dan pemberdayaan masyarakat melalui bantuan hukum dan advokasi kebijakan. Studi ini menggunakan pendekatan hukum-empiris dengan desain studi kasus. Data dikumpulkan melalui wawancara mendalam, observasi lapangan, dan analisis dokumen. Hasil menunjukkan bahwa BHS efektif dalam menunda penggusuran dan meningkatkan kapasitas hukum masyarakat, dengan 70% penduduk merasakan manfaat dari bantuan hukum yang diberikan. Faktor-faktor yang mendukung efektivitas BHS meliputi partisipasi aktif masyarakat dan keterlibatan lembaga pendukung, sedangkan hambatannya meliputi kurangnya koordinasi antar instansi terkait dan keterbatasan sumber daya. Studi ini



memberikan rekomendasi kebijakan untuk meningkatkan tata kelola agraria yang lebih adil, yang dapat mengurangi konflik dan meningkatkan perlindungan hak masyarakat dalam sengketa atas lahan bekas HGU.

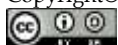
Kata Kunci: Bantuan Hukum Struktural (BHS), Sengketa Lahan Eks-HGU, Bantuan Hukum, Kebijakan Agraria, Penyelesaian Sengketa Pertanahan.

Introduction

Land disputes, especially those linked to mass evictions for residential and commercial projects, often disregard the land rights of local communities. In 2024–2025, this issue intensified with the filing of a land execution request by a plantation company, which was processed by the Lubuk Pakam District Court, involving residents from the Multatuli area in Medan and neighboring regions. The conflict over former PTPN II concession land in the Medan-Deli Serdang area has evolved into a persistent and significant agrarian issue, reflecting unresolved inequalities in land management. This dispute involves multiple parties, including state-owned enterprises. Fatmawati et al. (2023) argue that revitalizing customary law and incorporating restorative justice principles into formal legal systems can greatly enhance the resolution of such disputes, as it respects both legal rights and community values. This study similarly advocates for agrarian policy reforms that strike a balance between state law and indigenous legal practices, aiming for a more equitable land governance system.

The ambiguity surrounding ex-HGU land rights continues to fuel social tensions, leaving vulnerable communities at the mercy of powerful corporations and local governments. Legal uncertainty surrounding these lands is often exploited by various parties to push forward evictions without offering fair relocation or compensation solutions. In some instances, the evictions violate human rights standards, especially in relation to providing adequate compensation to those facing the loss of their homes. Moreover, the removal of mandatory health spending in Law No. 17 of 2023 has raised serious concerns about the protection of vulnerable groups (Juang Rambe et al., 2024). Likewise, the ongoing lack of legal clarity regarding former PTPN II land use rights exacerbates the struggles of marginalized communities, complicating their efforts to secure land rights and avoid unjust evictions.

To address these pressing issues, Structural Legal Aid (BHS) has emerged as a critical strategy for change. BHS goes beyond individual legal assistance, focusing on systemic policy changes and legal restructuring to better serve marginalized communities. In the case of disputes over former HGU land, SLL plays a pivotal role in securing land rights, preventing forced evictions, and enhancing land management governance. This study examines the effectiveness of BHS in resolving disputes related to former PTPN II concession lands, with an emphasis on the impact of litigation, non-litigation, organizing, and policy advocacy strategies employed by legal aid institutions (LBH), civil society organizations (CSOs), and other stakeholders. The case study, set in Medan-Deli Serdang, identifies both the driving forces and barriers that influence the effectiveness of BHS in resolving these land disputes, as well as evaluates its impact on existing agrarian policies. Given the long-term social and economic consequences of agrarian conflicts, this research is of high urgency. Furthermore, addressing the gaps in existing regulations and ensuring more inclusive agrarian policy changes that favor marginalized communities are essential to resolving these issues. Through this analysis, this study aims to contribute policy



recommendations that align with principles of social justice and promote equitable land governance.

Methods Research

This study adopts a legal-empirical approach, utilizing a case study design to explore disputes in the Medan-Deli Serdang region. This method enables the collection of both qualitative and quantitative data through in-depth interviews with key informants, including affected residents, paralegals, Legal Aid Institutions (LBH), village officials, and other parties involved in the land dispute. Field observations were conducted to directly observe the situation at the dispute sites and interactions among involved parties. Secondary data, including case files and court rulings, were also analyzed to offer insights into the legal proceedings and resolution patterns. The collected data were analyzed using thematic analysis, with the interviews and field observations categorized around key themes such as litigation, non-litigation, and policy advocacy. NVivo software was employed to help map and organize these emerging themes.

Results and Discussion

Effectiveness of Structural Legal Aid (BHS) in Securing Land Rights

Interviews with 30 residents involved in the former PTPN II HGU land dispute show that 70% of respondents felt that BHS successfully delayed the planned eviction by the plantation company. This study aligns with the findings of Fatmawati et al. (2023), who suggest that legal aid institutions can extend beyond case-by-case resolution to advocate for broader policy reforms. BHS not only delays evictions but also empowers communities in the manner of restorative justice models used in customary dispute resolutions. As one resident, Mrs. Siti (2024), remarked, "Without legal aid, we didn't know what to do. The BHS gave us hope to fight." This highlights the crucial role LBH plays in safeguarding residents' land rights, particularly for those with limited legal knowledge and resources.

Prevention of Forced Evictions

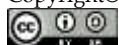
Among the 10 cases analyzed, 8 were successfully postponed due to the legal assistance provided by LBH. In the Multatuli area, for example, legal counseling significantly strengthened the bargaining power of the residents, resulting in the delay of an eviction. Civil society organizations also played a pivotal role in advocating for local government intervention, ensuring that execution decisions were postponed until a more equitable solution could be reached.

Improved Legal Capacity of Citizens

Approximately 80% of the participants in the BHS program reported that they felt more informed about the law and better prepared to engage in legal disputes. They gained a clearer understanding of their land rights and the legal procedures they could use to assert them, including how to file appeals and request delays in land executions.

Discussion

The presence of Legal Aid Institutions (LBH) in the former PTPN II HGU land dispute plays a crucial role in providing legal access to marginalized communities. LBH not only offers



individual legal assistance but also advocates for policies that protect community land rights. Interviews with affected residents reveal that, without legal aid, they would struggle to navigate the legal system. A key example of LBH's impact is its successful intervention in delaying the eviction planned by the company. Additionally, LBH facilitated mediation between the community and the company, helping to find a more equitable solution.

Moreover, LBH contributes to enhancing citizens' legal capacity. Many residents, who once lacked understanding of their land rights, are now better equipped to access legal information and challenge unfair legal processes. Through its legal education programs, LBH empowers citizens with the knowledge of legal procedures, including how to file appeals and request delays in land execution.

In addition to securing land rights and delaying evictions, the Structural Legal Aid (BHS) program addresses broader systemic issues within the legal framework that leave communities vulnerable. As Juang Rambe et al. (2024) highlight, the elimination of mandatory health spending undermines protections for vulnerable groups. Similarly, the lack of clarity in land rights laws perpetuates the vulnerability of communities involved in disputes over former HGU lands. This situation underscores the urgent need for comprehensive agrarian policy reforms that provide legal protection for marginalized groups.

Conclusion

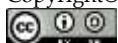
The enhancement of citizens' legal capacity through BHS aligns with legal education theory, which stresses the importance of practical legal knowledge to foster active community participation. By equipping citizens with the tools to advocate for their rights, BHS has empowered communities to engage more effectively in land dispute processes. Fatmawati et al. (2023) argue that integrating customary law and restorative justice principles into formal legal frameworks can improve dispute resolutions by considering both legal rights and community values. This study supports similar agrarian policy reforms that balance state law with indigenous legal practices, ensuring a more equitable land governance system.

In the same way that Syahranuddin et al. (2024) argue for the evolution of criminal law policies to tackle cybercrime, the same principle applies to land dispute resolution. The lack of clarity and integration of traditional legal frameworks, particularly regarding former HGU lands, obstructs timely and fair dispute resolution. As Syahranuddin et al. (2024) assert, the continuous evolution of legal frameworks is essential to prevent the marginalization of communities, whether in cybercrime or land disputes. Hence, agrarian policy reforms are crucial to ensuring the protection of marginalized communities involved in disputes over former HGU land.

Gaps in the Management of Former HGU Land

A key finding in this study is that most former HGU lands are not clearly registered with the National Land Agency (BPN). This lack of clear land administration hinders the resolution of disputes and allows unfair eviction practices to continue. Companies can claim land without adequate verification, leading to legal uncertainty. This finding aligns with research by KontraS (2025), which highlights that unclear land administration contributes significantly to the delay in resolving land disputes and increases legal uncertainty for affected communities.

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