

The Antinomy of Final Legal Decisions and Administrative Settlement of Plantations in Forest Areas: A Case Study of PT Torus Ganda

Astri Ivo¹, Nila Fitri²

Faculty of Sharia and Law, Sultan Syarif Kasim State Islamic University of Riau, Pekanbaru, Indonesia

E-mail : astri.ivo@uin-suska.ac.id

ABSTRACT

This article examines the relationship between final and binding court judgments and the administrative settlement mechanism for plantation activities in forest areas, using the PT Torus Ganda case as a case study. It employs normative legal research with statutory, case, and conceptual approaches. Legal materials are collected through library research and analyzed qualitatively. The article considers Articles 110A and 110B of Law Number 18 of 2013 on the Prevention and Eradication of Forest Destruction, as amended by Law Number 6 of 2023, and their relationship with the enforcement of court judgments. The materials currently presented do not sufficiently establish that PT Torus Ganda applied for or obtained an administrative settlement under these provisions, or that the provisions factually obstructed enforcement of the judgment. Accordingly, the defensible issue is the potential normative tension and the need to examine any administrative action against the judgment's operative order, the procedural status of the case, and the applicable enforcement rules. Harmonization requires careful interpretation, inter-agency coordination, and respect for the binding force of court judgments, without assuming a factual conflict that has not been established by evidence.

Keywords: final and binding judgment; administrative settlement; forest area; PT Torus Ganda; legal certainty

INTRODUCTION

Forest areas have ecological functions and are subject to legal regulations related to land ownership, licensing, and business activities. In practice, the use of forest areas for plantations can give rise to disputes if the area's status, licensing basis, or management authority are in dispute. These disputes can be resolved through the judicial process, while laws and regulations can also provide administrative mechanisms for certain activities already taking place in forest areas. The existence of these two pathways requires clarity regarding the scope of each and their legal relationship.

This article does not use quantitative claims regarding the extent of plantations in forest areas because verifiable figures and source pages have not been adequately cited in the manuscript. The research focus is limited to the relationship between legally binding court decisions and administrative resolution mechanisms, not to measuring deforestation or agrarian conflict in

general. This limitation is necessary to ensure that legal arguments can be tested against relevant norms and case facts.

In forestry law enforcement, administrative resolution and judicial processes have different legal bases, objectives, and consequences. A legally binding court decision is binding on the parties within the scope of the applicable ruling and procedural law. Conversely, administrative mechanisms can only be applied if the subject, object, requirements, and procedures stipulated by the regulations are met. Therefore, it is inappropriate to immediately declare the relationship between the two as contradictory without examining the applicable provisions and evidence of their application in concrete cases.

Law Number 6 of 2023 establishes Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation as law. Articles 110A and 110B are provisions inserted into Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction through this amendment. In general, these provisions regulate the administrative resolution of certain activities that have been established in forest areas, with requirements and consequences that must be reviewed based on the provisions and implementing regulations. Therefore, a more appropriate reference is Article 110A and Article 110B of Law Number 18 of 2013 as amended by Law Number 6 of 2023.

The case of PT Torus Ganda in Rokan Hulu Regency, Riau Province, is used as a case study because this manuscript includes the Pasir Pangaraian District Court Decision Number 39/Pdt.G/LH/2022/PN Prp, the Riau High Court Decision Number 26/PDT-LH/2023/PT PBR, and the Supreme Court Decision Number 2671 K/Pdt/2023. However, the number, date, content of the ruling, pages of consideration, and the status of the implementation of the decision need to be directly matched with the official copy of the decision. This manuscript does not conclude that PT Torus Ganda has used the administrative mechanism of Article 110A or Article 110B because specific evidence regarding the administrative submission or approval is not yet available in the materials reviewed.

Studies on deforestation, forest management, and agrarian conflict provide general context, but do not necessarily address the issue of implementing legally binding decisions. To clarify the novelty of the research, previous sources must be directly compared with the issues of Article 110A and Article 110B, resolving ongoing activities in forest areas, and the execution of environmental civil decisions. References that only discuss deforestation in general are not used as direct evidence regarding the application of administrative provisions to PT Torus Ganda.

Given these limitations, this article focuses on examining the normative relationship between administrative settlement provisions and court decisions, not on proving that a factual conflict has occurred. The novelty that can be carefully proposed lies in a joint reading of the scope of administrative norms and the principle of binding force of decisions, provided that such conclusions are supported by the regulatory text and official copies of decisions.

Based on the description, this study answers three questions: (1) what is the scope of Article 110A and Article 110B of Law Number 18 of 2013 as amended by Law Number 6 of 2023; (2) what is the relationship between these provisions and the decision in the PT Torus Ganda case which is said to have permanent legal force; and (3) what is the harmonization approach that can maintain legal certainty without assuming the existence of administrative implementation or execution obstacles that have not been proven.

METHODS

This research is a normative legal study with three approaches: the statute approach, the case approach, and the conceptual approach. Primary legal materials include relevant laws and court decisions that are the object of study. Secondary legal materials include books, journal articles, and research results related to forestry law, administrative resolution, the binding force of decisions, and legal certainty. Tertiary legal materials, if used, are limited to legal dictionaries or encyclopedias to help explain terms. The collection of materials was carried out through literature review. The collected materials were analyzed qualitatively with grammatical, systematic, and teleological interpretations of relevant provisions, then compared with the content of the ruling and the considerations of the decision. Because complete copies of decisions and evidence of administrative actions have not been verified in the available materials, this study distinguishes between normative findings and implementation facts that still require verification.

RESULTS

Conflict between Final Decisions and Administrative Settlement of Plantations in Forest Areas: The Case of PT Torus Ganda

The PT Torus Ganda case presents a relevant issue for examining the relationship between law enforcement through court decisions and administrative resolution mechanisms in forest areas. The previous text stated that the dispute was filed by the Riau Madani Foundation against PT

Torus Ganda regarding the control and utilization of an area for oil palm plantations in Rokan Hulu Regency, Riau Province. Details regarding the parties' arguments, the extent of the dispute, the legal standing of environmental organizations, and the status of the area must be confirmed through an official copy of the decision before it can be declared final.

The legal standing of the Riau Madani Foundation as a plaintiff also needs to be analyzed by referring to the legal basis for environmental organizations' right to sue and the judge's considerations in the ruling. The status of an environmental organization is not sufficient simply to be stated by its name or purpose; the author needs to examine whether the requirements stipulated by the regulations have been met and how the panel assessed this legal standing. Similarly, facts regarding the area size, forest area designation status, the nature of the action being challenged, and the form of redress must be linked to primary documents. If such information originates solely from news reports, the manuscript should state it as secondary and not use it as the sole basis for drawing conclusions about the *ratio decidendi*. Verifying primary sources will strengthen the connection between the facts of the case and the normative analysis, while also avoiding the error of linking the environmental dispute to the administrative mechanisms that are the focus of the article.

Based on the decision numbers listed in the text, the Pasir Pangaraian District Court ruled on the case through Decision Number 39/Pdt.G/LH/2022/PN Prp, then the Riau High Court examined the case at the appeal level through Decision Number 26/PDT-LH/2023/PT PBR, and the Supreme Court ruled on the cassation through Decision Number 2671 K/Pdt/2023. Before the text is published, the date of each decision, the full ruling, the page number of considerations, and the execution status must be verified with an official copy from the Supreme Court Decision Directory. The rejection of the cassation should not be interpreted automatically as acceptance of every argument of the winning party; the conclusion regarding the *ratio decidendi* must follow the considerations actually written in the decision.

Analysis of the *ratio decidendi* must be conducted by directly referring to the legal considerations in the appeal and cassation decisions. Based on the summary provided in the text, the case concerns the status of the disputed area and the obligation to restore it. However, without citations and page numbers from the official decision, the explanation of the legal basis used by the panel, the assessment of the evidence, the land area, and the form of restoration cannot be treated as independent verification. Therefore, the final text needs to include page references for each description of the grounds of the lawsuit, considerations, and ruling.

Supreme Court Decision Number 2671 K/Pdt/2023 reportedly rejected PT Torus Ganda's cassation appeal. Procedurally, a rejection of the cassation appeal means the cassation appeal was not granted; this does not in itself prove that the Supreme Court accepted all of the opposing party's arguments. The meaning of the decision must be read in light of its full considerations and ruling. Therefore, the term "final decision" may be used if this status is confirmed by official documents, while the details of the considerations may not be reconstructed without primary sources.

Normative questions arise because Articles 110A and 110B provide administrative resolution pathways for certain categories of activities in forest areas. However, the available materials do not yet prove that PT Torus Ganda has applied for or obtained resolution based on these provisions, and do not indicate any government action that actually delays or hinders the execution of the decision. Therefore, the relationship between the two regimes in this case must be formulated as an issue that needs to be examined, not as a fact that administrative resolution has hindered the implementation of the decision. Conceptually, the questions that need to be answered are whether the requirements and scope of Articles 110A or 110B cover the same subjects and objects as the case that has been decided, and what the consequences are if administrative action is requested after the decision has become final and binding. To answer this, researchers must examine the text of the articles, implementing regulations, the time of business activities, the status of the area, the identity of the subjects, and the decision's ruling. Without evidence that these elements have been fulfilled, it is inappropriate to conclude that there is a concrete antinomy between the decision and the administrative mechanism.

Grammatically, a proper reading of Articles 110A and 110B must begin with the applicable official formulation, including the subjects who may submit a resolution, the nature of the regulated activities, the obligations that must be fulfilled, and the legal consequences if these obligations are not fulfilled. The term "continued" is not generally understood to mean the existence of plantations in forest areas; its application must be determined by the elements and requirements outlined in the norms and implementing regulations. Because this text does not yet include complete citations of the articles and implementing regulations, detailed descriptions of deadlines, fine amounts, and application documents must be added after verification with official sources. This step is crucial to prevent the analysis from replacing the wording of the norm with an unverified summary.

Systematically, Articles 110A and 110B must be read in conjunction with the legal framework for forestry and environmental protection, as well as regulations regarding the implementation

of civil judgments. Systematic reading prevents a single article from being separated from its accompanying requirements, exceptions, or mechanisms. On the other hand, court decisions must be read through the ruling and the considerations underlying that ruling. If the ruling orders a specific action, its implementation must be assessed based on applicable procedural law and cannot be simply referred to abstractly as administrative policy. The relationship between the two regimes can only be ascertained after determining whether the subject, object, time, and legal consequences of the regulations truly overlap.

Teleologically, administrative resolution can be understood as an instrument for regulating specific activities already underway in forest areas and ensuring that regulatory obligations are met. Meanwhile, the judicial process aims to resolve concrete disputes and provide legal protection through decisions that are binding on the parties. These differing objectives do not automatically mean that the two are incompatible. New tensions arise when legitimate administrative actions are applied to the same object in a manner inconsistent with the ruling, or when the ruling is ignored without a justifiable procedural basis. Therefore, the review must proceed from concrete documents and actions, not merely abstract possibilities.

Distinguishing between potential conflict and actual conflict is also crucial to the quality of legal research. A potential conflict is the allegation that two legal frameworks may produce consequences that are difficult to reconcile under certain circumstances. An actual conflict requires evidence that both frameworks are actually applied to the same subject or object and produce irreconcilable consequences. In the PT Torus Ganda case, the mere existence of a draft decision is not sufficient to prove an actual conflict with administrative mechanisms. Additional evidence is required, such as a company request, a decision or letter from an authorized agency, documents delaying or implementing the law, or official statements linking administrative policies to the case. Without such evidence, the term "potential normative tension" is more accurate than the claim that the articles have hindered enforcement.

Policy arguments also require a balanced consideration. From the perspective of both government and business actors, administrative mechanisms can be seen as providing a pathway to governance, procedural certainty, and the opportunity to fulfill regulatory obligations. Plantation activities can also be related to the jobs and livelihoods of surrounding communities. However, these economic objectives cannot be used as an excuse to ignore binding decisions or waive legally mandated reparation obligations. Conversely, the principle of legal certainty also demands that government actions have a clear basis for authority and be applied consistently. A balanced assessment does not mean equating all interests, but rather

examining the legal basis, procedures, rights of the parties, and the concrete consequences of each policy choice.

From the perspective of the enforcement of a judgment, it is necessary to distinguish between the binding force of the judgment, voluntary enforcement by the losing party, and execution through procedural law if the judgment is not implemented. These three are not the same thing. The status of *inkracht* indicates that ordinary legal remedies have expired according to the provisions, but it does not in itself prove that all actions in the judgment have been carried out. Therefore, the article should separately state whether the judgment has become legally binding, whether a request for execution has been filed, whether the court has issued a ruling, and whether there has been an official report regarding implementation. This distinction helps avoid jumping to conclusions from the status of the judgment to allegations of obstacles to implementation.

The practical implication is that authors need to construct a chronological table based on primary documents, at least containing the date and level of the decision, the principal ruling, the legal status, and the implementing documents. If no evidence of administrative resolution is found, this must be stated transparently, and the scope of the research limited to normative analysis. If administrative documents are later found, authors need to explain the issuing official, the legal basis, the object and subject of the decision, the date of issuance, and its relationship to the ruling. This method makes conclusions testable by readers and avoids the assumption that the relationship between the decision and administrative policy is proven simply because the two regulations existed at a close time.

To assess the application of norms in a measurable manner, research can use a legal element matrix. The first column lists the elements of Article 110A and Article 110B based on the official text. The second column describes the documents required to prove each element, such as the identity of the business actor, type of activity, area status, start date of activity, permits held, and fulfillment of administrative obligations. The third column compares these elements with the facts actually stated in decisions or agency documents. The fourth column notes whether the evidence supports, does not support, or is insufficient to conclude that the administrative provisions apply to the case. This matrix is not a substitute for legal interpretation, but rather a tool to prevent generalizations and to clearly indicate which sections have been proven and which require additional sources.

In addition to the element matrix, the analysis must consider the subjective and objective limits of the decision's power. Subjective limits relate to the parties bound by the decision, while

objective limits relate to the object of the dispute and the content of the ruling. If a ruling in a case regulates obligations between the plaintiff and the defendant, the legal consequences need to be explained based on the relationship between the parties. The involvement of government agencies as policy implementers should not be assumed to be the same as their status as parties to the case. Therefore, the text needs to examine who the parties are listed in the decision, to whom the obligations are imposed, who has the authority to implement or facilitate the execution, and how procedural law governs the next steps. Without such distinctions, the terms "returning the area to the state" or "implementing restoration" can give the impression that all institutions mentioned in the ruling have the same procedural standing.

The consequence of this distinction is that analysis cannot simply juxtapose the effective date of the law with the date of the decision. Researchers must examine the transitional provisions and the relevant timeframes established by the norm, including whether the administrative requirements refer to when the activity took place, when the application was submitted, or when the decision was issued. Researchers also need to examine whether the administrative provisions are intended to regulate the status of activities and permits, or whether there is an explicit basis for regulating their impact on cases that have already been decided. If the law does not stipulate that a final decision loses its binding force, the conclusion that an administrative mechanism for annulling the decision cannot be drawn solely from the existence of an administrative resolution pathway. Rather, if there are specific relevant provisions, they must be analyzed textually and systematically and should not be paraphrased without reference. Harmonization can be directed at three steps. First, agencies processing administrative resolutions need to examine the status of cases and objects before issuing decisions that could potentially conflict with court rulings. Second, if a legally binding decision is found that concerns a related object or subject, the status and content of the ruling need to be confirmed through official documents, not just secondary reports or summaries. Third, if any ambiguity arises regarding the relationship between an administrative decision and its implementation, resolution must be pursued through available legal authorities and procedures, with verifiable legal documentation. This step does not assume that the courts always override every administrative policy; the goal is to ensure that each agency acts within its authority and avoids inconsistent decisions.

Further research should also separate doctrinal analysis from empirical research. Doctrinal analysis can explain the structure of norms, relevant legal principles, and possible interpretations. However, claims about the practice of delaying executions, government

attitudes, company requests, or impacts on society are empirical claims that require separate documentation and data. Evidence can include official letters, administrative decisions, execution orders, minutes of implementation, or verifiable information. If such evidence is not available, authors should change the formulation of certainty to normative questions or possibilities. This methodological approach does not weaken the article but rather makes the conclusions proportional to the data and more easily justified academically.

DISCUSSION

In this discussion, the term "antinomy" is used in a limited way to describe the potential tension between general provisions governing administrative resolution and concrete individual decisions that bind the parties. Technically, court decisions are not statutory regulations that are on the same hierarchical level as laws. Therefore, the principle of *lex superior derogat legi inferiori* cannot be applied directly to declare court decisions superior to laws. The more appropriate issue is how administrative provisions are interpreted and applied without changing or ignoring the rulings of decisions that have become legally binding.

The principle of *lex specialis derogat legi generali* is generally used to resolve the relationship between regulations governing similar matters, not to establish court decisions as special regulations that automatically override laws. Therefore, Articles 110A and 110B must first be interpreted based on their elements, subject, object, conditions, and legal consequences. Their scope is then compared with the object and ruling of the decision. If an administrative action fails to meet the requirements of a norm or touches on an obligation that has been decided without a valid legal basis, it can raise questions about its legality and legal certainty. However, such a conclusion requires an examination of the relevant facts and documents.

The principle of *lex posterior derogat legi priori* cannot be applied simply between laws and court decisions because they differ in nature and function. Changes to laws may alter the general legal framework, but this does not mean that any previously rendered decision automatically loses its binding force. Conversely, decisions that have entered into legal force must still be implemented in accordance with procedural law and the scope of the ruling, while the application of new provisions must be tested based on transitional provisions, the scope of the regulation, and concrete facts. This analysis does not conclude that Article 110A or Article 110B is necessarily invalid; that requires an interpretation of the official text and its implementing regulations.

This issue relates to legal certainty and fair protection as guaranteed by Article 28D paragraph (1) of the 1945 Constitution of the Republic of Indonesia, as well as the independence of the judiciary as regulated by Article 24 of the 1945 Constitution. This guarantee demands that decisions be implemented according to law, but this does not mean that decisions are placed at a hierarchical level of regulations above laws. On the other hand, administrative mechanisms can be aimed at organizing activities that meet requirements and provide certainty for business activities and the community that depends on them. Harmonization must therefore consider the objectives of administrative arrangements as well as the limits of authority and obligations determined by decisions.

The case chronology must be constructed from primary documents: the dates of the first-instance, appeal, and cassation decisions; the date of final and binding legal effect; and the application or administrative decision documents, if any. The available documents do not yet contain sufficient evidence regarding PT Torus Ganda's application for administrative resolution or the execution decision or report. Therefore, statements that the government has applied Article 110A or Article 110B to the case, or that these provisions are the cause of the delay in execution, must be removed until official evidence supports them.

Administrative resolution under Article 110A and Article 110B cannot be treated as a mechanism that automatically overturns an environmental civil decision. Conversely, it is also inappropriate to declare without examination that these two articles have no impact whatsoever on a case that has already been decided. Assessment must be based on the applicable provisions, their requirements and deadlines, implementing regulations, the status of the object and subject, and the content of the decision. Any conclusion regarding the impact on execution must be accompanied by documentation demonstrating the factual relationship.

From an institutional perspective, coordination between courts, forestry agencies, and officials authorized to enforce decisions can help prevent ambiguity in case handling. Such coordination must respect the authority of each agency and must not replace existing legal procedures. For this study, concrete recommendations include ensuring that all administrative decisions related to the case are traceable, including official copies of the decisions and their execution status, and explaining in writing the legal basis for any requests for administrative resolution after the decision has become final and binding.

CONCLUSION

This study indicates a potential legal relationship problem between legally binding court decisions and the administrative resolution mechanism for plantation activities in forest areas. Articles 110A and 110B must be referred to as provisions in Law Number 18 of 2013 as amended by Law Number 6 of 2023. In the PT Torus Ganda case, the text lists the decisions at the first level, appeal, and cassation, but the facts regarding the request or approval of administrative resolution and obstacles to execution are not supported by sufficient evidence. Therefore, this study cannot conclude that there is a factual antinomy that has occurred. Harmonization is necessary by interpreting administrative provisions based on their elements and scope, reading the ruling accurately, and examining the administrative application and execution documents. A legally binding ruling must be implemented in accordance with procedural law, while administrative mechanisms can only be used if regulatory requirements are met. Before publication, authors need to complete the date and page citation of the official ruling, proof of execution status, and the legal sources implementing Articles 110A and 110B. Without such verification, conclusions must remain limited to normative analysis.

LIMITATIONS

This research has limitations. First, the case analysis relies on a summary of information included in the draft; a full copy of the decision, including the considerations and ruling pages, needs to be reviewed. Second, there is insufficient evidence regarding the application or decision for administrative resolution by PT Torus Ganda, nor is there any official documentation regarding the implementation or obstacles to its implementation. Third, implementing regulations and forest area regulation policies are subject to change, so the latest legal status must be checked before publication. These limitations limit the conclusions to a normative analysis and cannot be used as a substitute for verifying the facts of the case.

REFERENCES

- Bahari, R., & Faizin, M. (2026). Deforestation and the Ecological Crisis of Kalimantan: The Impact of Land Clearing Regulations on Community Welfare and Social Conflict. *Custodia: Journal of Legal, Political, and Humanistic Inquiry*, 1(3).
- Bumishambara, P., Himawan, FD, & Arifin, FK (2026). Legal Asymmetry of Social Forestry: Institutional Subordination of LMDH from the Perspective of State Administrative Law. *BELEID: Journal of Administrative Law and Public Policy*, 4(1), 22–47.

- Butt, S. (2020). Indonesian Law. In Oxford University Press.
- F.A.O. (2022). The State of the World's Forests 2022: Forest Pathways for Green Recovery and Building Inclusive, Resilient and Sustainable Economies.
- Hasibuan, M., Medaline, O., & Wajdi, F. (2026). Legal Analysis of the Land Status of the Bukit Harapan Oil Palm Plantation Cooperative. 2122–2129.
- Hidayat, S. (2026). Environmental Law in Controlling Deforestation as a National Security Threat. *Conflict & Security Review*, 1(1), 38–55. <https://doi.org/10.20961/csr.38>
- Ivo, A. (2024). Return of the Status and Function of Limited Production Forest Areas Controlled by Individuals in Kepau Jaya Village Based on Law No. 41 of 1999 concerning Forestry.
- Ministry of Environment and Forestry. (2023). Environmental and Forestry Statistics 2023. In Jakarta: KLHK.
- Agrarian Reform Consortium. (2024). Year-End Notes on Agrarian Reform and Agrarian Conflict in Indonesia.
- Prabudi, W., Hindu, S., Ichsan, AC, & Anwar, H. (2025). Sustainable Management of Customary Forests Based on Local Wisdom in Sambik Elen Village, North Lombok Regency. *Journal of Authentic Research*, 4(2), 1506–1526.
- Rajib, RK, Nadif, M., & Pratama, DA (2026). Analysis of the Ineffectiveness of Environmental Law Enforcement Against Deforestation and Palm Oil Plantation Expansion as Triggers of Flash Floods in Sumatra. 16(7).
- Tora, E. (2026). Agrarian Conflict and Legal Uncertainty in Natural Resource Management in Indonesia. *Journal of Scientific Research*. 3(6), 1799–1816.
- Indonesia. (1945). The 1945 Constitution of the Republic of Indonesia.
- Indonesia. (1999). Law Number 41 of 1999 concerning Forestry.
- Indonesia. (2009). Law Number 32 of 2009 concerning Environmental Protection and Management.
- Indonesia. (2013). Law Number 18 of 2013 concerning the Prevention and Eradication of Forest Destruction.

Indonesia. (2023). Law Number 6 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2022 concerning Job Creation to Become Law.

Supreme Court of the Republic of Indonesia. (2023). Decision Number 2671 K/Pdt/2023.

Supreme Court of the Republic of Indonesia. (2025). Decision Number 1403 PK/Pdt/2024.