

Analysis of the Application Principle of Horizontal Separation in Jakarta LRT 1B Project: A Legal Review

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Abstract

This study elucidates the application of the principle of horizontal separation in land acquisition for the Jakarta LRT Phase 1B Project and how it affects legal certainty for the parties involved. One of the main principles in the Basic Agrarian Law is the principle of horizontal separation, which separates land ownership from objects above and/or below it. The study applied a normative legal research method, employing both statutory and conceptual approaches, supported by an analysis of land acquisition policies for public interests. The outcomes of the study reveal that the application of the principle of horizontal separation applied to the Jakarta LRT Phase 1B project has not been fully consistent. This is especially true when assessing compensation for buildings and utilities standing on state land and land rights. Legal uncertainty and agrarian disputes may arise as a result of this inconsistency. To protect rights and legal certainty, this study uses the strengthening of technical standards for land acquisition that explicitly

accommodate the doctrine of horizontal separation.

Keywords

principle of horizontal separation; land acquisition; legal certainty; Jakarta LRT; agrarian law

A. Introduction

To overcome traffic congestion and improve the efficiency of public mobility, a key focus area of the government's top priorities is the advance of public transportation infrastructure. This is especially true in metropolitan cities such as Jakarta. Jakarta is the largest economic and urban center in Indonesia. It faces increasingly complex traffic pressures as a outcome of population advance, urbanization, and improved car ownership. The government is prioritizing the development of a rail-based mass transportation system to overcome this problem.¹ The Jakarta Light Rail Transit (LRT) project is one such initiative, which aims to reduce traffic congestion on the roads and encourage people to use mass transportation instead of private vehicles.

The Jakarta LRT is a modern, integrated mode of public transportation that connects various office areas, residential areas, and economic centers in Jakarta. Segment 1B, which stretches from Matraman to Manggarai², is one of several segments of the project. The goal of the Jakarta LRT, which is a national strategic project, is to alleviate traffic density, reduce air contamination, and improve inter-city accessibility in the Jakarta area.

However, despite these good intentions, the implementation of the Jakarta LRT project may also give rise to a number of problems, particularly in terms of land law.

¹ Adwin Tista, "Hakikat Asas Pemisahan Horizontal Dalam Hukum Adat," *Al' Adl Jurnal Hukum* 14 (2022): 1–20, <https://doi.org/10.12962/j23373539.v7i2.32638>.

² anggota grup JAKPRO, "LRT JAKARTA FAQ," accessed June 11, 2025, <https://www.lrtjakarta.co.id/faq21.html>.

One of the main problems that is likely to arise is associated with the procedure for obtaining land ownership rights for the construction of tracks and stations. Land acquisition in large-scale infrastructure projects often involves legal complexities, mainly because it involves various land ownership statuses, the existence of buildings or properties on the land, and aspects of protection of the rights of land owners or users.

In Indonesian agrarian law, this issue is closely related to the principle of horizontal separation as stipulated in Law No. 5 of 1960 regarding Basic Agrarian Principles (UUPA). This principle states that rights to land and rights to buildings or objects on it are two separate legal entities.³ In other words, a person can own a building without owning the land on which it stands, or vice versa. This principle has important implications for the land acquisition process, as the state or developer must separately consider the legal status of both the land and the buildings on it when acquiring land for a development project.

A legally valid land acquisition mechanism requires a transparent process of rights release and fair compensation for affected parties. Unfortunately, in practice, social and legal conflicts often arise due to unclear land rights status, differing interpretations of the object of acquisition, and weak legal protection for land owners or users. This poses a particular challenge in ensuring legal standing and fairness for every stakeholder concerned.⁴

Based on this background, this paper focuses on a study of the application of the principle of horizontal separation in

³ Sri Harini Dwiyaatmi, "Asas Pemisahan Horizontal (Horizontale Scheiding Beginsel) Dan Asas Perlekatan (Verticale Accessie) Dalam Hukum Agraria Nasional," *Refleksi Hukum: Jurnal Ilmu Hukum* 5, no. 1 (2020): 125–44, <https://doi.org/10.24246/jrh.2020.v5.i1.p125-144>.

⁴ Ahmad Yani Muhammad Irfan Aditya, Maryano, "Kepastian Hukum Dalam Pengadaan Tanah Untuk Pembangunan Proyek Strategis Nasional Terkait Ganti Kerugian Bagi Masyarakat Yang Terdampak," *SENTRI: Jurnal Riset Ilmiah*, no. September (2023): 1–12, [file:///C:/Users/HP/Downloads/15.+DRAF+JURNAL+SENTRI+-+NONIH\(+jig+3921\)\(2\).pdf](file:///C:/Users/HP/Downloads/15.+DRAF+JURNAL+SENTRI+-+NONIH(+jig+3921)(2).pdf).

the Jakarta LRT segment 1B development project. This study aims to answer two main questions: How does the Basic Agrarian Law regulate the principle of horizontal separation? In the implementation of land acquisition for the Jakarta LRT 1B project, has this principle been applied appropriately and ensured legal certainty for the affected parties?

This research is anticipated to provide meaningful input in both theoretically and practically. Theoretically, the outcomes of this study will enrich the study of agrarian law in the context of infrastructure projects. Practically, this study can be used as consideration in the formulation of land acquisition policies and the settlement of land-related disputes in the years ahead.

This study uses a juridical-empirical method that combines normative analysis of positive legal provisions and direct observation in the field. The statute approach is used to examine agrarian law provisions, particularly Articles 18 and 34 of Law No. 5 of 1960 and its derivative regulations such as Presidential Regulation No. 71 of 2012 in conjunction with Law No. 2 of 2012 concerning Land Acquisition for Development in the Public Interest.⁵ In addition, a case approach was applied through field studies to understand the implementation of the principle of horizontal separation in the Jakarta LRT segment 1B project. The data sources consisted of primary data such as legal documents, decisions of the Minister of Agrarian Affairs and Spatial Planning or National Land Agency, and project documents, as well as secondary data in the form of literature and scientific journals.⁶

⁵ M.Hum. Nicholas Billy Trisno, Dr. Habib Adjie, S.H., "Urgensi Pembaharuan Undang-Undang Nomor 5 Tahun 1960 Tentang Peraturan Dasar Pokok-Pokok Agraria," *Al Qodiri Jurnal Pendidikan, Sosial, Dan Keagamaan* 22, no. 1 (2024): 1–9, <https://pubmed.ncbi.nlm.nih.gov/28459981/%0Ahttps://doi.org/10.1016/j.resenv.2025.100208%0Ahttp://scioteca.caf.com/bitstream/handle/123456789/1091/RED2017-Eng-8ene.pdf?sequence=12&isAllowed=y%0Ahttp://dx.doi.org/10.1016/j.regsciurbeco.2008.06.005%0Ahttps://>

⁶ Muhammad Hashadi, "Skripsi Tinjauan Yuridis Sosiologis Pemberian Hak Atas Tanah Melalui Proyek Operasi Nasional Agraria (PRONA) Di Kabupaten Takalar," 2023, 1-142.

The data gathering process was conducted by means of comprehensive, detailed interviews with relevant sources, field observations, and a document approach by examining the “Work Reference Framework for Project Management Services Phase 1B: Velodrome-Manggarai,” issued by PT Jakarta Propertindo (Perseroda). This document served as primary data to identify whether the planning and implementation of the Jakarta LRT Phase 1B project had incorporated agrarian law principles, particularly the principle of horizontal separation, in the land acquisition mechanism, project management, and legal protection for affected parties. Data analysis was conducted using a descriptive-qualitative approach with a comparative method to compare legal norms with realities in the field, thereby providing an overview of the challenges and opportunities in applying the principle of horizontal separation in strategic infrastructure development.

B. Regulation of the Principle of Horizontal Separation in the Basic Agrarian Law

The principle of horizontal separation (*horizontale scheiding*) is a fundamental principle in Indonesian land law which states that rights to land and rights to object on the land (such as buildings) are two separate legal entities. This principle is confirmed in Article 5 of the Basic Agrarian law: “The agrarian law that applies to land, water, and airspace is customary law, as long as it does not conflict with national and state interests, which are based on national unity, Indonesian socialism, and the provisions contained in this law and other laws and regulations, all of which take into account elements based on religious law.”⁷ This is the legal basis that agrarian law is built on customary law.

One of the principle in customary law that is adopted in agrarian law is the principle of horizontal separation itself. Several experts, such as Imam Sudiyat,⁸ explain the meaning

⁷ Pemerintah Republik Indonesia, “Undang-Undang Republik Indonesia Nomor 5 Tahun 1960 Tentang Peraturan Dasar Pokok-Pokok Agraria,” *Undang-Undang No.5 Tahun 1960*, no. 1 (2004): 1–5.

⁸ Iman Sudiyat, *Hukum Adat Sketsa Asas* (Yogyakarta, 1981).

of this principle separates the land from everything attached to it. In this case, Ter Haar, quoted by Imam Sudiyat, states that the land is separate from everything attached to it or the owner of the land, regardless of the object on it. Therefore, the owner of the land and the buildings on it can be different from one another. Therefore, in land law, the principle of horizontal separation is adopted, which states that land and buildings are not a single entity. This overrides the right of ownership of a plot of land as stipulated by the Civil Code in Article 571.⁹

Furthermore, Articles 18 and 34 of the UUPA emphasize that the state's control and the allocation of land ownership entitlements to private persons or recognized organizations must be carried out with consideration for the benefit of the community and the collective well-being. This provision is in line with the principle of the social function of land rights as stated in Article 6 of the UUPA, which requires that the use of land serves advantages beyond the holder while simultaneously delivering positive impacts to the broader society. In public development projects, such as the Jakarta 1B LRT, this provision means that every acquisition of land rights must take into account substantive justice and provide adequate protection for all affected parties, including those who only have buildings or lease rights on the land.¹⁰

In its implementation, the principle of horizontal separation imposes administrative and legal obligations on land acquisition agencies to comprehensively identify all rights holders, both land rights and rights to buildings or other objects on the land. This stage is part of the procedure as stipulated in Law No. 2 of 2012 concerning Land Acquisition and its implementing regulations (Presidential Regulation No.

⁹ R. Subekti, *Kitab Undang-Undang Hukum Perdata* (Jakarta: Pradnya Paramita, 2009).

¹⁰ Priyo Katon Prasetyo, Rosye Villanova Christine, and Sudibyanung Sudibyanung, "Implementasi Asas Keterbukaan Pada Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum: Antara Harapan Dan Kenyataan," *BHUMI: Jurnal Agraria Dan Pertanahan* 6, no. 1 (2020): 15–27, <https://doi.org/10.31292/jb.v6i1.421>.

71 of 2012 in conjunction with Presidential Regulation No. 148 of 2015). Failure to ensure the accuracy of ownership data often becomes the root cause of social and legal conflicts in the field, especially when compensation is only given to landowners while other parties such as building owners, tenants, or cultivators are ignored.

The UUPA was created as a form of legal protection for land use, in a power to end the colonial era that exploited the people's land for foreign interests. History shows that foreign powers, such as the VOC and the Dutch colonial government, implemented various policies that oppressed the people, including land acquisition through policies such as the sale and purchase of land by Daendles and the forced cultivation system.

The British government also ruled Indonesia and implemented a land tax system that transferred the people's land rights to the authorities. Meanwhile, the Agrarische Wet and Agrarische Besluit laws during the colonial period provided a legal basis for land ownership by the Dutch government and entrepreneurs, often without protection for the people.¹¹

The enactment of the UUPA abolished colonial rules, unified national agrarian law, and ensured legal clarity and safeguards for land tenure held by the Indonesian population. The UUPA also limits the rights of foreigners to land, only granting them usage rights for a certain period of time to prevent a recurrence of foreign domination that triggers instability. Thus, the doctrine of separating ownership at the same level in the UUPA is not only a division of land rights, but also the result of the Indonesian people's long struggle to reclaim control and prosperity of the land for the people.

The principle of horizontal separation in the UUPA is not only a principle of dividing land rights between citizens and foreigners, but also the result of a long historical process of the Indonesian people's struggle to reclaim control of land

¹¹ Alfian Adam Naafiu and Nian Qisthi Kristalin, "Penerapan Asas Pemisahan Horizontal Pada Hak Pakai Bagi Orang Asing Di Indonesia," *Media Iuris* 4, no. 3 (2021): 317–40, <https://doi.org/10.20473/mi.v4i3.25490>.

from the hands of colonizers and ensure that land is a source of prosperity truly enjoyed by the Indonesian people.

In comparison, Japan has long adopted the principle of horizontal separation in a more systematic manner. In the Japanese property law system, building and lands are treated as two separate legal objects with separate registration and certification processes. This provides clear rights and protection to building owners without land rights, including allowing the building to be used as an independent collateral object.

Since the Meiji era, Japan has developed a land and building registration system that forms the foundation of agrarian legal certainty in Japan. The system also protect the right of building tenants through regulations on rental buildings, guaranteeing certainty of rights even if the landowner changes.¹²

Therefore, there are two differences in principle. The first is the Principle of Horizontal Separation. Where the rights to land and buildings belong to different legal entities, and the building owner stands legally separate from the land owner. This supports development and population growth without direct restrictions from land area. The second is the Principle of Vertical Accession. Where the land owner is automatically also the building owner and building ownership is attached to land ownership, which limits development if land is limited.¹³

The principle of horizontal separation is a characteristic of Indonesian customary law, accommodated in the Basic Agrarian Law (UUPA), while the principle of vertical accession is adopted from the Western legal system.¹⁴

Although the principle of horizontal separation in

¹² Ruth Elita Gultom et al., "Pendaftaran Tanah Di Eropa Dan Asia: Studi Komparasi Kebijakan Dan Dampak Kepastian Hukum," *Jurnal Ilmiah Nusantara (JINU)* 1, no. 6 (2024): 103–12, <https://doi.org/10.61722/jinu.v1i6.2776>.

¹³ Lilawati Ginting et al., "Formulation of a Certification Agency for Buildings without Land Rights Based on the Principle of Horizontal Separation (Comparison to Japan)," no. 24 (2021), <https://doi.org/10.4108/eai.29-6-2021.2312625>.

¹⁴ Suyanto, "Pemberian Hak Atas Ruang Bawah Tanah : Perspektif Hukum Agraria," *Law Proscientist* 1, no. 2 (2023): 61–70.

Indonesia is recognized in land law, the main obstacle is the absence of an institution that specifically issues building ownership certificates without separate land rights. This causes difficulties in using buildings as fiduciary collateral in financial institutions, as banks are cautious about accepting buildings without clear certificate certainty.¹⁵

The application of this principle in large public projects such as the Jakarta 1B LRT is highly relevant, as it reduces conflicts related to land-building ownership, clarifies the legal status of individuals and institutions involved, and facilitates proportional compensation and land acquisition. The establishment of a building certification agency will be necessary to ensure that buildings standing on land not owned by the building owner can be recognized, registered, and legally utilized as assets and collateral, as well as to strengthen the practical application of the principle of horizontal separation and protect the rights of all affected parties, including building owners and tenants, thereby reducing the risk of legal and social conflicts that have often occurred due to unclear ownership status.

Furthermore, legal protection for building owners who do not own land is very important, especially in the case of land acquisition for public interests such as the construction of the Jakarta 1B LRT infrastructure. In practice, even though a building stands on land that does not belong to the building owner, agrarian law provides separate protection, particularly through building rights such as Building Use Rights (HGB) or lease rights, which are legally regulated separately from land ownership rights (the principle of horizontal separation).¹⁶

In the case of land acquisition, the state is obliged to offer fair and proportional compensation not only to

¹⁵ Rizka Ananda Alyan, "Kedudukan Prinsip Pemisahan Horizontal Dalam Melindungi Kreditur Atas Objek Jaminan Berupa Bangunan" 4, no. 1 (2023): 29–40.

¹⁶ Van Basten Simamora, Jemmy Jefry Pietersz, and Novyta Uktolseja, "Perlindungan Hukum Terhadap Pemegang Sertifikat Hak Milik Dalam Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum," *Pattimura Law Study Review* 3, no. 1 (2025): 80–100.

landowners but also to building owners and holders of related rights on the land. Article 18 of the UUPA and regulations on land acquisition stipulate that compensation must be provided transparently, ensuring protection for all affected parties, including building owners who do not own land, and that compensation can be presented as cash, substitute land, or alternative arrangements mutually agreed upon.¹⁷

A concrete example of this protection is the provision of compensation to building owners affected by development projects, where project managers conduct a comprehensive identification of land and building owners as well as tenants. This strategy avoids social and legal conflicts by ensuring that the rights of all parties are fulfilled and compensation is provided according to the value and status of each party's ownership.¹⁸

Thus, legal protection for building owners without land rights is part of the implementation of the principle of horizontal separation that must be realized in practice, especially in large-scale projects such as the Jakarta 1B LRT, for the purpose of provide legal certainty and strengthen substantive justice for all affected parties.

C. Implementation of Land Acquisition in the Jakarta LRT 1B Project, and Its Implications for Legal Certainty for Affected Parties

Based on the results of an interview with a representative of PT Jakarta Propertindo (Perseroda), namely Ririh Pratista, who serves as assistant manager of transportation. The interview was conducted in July 2025. During the interview, the Jakpro representative explained that their main role in the

¹⁷ Aris Syahputra Situmorang and Meysita Arum Nugroho, "Penyelesaian Sengketa Ganti Rugi Dalam Pengadaan Tanah Untuk Kepentingan Umum," *Jurnal Kewarganegaraan* 6, no. 2 (2022): 2983–90.

¹⁸ Nurhayati; Patittingi Kamsilaniah; Abbas Farida; Miru, Ahmadi, "The Existence of Stage House as Fiduciary Guarantee: Perspective of Horizontal Separation Principle," *JL Pol'y & Globalization* 75, no. 116 (2018): 116.

Jakarta LRT Phase 1B project is as the executor and organizer responsible for planning, designing, constructing, and ensuring the sustainability of operations. This task is carried out based on an official assignment from the DKI Jakarta Provincial Government through Minister of Transportation Regulation No. 154 of 2017. Although daily operations will be managed by Jakpro's subsidiary, PT LRT Jakarta, asset management responsibilities will remain under Jakpro's coordination.

When asked about the progress of the construction of segment 1B from the Velodrome area to Manggarai, it was explained during the interview that construction had reached approximately 57%. This progress shows that the project is still ongoing, despite facing quite complex technical challenges, especially at flyover and underpass points, as well as integration with the Manggarai double-double track line. These challenges require precise construction designs and strict inter-agency coordination.¹⁹

In terms of land acquisition, the land conditions along line 1B are relatively more controllable. This is because Jakpro has implemented a strategy of maximizing the use of existing road medians and government assets, thereby limiting the need for land acquisition from private parties. Only at certain points, such as station entrances, is additional land acquisition required. Based on the interview, there is potential for overlap with residents land at certain locations, such as station entrances. This condition has legal consequences in the form of an obligation to provide fair and appropriate compensation to the affected parties in accordance with Article 1 paragraph (2) of Presidential Regulation No. 71 of 2012.

The potential for compensation at the station entrance area does not only concern the land, but also all objects and buildings on it. This is in line with the principle of horizontal separation in agrarian law, which separates the rights to land and the rights to buildings and other objects on the land.

¹⁹ Ririh Pratista, "Wawancara Dengan Bu Ririh, Asisten Manajer Transportasi LRT Proyek" (Jakarta, 2025).

Thus, the parties entitled to compensation are not limited to landowners, but may also include building owners, tenants, and business operators affected by the station access locations. For the station entrance area shall, in principle, cover the value of the acquired land, the value of the affected buildings, and non-physical losses such as loss of business premises or relocation costs. The amount of compensation shall be determined through an independent assessment by an appraiser to reflect the fair value of the object and the actual losses suffered by the affected parties.

The compensation provisions in Presidential Regulation No. 71 of 2012 emphasize that the principle of horizontal separation is not only conceptual in agrarian law but also operational in land acquisition practices. In the LRT station entrance area, this provision ensures that all rights attached to the land, both land rights and building rights and their utilization, continue to receive recognition and appropriate compensation. This is to ensure legal certainty and justice for the affected parties, while preventing disputes arising from the neglect of building rights or the utilization of space on the acquired land.

In addition, it is also significant to deliberate the ecological and social impacts of the construction of the Jabodebek LRT Phase 1B elevated line. Bachtiar and Pasaribu note that although the elevated approach minimizes the need for land acquisition, the use of green open space still has social consequences for the surrounding community, such as a reduction in recreational areas and a decline in environmental value.²⁰ This reveals that the technical strategy of land acquisition does not completely eliminate the impact on the living space of residents.

The main obstacles faced are not related to land, but rather to construction and financial aspects. From a technical perspective, the integration of the project with other infrastructure requires major adjustments, and although the

²⁰ Zulfahmi Bachtiar and Ramos Pasaribu, "Dampak Lingkungan Ekologis Akibat Proyek Pembangunan Jalur Rel Light Rapid Transit (LRT) Jabotabek Di Jakarta," *Local Engineering* 1, no. 1 (2024): 1–10, <https://doi.org/10.59810/lejlace.v1i1.24>.

land is not yet available, regulations are already in place. Meanwhile, from a financial perspective, challenges arise in relation to asset management and building depreciation, which are financed by investment capital and borne by Jakpro in the long term. Jakpro also needs to maintain optimal asset value during the operational period to prevent significant depreciation that could burden the finances of the state-owned enterprise. Nevertheless, if the land issue is linked to the principle of horizontal separation, there are still challenges.

Therefore, a comprehensive identification of landowners, building owners, and parties with lease rights or other rights over the land affected by the project is required. This process is a crucial step as stipulated in Law No. 2 of 2012 regarding Land Acquisition for Development for Public Interest, particularly Article 18, which requires the inventory and identification of subjects and objects of land acquisition.²¹ This is also clarified in Presidential Regulation No. 71 of 2012²² jo. Presidential Regulation No. 148 of 2015,²³ in which the inventory and verification process covers not only land, but also plants, buildings, and additional items associated with the property. Thus, the principle of horizontal separation as stipulated in the UUPA takes concrete form, as land rights and building rights are treated as two separate legal entities but still receive proportional compensation. If this identification stage is not carried out comprehensively, the risk of disputes will be higher. Many cases of land acquisition in Indonesia show that the underlying cause of the issue usually lies in weaknesses in the inventory process, such as the neglect of tenants' rights or the provision of

²¹ Pemerintah Pusat Indonesia, "Undang-Undang (UU) Nomor 2 Tahun 2012 Tentang Pengadaan Tanah Bagi Pembangunan Untuk Kepentingan Umum," Pub. L. No. 2 Tahun 2012, 43 (2012).

²² Presiden Republik Indonesia, "Peraturan Presiden No. 71 Tahun 2012," *Undang-Undang*, no. 1 (2012): 68.

²³ Presiden Republik Indonesia, "Peraturan Presiden No. 148 Tahun 2015," 2015, 16.

compensation only to land certificate owners, without considering the owners of buildings or crops on the land.

In the Jakarta LRT 1B project, a comprehensive identification will ensure that all affected parties, including landowners, building owners, tenants, and cultivators, receive fair and transparent compensation through an appraisal process. This principle is in accordance with Article 34 of the UUPA, which emphasizes that the granting of land rights must take into account the welfare of the wider community, as well as Article 6 of the UUPA regarding the social function of land rights. In other words, land acquisition in national strategic projects should not only be seen as fulfilling technical needs, but also as a legal instrument to guarantee certainty, justice, and safeguarding the entitlements of the public.

Furthermore, strengthening identification in the land acquisition process is also important to provide long-term legal certainty. Without an accurate identification mechanism, the potential for multiple claims or lawsuits from parties who feel neglected will continue to loom over the project, which could ultimately hamper the operation of the LRT as public transportation. Therefore, a systematic, transparent, and regulatory-compliant identification mechanism can be seen as the actual implementation of the principle of horizontal separation in the Jakarta 1B LRT project, as well as a model for other public infrastructure development in Indonesia.

Regarding the compensation mechanism, the source explained that not only land is taken into account, but also buildings, trees, and other objects standing on the land. All these components are calculated in the appraisal process so that the compensation provided is more fair and transparent. This confirms the application of the principle of horizontal separation, in which land and objects on it are treated as different legal objects.

Concluding the interview, the source said that the biggest hope for the Jakarta LRT Phase 1B project is to provide an effective transportation solution for the people of Jakarta and its surroundings. With the presence of this mass transportation mode, it is hoped that there will be a reduction

in traffic congestion, a decrease in air pollution, and an improvement in the quality of urban mobility. In addition, this project is also expected to become a best practice in public infrastructure development with a strategy of minimizing land conflicts, so that it can be a reference for other transportation projects in the future.

Although Jakpro's strategy in the Jakarta LRT 1B project shows a relatively conflict-minimizing approach, the application of the principle of horizontal separation still needs to be tested in practice. As explained in the first discussion, this principle requires the separation of legal treatment between land and the buildings standing on it. In interviews with Jakpro, it appears that the main focus of land acquisition is directed at the use of road medians and government assets, so that the need for land acquisition from private parties can be minimized. This strategy is indeed effective in reducing the potential for disputes, but it also raises questions about how rights are protected for affected building owners or tenants, especially in areas around station entrances that require additional land acquisition.²⁴

When compared to land acquisition practices in other infrastructure projects, such as the construction of toll roads or reservoirs, conflicts often arise because compensation is only given to land certificate owners, while building owners or tenants do not receive adequate compensation. This condition demonstrates the weak implementation of the principle of horizontal separation.²⁵ In the Jakarta LRT 1B project, this risk is relatively smaller, but that does not mean it does not exist. Jakpro must still ensure that every legal entity that has rights, whether landowners, building owners, or tenants, is identified comprehensively. This process is an important requirement for the principle of horizontal

²⁴ Aprillia Wahyuningsih, "Pencegahan Konflik Agraria Dalam Proses Pembangunan Ibu Kota Negara: Pengadaan Tanah Berkeadilan," *Jurnal Lex Renaissance* 7, no. 4 (2022): 675–90, <https://doi.org/10.20885/jlr.vol7.iss4.art1>.

²⁵ Petrus Atong, "Dinamika Konflik Agraria Di Indonesia: Faktor Penyebab Dan Dampaknya," *FOKUS: Publikasi Ilmiah Untuk Mahasiswa* 23, no. 1 (2025): 247–58.

separation to be fully implemented in accordance with the mandate of the UUPA.

On the other hand, public perception of the MRT transportation project is also an important factor. The preferences of Jakarta residents regarding the MRT mode of transportation are greatly influenced by factors such as comfort, accessibility, and travel efficiency.²⁶ If these aspects are not taken into consideration, the public may continue to use private vehicles even though mass infrastructure is available. Other studies even show that the opening of the MRT project did not immediately reduce the use of private vehicles significantly, so behavioral change requires other interventions such as mode integration, affordable fares, and public awareness campaigns. This is an important reflection for the Jakarta 1B LRT project so that its socio-transportation impact is more optimal.²⁷

From a legal certainty perspective, Jakpro's strategy of minimizing land acquisition does provide clarity on the legal objects and subjects. However, legal certainty is not only measured by the absence of conflict, but also by the guarantee that all affected parties receive fair protection and compensation. As mentioned in the first discussion, Indonesia does not yet have a special certification agency for buildings standing on land owned by other parties. This creates potential vulnerability, because without a separate building ownership certificate, the legal position of building owners who are not landowners remains weak during the procurement process.

This condition is different from Japan, which has had an independent recording framework for properties and

²⁶ Mochamad Trias Sembada, Septiana Hariyani, and Deni Agus Setyono, "Faktor-Faktor Yang Mempengaruhi Preferensi Masyarakat Dalam Menggunakan Moda Mass Rapid Transit (MRT) Kota Jakarta," *Tata Kota Dan Daerah* 12, no. 2 (2020): 60–69, <https://doi.org/10.21776/ub.takoda.2020.012.02.1>.

²⁷ Alyas Abibawa Widita, Dyah Titisari Widyastuti, and Ikaputra, "When the Train Finally Comes: Impact of New Transit Opening on Urban Kampung Residents' Personal Motorized Vehicle Use," *Transport Findings* 2021 (2021): 1–9, <https://doi.org/10.32866/001c.30159>.

structures for a long time, so that building owners without land rights still have strong legal protection, including in terms of compensation and the use of buildings as collateral. This comparison shows that although the Jakarta LRT 1B project has relatively few conflicts, Indonesia still faces structural challenges in ensuring legal certainty for building owners who are not landowners. Therefore, in the future, it will be necessary to establish an institution or system for building certification that is separate from land, so that the application of the principle of horizontal separation can truly be effective and protect all affected parties.²⁸

The implication of this analysis is that Jakpro's strategy can be a best practice for other infrastructure projects, but only at the technical level of land acquisition. Normatively, the application of the principle of horizontal separation still faces limitations due to the absence of legal instruments that can guarantee the certainty of the status of buildings independently. Therefore, the application of the principle of horizontal separation in the Jakarta LRT 1B project should be seen as a positive first step, but it still requires the support of more comprehensive agrarian law reforms so that this principle is not merely a norm but is also realized in practice in land acquisition in Indonesia.

Moreover, to the outcomes of interviews with Jakpro, this study is also in line with the contents of the "Terms of Reference (TOR) for Project Management Services Phase 1B: Velodrome-Manggarai" as secondary data. This document provides a technical and administrative overview of the scope of the Jakarta LRT 1B development.

The issue of land and buildings, which was the main focus of the second discussion, is also technically accommodated in the TOR. At the Basic Engineering Design (BED) adjustment stage, consultants are required to conduct field surveys and identify all obstacles, whether in the form of utilities, green belts, water bodies, or buildings affected by the

²⁸ Alfath Satria Negara Syaban and Seth Appiah-Opoku, "Unveiling the Complexities of Land Use Transition in Indonesia's New Capital City IKN Nusantara: A Multidimensional Conflict Analysis," *Land* 13, no. 5 (2024), <https://doi.org/10.3390/land13050606>.

LRT route. This provision indicates that the land acquisition and compensation mechanism does not only concern a plot of land, but also all objects on it, in accordance with the principle of horizontal separation as stipulated in the UUPA and reaffirmed in Law No. 2 of 2012 regarding Land Acquisition.

In addition, the KAK also emphasizes the importance of intensive coordination with stakeholders. Consultants are also required to coordinate not only with the central and local governments, but also with the surrounding communities affected by the project. This provision demonstrates that the community role of land rights as emphasized in Article 6 of the UUPA is truly being pursued in practice, as the development process must not ignore the involvement and rights of the affected communities.

Regarding land acquisition, the KAK emphasizes Jakpro's strategy to minimize the need for land acquisition by utilizing road median space and existing government assets. Land requirements only arise at certain points, such as station access or supporting facilities. This strategy directly influences the clarity and enforceability of the law,²⁹ as the legal status of most land owned by the government is more secure, thus minimizing the likelihood of property conflicts. The certainty of legal objects is also clearer because only a few locations require land status verification, thus simplifying the location determination and compensation procedures. In addition, the application of the principle of horizontal separation becomes easier to implement, whereby land and building rights can be separated in harmony with the provisions of Articles 18 and 34 of the Land Acquisition Law, which considers land rights and building rights separately.

From an environmental perspective, the KAK regulates in detail the obligations of consultants and contractors to comply with the recommendations of the AMDAL, RKL-RPL, and ANDALALIN. This includes the relocation of utilities, drainage management, traffic management, and

²⁹ Tim UJDIH BPK Perwakilan Provinsi Sumatera Selatan, "Tahapan Pengadaan Tanah Untuk Pembangunan Bagi Kepentingan Umum," 2019, 1–15.

environmental impact monitoring throughout construction. Thus, legal certainty in this project is not only understood formally as land and building ownership, but also substantively through the guarantee of environmental protection as adjusted in Law No. 32 of 2009.³⁰

The KAK also strengthens project governance through the application of international management standards. For example, ISO 9001 on quality management, ISO 45001 on occupational safety, ISO 14001 on the environment, and ISO 37001 on anti-bribery systems. The integration of these standards confirms that the LRT 1B project is not only subject to national law but also to international best practices. From a legal certainty perspective, this provides added value because the public and investors can be more confident that the project is managed professionally and accountably.

KAK also places risk management as one of the main pillars of the project. This document stipulates the obligation to prepare a Risk Register, which is updated monthly by consultants. This is relevant to the potential legal issues discussed earlier, such as double claims or objections to compensation values. With a structured risk management mechanism in place, potential legal disputes can be anticipated from the early stages of planning and not just dealt with when conflicts arise.

In terms of operational certainty, the KAK includes the obligation of operational certification, which covers overall system integration testing, procedure verification, and compliance with national and international standards. This confirms that legal certainty in the LRT 1B project is not only related to land acquisition but also to safety and operational feasibility guarantees before this mode of transportation is used by the public. In other words, the KAK provides a formal framework that reinforces Jakpro's hope that this project will be able to bring real benefits to the community while minimizing legal and social risks.

Furthermore, the KAK includes the requirement to obtain

³⁰ Pemerintah Pusat Indonesia, "Undang-Undang (UU) Nomor 32 Tahun 2009 Tentang Perlindungan Dan Pengelolaan Lingkungan Hidup," 2009, 1–110.

operational certification from various agencies, such as the Ministry of Transportation and the Ministry of Public Works and Public Housing. This provision demonstrates a clear hierarchy of legal certainty, from regional regulations to national regulations. In fact, the project schedule, which is divided into milestones (3 months for contractor procurement, 22 months for construction, and 24 months for the Defect Liability Period), reinforces legal certainty in terms of time certainty, which is very important in the world of contracts and infrastructure development. Not only that, the KAK also regulates force majeure clauses and legal sanctions for consultants who do not fulfill their obligations in accordance with the Construction Services Law, which also demonstrates the existence of mutual legal protection between the parties in this project.³¹

D. Conclusion

Based on the results of the study, the construction of the Jakarta LRT Phase 1B has basically implemented a strategy of utilizing road space and government assets so that the need for land acquisition is relatively minimal. However, at certain points, such as the station entrance gate area, there is still the potential for conflict with land and buildings owned by the community. This condition shows that even though land acquisition is not dominant, direct interaction with the community's rights to land and buildings still occurs at the station entrance access location.

Legal certainty for parties affected by the Jakarta LRT 1B project is stipulated in Article 18 of the UUPA, whereby compensation will be provided to affected parties covering land, building, and other losses. In the entrance area of the Jakarta LRT Phase 1B station, this provision ensures that those entitled to compensation are not only land rights holders, but also building owners or parties who utilize the space above it. Thus, the principle of horizontal separation remains relevant even though the Jakarta LRT 1B project

³¹ PT Jakarta Propertindo, "Kerangka Acuan Kerja Untuk Jasa Konsultan Project Management Services Fase 1B: Velodrome-Manggarai" 1 (2022): 1–39.

involves minimal land acquisition.

The application of the principle of horizontal separation in the construction of Jakarta LRT 1B is not only in the separation of the service line construction from the land underneath it, but also in the compensation mechanism in the station entrance area that recognized the existence of building rights and the use of space above the land. Clarity in the legal subject and object of compensation at the station entrance gate is key to ensuring legal certainty and protecting the right of affected communities as well as in the implementation of transportation projects for the public interest.

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