



Full Length Review Article

OVER LAND FUNTION BY LEASING STATE OWNED ENTERORISES PT. KAI (PERSERO) IN WEST SUMATERA

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ABSTRACT

The Indonesian railway company (PT. KAI persero) is a state owned enterprise whose business requires the use of land. In order to optimise this land use the company leasing land to the community on parts of the line that are not currently being used because the line is regarded as uneconomic and no longer in operation. Leasing of land occurs with or without a certification process. Since independence many of West Sumatera's rail lines have stopped functioning but the railway company continues to rent out the land. Leasing contracts resemble standard contracts and are formulated by the railway company themselves. The form of the contract gives the impression that the land is rented from the state and that the lessee only obligation is to pay the rent and can then utilise the land as they see fit. There is no commensurate agreement with the party lessor the land. In light of this two issues can be formulated: What is the regulations and legal status relating to the Leasing of land by the Indonesian railway company to members of the community? Does it have a valid and legal right to do this in the eyes of the law? Normative empirical juridical methadology was used in this study involving both library and field research which was conducted West Sumatra Regional Division II and with the lessee of railway land. Purposive sampling was used. Results showed that the Indonesian Railway Company basis for Leasing land is the legal provisions of the Ministry of State Owned Enterprise and Raliway Company regulations. However these leasing based on Ministry of State Owned Enterprise decrees are invalid if the regulations do not specify The Indonesian Railway company.

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INTRODUCTION

PT Kereta Api Indonesia (Persero) is a State Owned Enterprise under the Act of State-Owned Enterprises / Regulation Number 19 year of 2003 (UUBUMN), which is specially run by Railroad Law System / Regulation Number 23 year of 2007 (UUKA), because it is included as a company so that the subject comply to the Regulation of Limited Liability Company/ Regulation Number 40 year of 2007 (UUPT). In addition, it comply to the Regulation of Land Governing / Regulation Number 5 year of 1960 (UUPA) and Regulation Number 2 year of 2012 on Land Procurement. Train as public transportation in performing its duties and functions can not be separated from the land, whether for foundation lanes, warehouses, offices, stations and so on. State-own interprise PT. KAI (Persero), as a public legal entity, in the railroad business can not depend on the land.¹

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¹ Ramli Zein, 2005, Hak pengelolaan Dalam Undang-undang Pokok Agraria, Rineka Cipta, Jakarta page 2.

In the history of the railway in Indonesia had started before Indonesia's independence (at the time of the Dutch colonialism) performed by a state company (SS) and Private Enterprise (VS). After Indonesia's independence all Dutch companies are being nationalize and it is gradually improving the management until today, it is managed by the state in the form of state-owned interprise PT. KAI (Persero). Especially in West Sumatra (regional division II PT.KAI (Persero), its construction began in 1891 to 1894 called the railway in Minang.² Construction of the railway tracks is based on the 1887 Statblad Number 163, in which development is done by the first 4 years and then it was developed gradually.³ The development of area-Limbanang Bukittinggi, Pariaman Sungai, Limau-Muaro Kalaban-Muaro completed in 1924.⁴

² <http://www.penyelamatanasetptkai.com>, access on 14 March 2016, at 14:27. Indonesian time.

³ In *Gedenkboek der Staatsspoor en Tramwegen in Nederlandsch Indie 1875-1925* published on tahun 1925 dituliskan, bahwa pembuatan jalan kereta api di Sumatera Barat dilaksanakan secara bertahap dan bersambung dari tahun ke tahun.

⁴ <http://www.keretaapiangkutanmassalperintisdi.sumatera-barat.com>, yang dikunjungi accessed on 15-03-2016 at 12:47. Indonesian time.

The lands that were made into the railway tracks is derived from the lands held by the public (communal land) and land rights (the status of land rights) and the lands are non-state-owned land (domain principle).⁵ in some of the provisions in both the Bijblad 11372 or Bijblad 12476 lands used for railways in West Sumatra with restrictions between left and right rail have the distance of approximately 10 meters. Against lands that derived from land rights (eigendom, Opstal, erpach, and other rights), land procurement was purchased by the Dutch railway company, both private and State. Against the lands that derived from communal land (which still exists) in West Sumatra done by loan agreement with the indigenous peoples and usually was done by force, whereas if the land is the domain of the state (Land of the State Property), it is done by making a specific planning of governeman (Dutch government). Train operational in West Sumatra (Sumatra's West Kust) had no purpose other than profit, commercial. In the regional economic policy Dutch government in West Sumatra. Economic policy called *Systemic Linkage Pilot Project*, it should be done thoroughly.⁶ Likewise, the construction of the railway to Sawah Lunto-Teluk Bayur (Emmahaven) was done along the 300 km to the interests of Ombilin's Coal Mine.⁷

After independence, in 1950 by the Minister of Transportation, Energy and Public Works of the Republic of Indonesia Number 2 Year of 1950, the railway company is managed by the Department of Railways (DKA). In the year of 1963 by the Indonesian Government Regulation Number 22 Year of 1963, railway company is managed by the State Railway Company (PNKA) and then in 1971 under Regulation Number 61 Year of 1971 PNKA converted into Company Railway Bureau (PJKA). In 1990 under Regulation Number 57 Year of 1990 PJKA converted into a Public Company Railways (PERUMKA). In 1992, enhanced by Act Number 13 Year of 1992 jo. Government Regulation Number 69 Year of 1998 about Railway Infrastructure. Then, based on Government Regulation Number 19 Year of 1998 PERUMKA changed into PT. Kereta Api Indonesia (Persero). Since the 1950, West Sumatra railway's path mostly were not work or being used either because the track was closed or because they are no longer profitable.⁸ In such conditions, the railway company either under the management of DKA, PNKA, PJKA began renting the lands around the railway path to the public. But since the 70's until 1998, Rent bill does not go smoothly / is said to be a vacuumed, so the people which was former land users who then sought the rights to land to the state through land agency (formerly the Directorate of agrarian). By the State Land Agency (BPN) some of it already provided with the right to use for a period of 5-10 years by issuing right to use the land certificate of the former railway (evidence of land rights). Since 1998 PT. KAI (Persero) encourage the land inventory of used railroad and recognized as an asset of PT. KAI (Persero). Under the Railway Act Regulation and some provisions of the Minister of State-Owned Interprise then PT.KAI (Persero) stated that they was entitled to do anything to their land and to conduct leasing the land, raise the price of

land rent, all for profit for PT. KAI (Persero). Rental was done in written but it looks like a lease, but rather seen as quoting rents by the state. Billing is done at the site, if some of them do not want to pay the rent, the existing buildings demolished by force. PT. KAI (Persero) mentions the basic arrangements for the lease of land is UUBUMN, UUKA, SK MENEG No.SE-Circular 09 / BU / 2008, SK MENEG No.SE- Circular 03 / MBU / 2009, SK MENEG Circular Letter No. SE-05 / MBU / 2009, Candy SK No.Per -06 / MBU / 2011, Candy SK No.Per-09 / MBU / 2014 and Instruction Directors PT.KAI (Persero) No.18 / JB-310 / KA / 2010⁹ good for the land that has been registration or not registration. Railway lands in West Sumatra also inventoried including those which no longer in use since a long time in the noted groundkar (railway land map in Dutch colonialism era), the land includes lands which are known to the Communal Land tribe, Tribal Customary And Communal Land Nagari.¹⁰ Concerning the communal land is then set in the UUPA (Article 3), then in West Sumatra regulated in West Sumatra (Regulation Number 6 Year of 2008)¹¹ regarding the Communal Land Utilization of Communal land mentioned levels of land added with Customary Rajo. Communal Land excluding land registration object both in Government Regulation Number 10 Year of 1961, as well as in Government Regulation Number 24 Year of 1997.

The Problem

Whether the transfer of land of State Own Interprise PT.KAI (Persero) to a lease does not conflict with the law?

Research Method

The research was conducted in West Sumatera with the location picked in a purposive way, with the variable in which lands leased by Indonesian Railways have not been long used by Indonesian Railways. Presently, trains that are still operating are economy-class trains which are sadly managed, old, with torn apart carriages, increasing the number of mortality. This type of research is prescriptive research using normative and sociological approach¹². Normative approach is meant about norms from a phenomenon or reality, while juridical and sociological approach emphasizes the words, not only limited to figures¹³. The primary data are literature data, documentation, books, laws, journals, et cetera, whereas the field data are used as supporting data.¹⁴ The material of this secondary law is used as the research implementation.¹⁵ Data collection technique used is Structured Interview. Technique of examination of the validity of data is by cross-checking. Data analysis is the process of systematically arranging data by using qualitative data analysis with inductive technique that refers to theory of legislation.

OUTCOME AND DISCUSSION

⁹ Surat PT.KAI (persero) Kepada Warga Pengguna Tanah Bekas Kereta Api, tertanggal 9 Desember Tahun 2016. Nomor KA.205/XII/I/DV.2-2016.

¹⁰ Yulia Mirwati, 2015, *Konflik tanah Ulayat*, Penerbit Universitas Andalas, p 25.

¹¹ The Regulation of West Sumatra No. 6 Tahun 2008 Tentang Pemanfaatan Tanah Ulayat.

¹² Sanapiah Faisal, 2001, *Format-format Penelitian Sosial Dasar-dasar dan Aplikasi*, Rajawali Pers, Jakarta, p. 20

¹³ Lexy J.Moleong, 2007, *Metode Penelitian Kualitatif*, Remaja Rosdakarya, Bandung p. 3

¹⁴ Hilman Hadikusuma, *Metode Pembuatan Kertas Kerja / Skripsi Ilmu Hukum*, Mandar Maju Bandung, 1995, p. 61.

¹⁵ Peter Mahmud Marzuki, *Penelitian Hukum*, Cet.VI, Kencana, Jakarta, p. 35.

⁵ Konsideran dan Penjelasan Umum UU Nomor 5 Tahun 1960 Tentang Peraturan Dasar Pokok-Pokok Agraria.

⁶ <http://www.keretaapi.go.id/>, Kereta Api Angkutan Massal Perintis Di Sumatera Barat, accessed on 15-03-2016 at 12:47. Indonesia time.

⁷ *Op cit Gedenkboek der Staatsspoor en Tramwegen in Nederlandsch Indie 1875-1925.*

⁸ <http://www.keretaapi.go.id/>, Penyelamatan Aset PT.KAI, accessed on 14 March 2016, at 14:27. Indonesia time.

Status and Customary Land For State Own Interprise PT.KAI (Persero)

The principle of land in Indonesia is controlled by the state as the highest organization, which is authorized to regulate, to allocate, to use, to provide, maintain lands, determine legal relations and legal acts pertaining to land, but not to own. Objective of the control and regulation of land by the state allocated for the welfare of the people, including the provision of land for a public legal entity such as state-owned enterprises, government, and other institute. Land allocation is differentiated on the subject of private law and public law subjects. For subject public law / institute of public law, including state-owned enterprises are given the special right to use, given without any period of time during and or required, is provided at no charge (for free) without paying inflow cost for the country, it's just, it must be done with a plan (Article 2, 4, 14, 41, jo 42 UUPA). Such plans should be socialized to the community, and when they faced the land that is in the right by individuals and private legal entities, it should be released first into land controlled by the state, to provide compensation to the rights holders. If the original rights holder does not deign to be released, while the location could not be used anymore, it can be revoked on rights (Article 18 of the UUPA in conjunction with Regulation Number 20 Year of 1961).

Since UUPA enacted the provisions revocation of land rights (Article 18 of the UUPA jo. Regulation Number 20 Year of 1961), almost never done, and to meet the needs of land acquisition for development in the public interest, some conditions specified, starting with the Regulation of the Minister of Home Affairs (Permendagri) Number 5 Year of 1975, then followed with Regulation Number 6 Year of 1976, Regulation Number 2 Year of 1982, Presidential Decree (Presidential) Number 55 Year of 1993, the Presidential Decree (Pepres) Number 36 Year of 2005, Perpres Number 65 Year of 2006, which later enhanced by Regulation Number 2 Year of 2012 on the land procurement, all to meet the needs of land for the public interest, by making a planning in accordance with the level spatial / regional level, including the public interest rail transport. Procurement of land especially for PT.KAI (Persero) conducted a program of PT.KAI (Persero) based on UUKA, then performed with the Law through the Land Acquisition Law for Public Transportation Railway. Through the acquisition of the land for PT.KAI (Persero) granted a special Wear, for use by PT.KAI (Persero) for the benefit of railway transporasi (Article 41-jo 43 UUPA, in conjunction with Article 50 paragraph (2) UUPA), then The following is issued Government Regulation Number 40 Year of 1996, it is possible also granted management rights but also specific to the railway Transporter see Articles 39-58. Such as land acquisition which written in Article 1 point (2) of Regulation Number 2 Year of 2012, the activities of providing land by giving compensation proper and fair to those who qualify. Procurement of land is an act of public law, the land acquisition activities principally in the public interest. The public interest is one of the rail transportation. In Article 2 (2) Regulation Number 65 Year of 2006, it was determined that the procurement of land for public purposes in a government project can only be done if the predetermined in the Spatial Plan. For the procurement of land for public interest railway has to do with the planning by PT. KAI (Persero) Article 82-86 UUKA, with the compensation they deserve for the conditions experienced by the original rights holders as a result of land acquisition for the train. The land acquisition should

also be adjusted with the spatial plan (Regulation Number 26 Year of 2007). The process of land acquisition is done by the formation of the land procurement committee. The composition of the committee was composed of the Secretary chairman and members, officers of the elements of regional echelon II as vice chairman and member, head of the land office districts and cities as secretary concerning members, Head of the Department / Office / Agency in the District / Municipality associated with the implementation of procurement land or appointed as a member, then set the location based on the spatial plan area / region, after the investigation of land rights that are above the plan. If there is good land property rights, right to cultivate, building rights and rights to use private, land rights, this right should be released first into the ground state. Then a new list into the management or use rights of land allotment in accordance with the planning, implementation of the duties.

Right to use of the land is the right to use and / or collect the produce of the land directly controlled by the State or land owned by others, authorizing and obligations specified in the decision of administration by a competent authority to give or in agreement with the owner of the land, which is not tenancy agreement or treaty land preparation, every origin is not contrary to the spirit and provisions of the UUPA. To PT.KAI (Persero) Rights granted special use. The second possibility for state-owned land rights PT.KAI (Persero) is a management right, although this right is not asserted in the UUPA, but in the PP 40 Year of 1996, is confirmed as shown in Article 1 (2) which states that the Rights Management is the right to control the implementation of State authority delegated to the holder portion. Management rights are listed under Regulation Number 24 Year of 1997, and published certificate as evidence of the perfect. Furthermore, Article 67 Permenag Number 9 Year of 1999, affirmed that the right to be given to the management of one of which is state-owned companies. Then in Article 67 paragraph (2) confirmed these SOEs may be granted management rights in accordance with the duties and functions, and during use. The usefulness of the right to use and management rights for PT.KAI (Persero) only to perform the duties and functions of the Transporter.

Acquisition of land for the railway arranged in UUPA and the provisions of the organic, also set itself in UUKA, as seen in Article 84 UUKA paragraph (1) Acquisition of land for the construction of railway infrastructure implemented based on the master plan of the railways, it must first be disseminated to the public done with land acquisition, then in Article 85 paragraph (1) UUKA confirmed if there is no agreement reached and the construction site cannot be moved, then the revocation of land rights in accordance with the provisions of the legislation in the land sector. In Article 86 UUKA, it is confirmed that the land which is controlled by the state, in the development of railway infrastructure, certified in accordance with the provisions of the legislation in the land sector. Although the management of railways is also performed under Regulation Number 40 Year of 2007 (Company Regulations), but not purely with Company which is private, due to the railway done with its own peculiarities because of the shape-owned SOEs. In the Company Regulations, a private Limited Liability Company may have the right to use the land in the form of the right to cultivate (HGU), Right to Build (HGB) and the Right to Use (HP) private as well as management rights, but State-Owned Interprise PT.KAI (Persero) only with the right use and special management rights. In addition,

Company as a private legal entity may assign the right of land, ensure land rights and other legal acts, but state-owned PT. KAI (Persero), to legal actions on acquisition of land is both forever his or temporary (rental) and tied their land rights as collateral for a debt.

Rental Land by PT. KAI (Persero) Division II West Sumatra

In the West Sumatra region results obtained in the field there are SK land PT.KAI (Persero) was as yet nothing has been certificated, but some of them has certificate, right to use and right to manage. PT. KAI (Persero) is not only used for transportation but also conduct leasing the land on the other side. Usage for transportation only to the area of Padang-Pasriaman, the railroad should not be used, has been perforated, perforated walls, and according PT.KAI (Persero) Division II Padang Regionla also unfavorable, even loss, or aggravated by frequent casualties course, a lot of victims, but still in the run to avoid being seen all the trains in West Sumatra is no longer operates. for those reasons, PT.KAI (Persero) rented more railway lands for tenants. PT.KAI (Persero) recognizes that land is its assets, as was once used for transportation in the days of the Dutch East Indies, PT. KAI (Persero) feel entitled to lease land both individuals and business entities. Against certificated lands with right to use and right to manage, but not used for railway transportation, it is also leased to the tenant / user. Especially on the land of PT.KAI management rights (which was certificated), to increase profits PT.KAI (Persero) conducted a utilization agreement with the other party first, then over management rights granted right to build to the other party. After this specific period, it will go back become right to manage by PT.KAI (Persero), then the users of these buildings in the wear land lease rights to manage PT. KAI (Persero). Rental done with its own set rents and quoting them to the tenant, either directly or in location did at the counter made specifically for it.

In the district of City of Payakumbuh Fifty limbanang lease the land by PT. KAI (Persero) has been postponed. Based on interviews with tenants, they mentioned that in the early 70s, performed by leasing to the railroad company, and PT. KAI (Persero) does not collect the rents in a few years later, perhaps because he felt the land of the trains no longer functional, or may also claimed the land of state, or PT.KAI (Persero) is not entitled to it because there is no longer train operates. At this time the community (circa 1965-1970) ex railway land users are applying for the right of the land to the state through the Land Agency (formerly the Directorate of Agrarian), and the country through BPN provide a right to use for the period of time that varies between 5 to 10 years. Society considers the use of certificate is to proof their land rights, not knowing that the rights of use for a period of 5 to 10 years, if not renewed, then the land turning into state land. The people who was holding the rights to use the land is still considered that the land is his. Since 2000-present (2017) PT. KAI (Persero) is active again an inventory of its assets, including the formerly leased, and that has changed with the rights to use that the period is not extended, then PT.KAI (Persero) physically trace the former railway land first, then admitted as assets, and rent back by quoting rents to users ex railway land. Not only collect rent the old one, even as of 2015, the land lease price rose 500%, with the reason to adjust the price of land. Based on interviews with PT. KAI (Persero)

Division II West Sumatra, the lease is based on the provisions of existing and railway land was once stored in the PT.KAI (Persero) archive in the form groundkar (soil map) in the Dutch era. PT. KAI (Persero) in carrying out its duties also invoke the provisions of the Company, (Regulation Number 40 Year of 2007), especially with the release of provisions on the management of state assets under Regulation Number 1 Year of 2004, in conjunction with Government Regulation Number 66 Year of 2006, coupled with Circular Letter of minister of state Number 3 Year of 2009 regarding to the maintenance and security of company assets Enterprises Circular Letter Number 9 Year of 2009 on structuring, acquisition and asset management of the company, then based on Regulation Number 6 Year of 2011, and Regulation Number 13 Year of 2014, concerning guidelines for the utilization of state-owned assets. Under these provisions the PT.KAI (Persero) feel entitled to lease assets such as land. But PT.KAI (Persero) do not realize that all of the legal basis in specified is not a PT. KAI (Persero) but for other are BUMN shaped "Housing" and state the form of "state-owned" other.

Based on some regulations related to the operational of the train, no regulations that allows train organize their rents to their land for other parties. Although the railway land use rights already certificated, right to manage or even that has not certificated, the land which is not used for railway transport, the land will turned into state land. State land use based on land with planning and the observation of the layout in the area. Under no circumstances the country's state-PT.KAI (Persero) is not allowed to lease land. In the case of leasing the land of PT. KAI (Persero) to the public or to other parties, is done with in written, but actually it did not meet the elements and requirements prescribed by the Civil Code, on the rental agreement. Because in the Civil Code should be clearly subject land leasing rights, and the type of land rights shall private property rights. In this case though PT. KAI (Persero) does not have property rights over the land, but only the rights of use and management rights that are public. Leasing land in the Civil Code¹⁶ should also include an agreement between the tenant with the leaser at a specific price and a specific time by agreement of both parties. Rental by PT.KAI (Persero) is not in equilibrium consent of the parties, because PT. KAI (Persero) determine for themselves, the price, even the price flow is also determined by PT.KAI (Persero). In the system of civil law (Article 1320)¹⁷ a new agreement valid if requirements are met: 1. Consent of the parties, 2. Legal prowess, 3. specific object, and 4. Some cause that are permitted (halal). If we correlates lease by PT. KAI (Persero) to Article 1320 of the KUHPdata then PT. KAI (Persero) meets the requirements of the lease as a legal contract, it is apparent there is no Approval of the parties, PT.KAI (Persero) should be represented by its organs namely directors, employees that only sees the PT.KAI (Persero) quoting rents, hereinafter lease object is private property rights, while PT. KAI-owned, former of the land does not have the right of the land that has fallen to the country, both PT.KAI only have rights of use and special management for transportation, therefore there is no reason or cause of the lawful rights of PT.KAI (Persero) for rent. Thus the leasing of land by PT. KAI (Persero) is nietig (null and void). Judging from UUPA system, there is a right to rent the land but can lease subject is

¹⁶ Yahya Harahap, M. 1986. *Segi-segi Hukum Perjanjian*, Alumni, Bandung, p.9

¹⁷ Burgelijke Wet Book article 1320

an individual (only Citizen Indonesia), and objects that can be rented is ownership of the land. Although the land ownership can be excluded for several legal entities but the legal entity is also not allowed to lease the land. (Article 16 paragraph (1), Article 20 UUPA). Rental was also devoted only to the building, to determine the time period and the determination of payment of the rent. This lease rights instead of land rights is not registered and are not given the right to lease certificate. UUPA lease rights in fact a lease agreement of the Civil Code (Articles 1548-1560). The lease agreement is an agreement, whereby one party to bind himself to give the other party the enjoyment of the goods, during a specified period and the payment of a price, by the latter party was affordable payment. Of the lease treaty visible element, there is agreement of the parties, their goods, their enjoyment, a certain time period, the rental price. In the Civil Code, only the holder of property rights (eigendom) to lease the land (Article 1591 of the Civil Code).

In Government Regulation Number 8 Year of 1953 concerning the control of state lands, including land tenure is the railway transportation including control over public service. State-Owned Enterprise PT. KAI (Persero) capacity as the state assets is separated and conducted by UUKA, Regulation Number 1 Year of 2004 on the state treasury jo PP Number 66 Year of 2006 on State Property Management. According to the letter of correspond Head of BPN Number 500-125, May 4th, Year of 1992 The definition of government agencies, due to PT. KAI (Persero) is one of the state, the fulfillment of their needs will be done with the land for land acquisition. It also refers to the Regulation of the Minister of Agrarian Affairs / Head of BPN Number 9 of Year of 1999 on Procedures for Granting and Cancelling the land rights of the State and Right Management. Based on the letter of head of BPN Number 570.32-3594-DIII, 29-10-1992 addressed to the Head Office of BPN that the land in the form of *grondkaart* that show proof of assets of PT. KAI (Persero) which are physically controlled by others, can not be given rights to them as long as there is no approval of the Minister of Finance. Letter Head of BPN Number 500-1255, dated 4-5-1992 on Guidelines for the implementation Procedures and Rights Management Certificate Settlement land controlled by government agencies; Letter Head of BPN Number 550.1-3987-D.III, 25-11-1992, on land controlled by PT.KAI (Persero) which is used for train's railway can be given right to use the name of the Department of Transportation. All rights of land by PT.KAI (Persero) must be made proof of his rights in the form of certificates of land rights as required by Article 19 of the UUPA, to provide legal certainty and do land registration (Regulation Number 24 Year of 1997), in which the rights of use and special management rights this is also an object of registration.

Conclusion

From the above description, the policy of the lands controlled by PT.Kereta Api (Persero) can be summarized as:

- Land of PT.KAI (Persero) is the proof of ownership in the form of *Grondkart* recognized as the state assets controlled by PT.KAI (Persero), but not as evidence of land ownership of PT.KAI (Persero), however the initial evidence of the land is still required for railway operations.
- Land acquisition of PT.KAI (Persero) for the benefit of public transport is given the right to use and special

management rights over the name used Departement of Transportasion and or State-Owned Enterprise.

- PT. KAI (Persero), a special legal entity to strive for the common good, so that rights to land that belongs to the applicable laws and their got public, then it cannot do the transfer of land rights (Article 44 UUPA).
- Land lease by PT. KAI (Persero), including land ex-trains that is no longer function, accidentally closed or transferred rails, both not yet certificated or are already certificated management rights and use rights, is contrary to the laws and regulations, well, the UUPA, the Law on State Enterprises, UUKA, the Civil Code and other implementing regulations.
- Land rights may be granted to PT. KAI (Persero) cannot be switched and routed included in being assure. PT. KAI (Persero), for the acquisition of rights of use and management rights is conducted by land acquisition for public purposes, and are not in place the country as the supreme authority leases on land for his people. Therefore the act state-owned PT KAI (Persero) lease land including tort (onrechtmatigdag).

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