

Resolving Land Disputes in Papua: Court Competence, Legal Challenges, and Dual Ownership Issues

Sokhib Naim^{1*}, Kahar Lahae², Haeranah³, Marwati Riza⁴

^{1,2,3,4}Faculty of Law, Hasanuddin University, Indonesia; naimsokhib@gmail.com (S.N.).

Abstract. This study aims to analyze and understand the settlement processes of land disputes under the jurisdiction of competent courts. Using an empirical legal research approach, primary data were collected through direct interviews with respondents involved in land disputes, particularly those resulting from dual ownership of land rights on the same property. Such cases are prevalent in Papua, West Papua, and Southwest Papua Provinces. The data were analyzed descriptively to provide a comprehensive understanding of the issue. The resolution of land disputes varies depending on the nature of the case and the jurisdiction of the court. Civil courts address disputes concerning ownership and compensation claims, while criminal courts handle cases involving criminal elements, such as land grabbing. The State Administrative Court has jurisdiction over administrative disputes, including the issuance of land certificates. The overlapping jurisdiction of these courts often leads to challenges in determining the appropriate venue, underscoring the importance of efficiency and legal certainty. Resolving disputes effectively requires clarity of the disputed object and adherence to procedural rules to minimize the risk of lawsuits being dismissed as inadmissible.

Keywords: Court Competence, Dual Land Ownership, Land Dispute.

1. INTRODUCTION

Indonesia is a country that is very rich in its agricultural products, so there is a saying that says *gemah ripah loh jinawi toto peaceful kerto raharjo* which means quiet and prosperous, and the land is very fertile; in the course of this prosperity, there must be rules that regulate it so that it is maintained, therefore in the Basic Law of the Unitary State of the Republic of Indonesia in Article 33 paragraph (3) it is stated that the earth, water and natural resources The nature contained therein is controlled by the state and used for the greatest prosperity of the people. Based on this, the government is obliged to regulate all natural resources in Indonesia, including land, for the benefit of the community. To realize this regulation, a national land law is needed to realise the incarnation of the state's spiritual principles and the nation's ideals, namely the one and only God, humanity, nationality, democracy and social justice (Setiawan, 2009). In connection with this, on September 24, 1960, the Indonesian government enacted and began implementing the fundamental law of agrarian law number 5 of 1960 concerning basic regulations on agrarian principles, better known as the Basic Agrarian Law (UUPA). With the birth of the UUPA, uniformity was achieved regarding land law, so that there are no longer land rights according to Western law in addition to land rights according to customary law (Kansil, 1995) or it can be said that legal pluralism has been created in the land sector (Sumardjono, 2009).

Article 6 of Law Number 5 of 1960 concerning basic agrarian regulations states;
"All land rights have a social function."

Giving right on state land through the Decree (SK) Granting of Land Rights issued by the National Land Agency (BPN) is one of the methods for subject law to obtain a right on land in Indonesia (Tornado, 2021). The state grants land rights to individuals, legal entities or government agencies based on its authority. After obtaining land rights, the landowner already has proof of rights so that they can utilize the land plots without disturbing the rights or interests of others, and it is hoped that there will be no problems related to land disputes. However, in reality, we still find many land disputes in society.

The problem of land disputes in Indonesia seems never to end being discussed in discussions and seminars, in line with that, in society it is no less lively than the real problem, when our society encounters the problem of the dualism of land ownership rights, where one party has a legal basis in the form of a certificate and the other party has a letter of release of customary land rights or a certificate of cultivated land, then the problem will culminate in a legal problem, for example, the problem of the dualism of land ownership rights experienced by Rocky Gerung, with PT. Sentul City, which occurred in the Bojong Koneng area, Bogor Regency (CNN Indonesia, 2021) and the land dispute problem between a farmer and PT. Ciputra Internasional or Citra Land housing occurred in Manado City, where the Manado City Police Resort had already detained a farmer due to the legal process of a report from the company, which resulted in the summons of a Babinsa by the police because the Babinsa defended the farmer who was working on his land which was claimed by the company that the land was his, then the Kodam Inspector sent an open letter to the Chief of Police (Merdeka, 2021).

The dualism of land rights ownership over the same object is one model of land dispute, where both land rights owners have certainly carried out procedures in obtaining the land in question by the provisions of Article 1320 of the Civil Code concerning the legal requirements of an agreement which reads as follows; (Subekti & Tjitrosudibio, 1996)

For an agreement to be valid, four conditions are required;

1. Agree those who bind themselves;
2. The ability to make a contract;
3. A certain thing;
4. A lawful cause;

The emergence of land disputes usually begins with reports from individuals or legal entities containing claims for land rights such as ownership, status and priority where the aggrieved party can obtain legal resolution by applicable regulations (Murad, 1999). In resolving all types of problems related to land disputes in the future, it is hoped that they can be resolved through the Land Court mechanism so that there will be no more debates related to court competence, if so far there have been debates in every court process regarding which Court's competence is authorized to adjudicate land disputes, then with the Land Court Concept, there will no longer be mutual claims about which Court is competent in handling cases related to land disputes and to support this statement is a land dispute case that was once managed by researchers at the Sorong District Court, where the Plaintiff filed a lawsuit related to a civil case of unlawful acts, namely based on the use of land without permission above certificate after the case was decided with the verdict of the lawsuit cannot be accepted until the cassation legal effort with Case Register Number 65 / Pdt.G / 2014 / PN.Son, jo 64 / PDT / 2015 / PT.JAP, jo. 760 / K / PDT / 2016, then the defendant (researcher) filed a lawsuit to the Jayapura State Administrative Court related to the existence of a Decree in the form of a certificate that had indications of administrative defects, where in the Jayapura State Administrative Court decision the lawsuit was stated to have expired, as well as the Makassar High State Administrative Court decision which upheld the Jayapura State Administrative Court decision, however after the Cassation the Makassar High State Administrative Court decision was cancelled because it was true that the Decree in the form of the certificate was administratively defective. The certificate being sued was declared void with Case Register Number 20 / G / 2017 / PTUN.JPR, jo 12 / B / 2018 / PT.TUN.MKS, Jo. 340 K/TUN/2018; however, it is unfortunate that when the defendant submitted a judicial review (PK), the cassation decision was cancelled without legal considerations.

The establishment of the Land Court is very effective in reducing land disputes, as the land dispute problems that the researcher experienced in practice as an advocate mentioned above, so that in the future, there will be no tug-of-war of authority between the Criminal Court, Civil Court and State Administrative Court. Based on the problems that occur with various land disputes from time to time that continue to emerge and seem to never be resolved, this dissertation research was made to contribute from an academic perspective to solving future land problems.

2. METHODOLOGY

This research is a type of empirical legal research, namely a legal research method that functions to be able to see the law in a real sense and examine how the law works in the community (Irwansyah, 2021), primarily aimed at studying the efforts of land courts in providing solutions to land disputes to people seeking justice and law enforcement officers, both police, prosecutors, judges and advocates so that there is no tug of war of authority between the Criminal Court, Civil Court and State Administrative Court. Sociological, legal analysis (*sociological jurisprudence*) / empirical is used to see how the reality arises in resolving land disputes with the Land Court Concept, which has absolute competence.

The sample of this research is the parties who have ever had a land dispute, Law Enforcers, Academics, Community Leaders, District Court Judges and State Administrative Court Judges that have occurred and been processed by the District Court through the Criminal, Civil and State Administrative Court mechanisms, all of which have root problems originating from land rights ownership such as Certificates, Statement of Release of Customary Land Rights, Cultivated Land Certificates, etc.

The type of data used in this study is primary data obtained directly from the field by conducting direct interviews with respondents who are determined as samples, in this case the parties who have had disputes with land objects due to the existence of two ownership rights to land above the same object and this often occurs in the regions of Papua, West Papua and the youngest province, namely Southwest Papua, which is closely related to the intersection between Certificates and Statements of Release of Customary Land Rights made and issued by Customary Institutions and Owners of Customary Land Rights. Secondary data is obtained from official documents, books related to the research object, and research results in reports, journals, theses, and dissertations.

Research conducted directly in the field by directly participating in handling problems related to land disputes considering the profession of the researcher, who is also an Advocate and Lecturer who often gets land dispute cases that end up in the Criminal Court, Civil Court and State Administrative Court. The second research was conducted by conducting interviews. Interviews are a way to get information by asking respondents directly (Singarimbun & Efendi, 2015). In this case, interviews were conducted with Judges, both Judges at the District Court and Judges at the State Administrative Court who handle cases related to land disputes, police and prosecutors who process land disputes, which are then drawn into the criminal realm and end up in the Court with the Criminal Process. Furthermore, this research was also conducted in library research, which is data

collection sourced from journals,entific studies, andand books related to the proble., Data was also collected through electronic media and other information media. The data that has been traced is selected according to this research's level of importance (urgency).

The data analysis method used in this study is descriptive analysis, which analyzes data from field studies and literature by presenting and explaining the results or realities of objects arranged logically. Furthermore, the data collected will be arranged in a research report.

3. RESULT AND DISCUSSION

In general, land disputes arise due to several factors , including a) Incomplete regulations, b) Inconsistency of regulations, c) Land officials who are less responsive to the needs and amount of land available, d) Incorrect land data, f) Limited human resources tasked with resolving land disputes, g) Incorrect land transactions, h) Actions of the rights applicant or, i) The existence of a settlement from another agency, resulting in overlapping authority. (Mudjiono, 2007) . In general, land disputes that arise in Indonesia can be grouped into four problem classifications, namely problems related to;

1. Recognition of ownership of land
2. Transfer of land rights
3. Encumbrance of rights and
4. Occupation of former private land

Viewed from the subject of the dispute, land disputes can be grouped into three types, namely;

1. A land dispute between residents
2. Land disputes between local government and residents and
3. Disputes related to natural resource management (Center for Population and Policy Studies, 2002).

In practice , officials general or PPAT who is given authority To make deeds authentic about action law specific about right on land (Iswahyudi, 2019) which then from deed land the disputed , in the process of resolving land disputes not only carried out through the District Court (PN) but also the State Administrative Court (PTUN), even not infrequently the settlement of land disputes penetrates the criminal law area because the dispute contains criminal elements (Mudjiono, 2007). Regarding resolving land disputes in the Judicial Institution, Article 4 paragraph 2 of Law Number 48 of 2009 concerning Judicial Power regulates that trials be carried out Quickly, Simply and at Low Cost. This is intended so that the disputing parties and residents involved in the land dispute are not harmed and are not burdened with expensive costs to obtain legal certainty over the disputed land. Long settlement times, accompanied by complicated administrative procedures, will increase the number of land disputes.

One of the cases that once involved a debate over two authorities between criminal and civil courts was the Dualism of land rights ownership that occurred in practice in society as experienced by the community in Sorong City - Southwest Papua, where one party claimed to have a legal basis in the form of a land certificate, and the other party had a legal basis in the form of a Letter of Release of Customary Land Rights on the same object. The customary release is already a propriety that must be obeyed by every party who wants to control a piece of customary land (Suryana et al., 2021) . Furthermore, the party who owns the certificate reports to the Sorong City Resort Police; based on the police report in question, the Sorong City Resort Police followed up by directly conducting an investigation and inquiry into the report by implementing Article 167 of the Criminal Code and Article 6 paragraph 1 letter b of PERPU Number 51 of 1960, concerning the Prohibition of Using Land Without Permission from the Authorized Person or His Legitimate Attorney.

The next process then Sorong City Resort Police summoned the party who had the legal basis in the form of a Letter of Release of Customary Land Rights and was immediately named a suspect for alleged criminal acts as stipulated in the two articles at once, not long after the Sorong City Police Investigators submitted the file to the Sorong District Attorney's Office and the file was declared P21 or the file was complete, then the Sorong District Attorney's Office submitted the case to the Sorong District Court with case register Number; 29 / Pid.B / 2019 / PN.Son , and the trial began stage by stage and arrived at a verdict a verdict read on October 8, 2019, which reads as follows;

The verdict of the Sorong District Court stated that the defendant, Muh. Yusuf Munir and Siti Aisyah were proven legally and convincingly guilty of the crime of "jointly forcing their way into a house, room, or closed yard used by another person unlawfully, or remaining there unlawfully, and not immediately leaving at the request of the rightful party." Defendant I, Muh. Yusuf Munir was sentenced to 4 (four) months in prison, while Defendant II, Siti Aisyah, was sentenced to 2 (two) months in prison and ordered to be immediately detained. Evidence in the form of a certificate of ownership No. 349/1949 in the name of Lestari Widiastuti and a report on taking the land boundary were returned to their owners. In addition, the defendants were each required to pay court costs of Rp—3,000 (three thousand rupiah).

Against the verdict, the defendants filed an appeal to the Jayapura High Court through their legal counsel. The Jayapura High Court, through decision Number: 100/ Pid /2019/PT.JAP dated December 10, 2019, overturned the decision of the Sorong District Court. In the appeal decision, the High Court stated that the defendants were proven to have committed the acts as charged by the Public Prosecutor, but the acts did not

constitute a criminal act. Therefore, the High Court released the defendants from all legal charges and restored their rights regarding ability, position, dignity, and honour as before. The evidence was returned to its owner, and the state bore the court costs in the first instance trial and appeal.

The basis for the consideration of the Panel of Judges of the Jayapura High Court in cancelling the Sorong District Court decided that the actions of the defendants did not constitute a criminal act because the defendants had a legal basis in the form of a Statement of Release of Rights to Customary Land from the owner of the customary land so that the act was an act within the scope of civil law, which is the authority of the Civil Judge to examine and try it. Therefore, the defendants were declared released from all legal claims (*Onslag Van Alle Legal regulation*).

Based on the Jayapura High Court's decision, the Public Prosecutor filed a cassation appeal by submitting a cassation memorandum; the Defendants' Legal Counsel responded to the cassation memorandum by making and submitting a Counter Cassation Memorandum after the files were sent to the Supreme Court of the Republic of Indonesia, the Public Prosecutor's Cassation Application files were returned by the Supreme Court of the Republic of Indonesia to the Sorong District Court with Letter Number; 132/Pan.4/ Pkr /II/2020, dated February 25, 2020, Regarding the Return of Case Files in the name of the Defendant Muh. Yusuf Munir et al., with the consideration that the criminal decision, which is threatened with a maximum imprisonment of 1 (one) year, does not meet the formal requirements for Cassation as referred to in Article 45 A of Law Number 5 of 2004 concerning amendments to Law Number 14 of 1985 concerning the Supreme Court in conjunction with. Circular of the Supreme Court of the Republic of Indonesia Number 8 of 2011 concerning cases that do not meet the requirements for Cassation and Judicial Review, so it can be interpreted that the Decision of the Jayapura High Court Number: 100/ Pid /2019/PT. JAP, dated December 10, 2019, in the case has Permanent Legal Force and officially becomes Jurisprudence for all issues of Dualism of Land Ownership Rights over the same object that cannot be drawn into the criminal realm and this can become Novelty (*Findings/Elements of novelty*) in this research and can be used as a reference for law enforcement in the future.

The existence of dualism of land ownership rights over the same object in this case needs to be seen from the ownership aspect, whether the two land owners have obtained their ownership rights in accordance with the acquisition procedure or not, where the acquisition procedure in question is in a manner that is justified by the legal rules themselves, for example buying and selling, exchanging, granting and others, if so then it is certain that the ownership is valid according to civil law and the police are not authorized to follow up by bringing the issue of dualism of land ownership rights to the criminal realm. The occurrence of a dispute between two parties, if it can be resolved amicably and the national land agency as the mediator, then this kind of settlement can be ensured to satisfy both parties. If the settlement must go through legal channels in accordance with applicable provisions, then it is certain that the parties will require additional costs, especially using the services of an advocate, the costs required are sometimes beyond the ability of the service user, while the expected results are not always in his favor.

In the problem of dualism of land rights ownership where one party has a certificate and the other party has a letter of release of rights to customary land, Cultivated land, Petok D, Letter C etc., in the Basic Agrarian Law number 5 of 1960 the term Land Certificate is never mentioned, but as found in article 19 paragraph (2) letter c there is a mention of a Certificate of Proof of Rights, in everyday terms this certificate of proof of rights is often interpreted as a Land Certificate (Lubis & Lubis, 2008). The term Certificate itself is listed in Chapter I concerning General Provisions Article 1 number 20 of Government Regulation Number 24 of 1997 concerning Land Registration. A certificate is a letter of proof of absolute land rights (Anindhita et al., 2021), therefore it is also very useful and functions as evidence. Evidence that states that this land has been administered by the state. By carrying out the administration, then the evidence is given to the person who administered it. Evidence or certificates belong to someone according to what is stated in the certificate. So for the landowner, the certificate is a strong grip in proving his ownership rights, because it is issued by a legitimate and legally authorized agency. The law protects the holder of the certificate and is stronger if the holder is the name listed on the certificate. So, if the person holding the certificate is not in his name, it is necessary to change the name to the holder so as to avoid interference from other parties. To ensure that the person concerned is indeed the party entitled to the land, a direct check will be carried out in the field by the authorities (Patittingi, 2011).

Although the main function of a land title certificate is as evidence, a certificate is not the only evidence of land rights, a person's land rights can still be proven with other evidence, such as a Letter of Release of Customary Land Rights, Land Cultivation Certificate, Petok D, Letter C etc., which are the forerunners of certificates. Certificates as evidence are very important, for example in the case of transfer of rights, and legal acts of transfer of rights aim to transfer land rights to other parties (who meet the requirements as rights holders), in the form of land sales, exchanges, grants or testamentary grants and others (Patittingi, 2011). Based on the Theory of Authority according to FAM Stronik and JG Steenbeek which states; *Het Grip Bevoegdheid Is And Ook Een Kembegrp In He Staas -En Administratief Law* which means that authority is a core concept of administrative law (Wiarno, 2008). Authority itself is legal power and the right to govern or act, the right or power of public officials to comply with legal regulations within the scope of carrying out public obligations. (Wiarno, 2008).

In the Problem of Dualism of Land Ownership Rights, the certificate owner should file a civil lawsuit with the District Court by filing a civil lawsuit on the basis of ownership rights so that the Court can make a decision on the validity of the dualism of land ownership rights in question. Although in practice, not all civil lawsuits on the basis of land ownership rights are granted by the Panel of Judges of the Civil Court by looking at several factors, including if there is a procedural error in the issuance of the certificate in question, there is falsification of identity and documents related to the issuance application. the certificate. Referring to the Decision of the Sorong District Court Number 29/ Pid.B /2019/ PN.Son, dated October 8, 2019, *Juncto* the Decision of the Jayapura High Court number 100/ pid /2019/PT.JAP, dated December 10, 2019, then the two decisions in question can apply Universally from Sabang to Merauke, from Miangas to Rote Island, if there is a problem related to Dualism of Land Ownership Rights, then the problem cannot be drawn into the criminal realm, but must be processed in accordance with the civil path by filing a civil lawsuit with the District Court.

Civil cases that occur between two authorities, namely criminal courts and civil courts, raise similar dualism issues of authority, especially between the District Court and the State Administrative Court. This was experienced by the researcher when handling civil case Number 65/ Pdt.G /2014/ PN.Son filed by Kristian Gosal as the Plaintiff. This case rolled to the cassation level which was only decided in 2017, after Kristian Gosal sued the late Said Faqih Hasyim bin Tahir at the Sorong District Court.

In the decision of the Sorong District Court, the panel of judges granted part of the defendant's exception and stated that the Plaintiff's lawsuit was inadmissible (*niet universal verklaard*). The Court ordered the Plaintiff to pay court costs of Rp. 3,871,000. The main reason the panel of judges rejected the lawsuit was because the lawsuit was considered unclear regarding the object of the dispute (*obscur libel*) and there was a lack of parties who should have been sued (*exceptio plurium litis consortium*). Both exceptions were granted by the panel of judges, so the lawsuit was declared inadmissible.

Against the verdict, the Plaintiff filed an appeal to the Jayapura High Court, which then upheld the verdict of the Sorong District Court with Decision Number 64/ Pdt /2015/PT.JAP dated November 11, 2015. The Jayapura High Court decided to accept the Plaintiff's appeal, but upheld the first instance verdict and ordered the Plaintiff to pay court costs at both levels of Court.

Dissatisfied with the verdict, the Plaintiff through his attorney filed an appeal to the Supreme Court. Ultimately, the Supreme Court in the cassation decision Number 760 K/PDT/2016 dated June 28, 2016, rejected the cassation application from the cassation applicant Kristian Gosal and sentenced the cassation applicant to pay the court costs at the cassation level of Rp. 500,000.

This case illustrates the complexity of disputes involving dualism of authority between different courts, as well as the importance of clarity of the object of the dispute and the parties involved in a civil lawsuit. Where in the legal considerations of the panel of judges of the Supreme Court is because *judex facti* (the Jayapura High Court which upheld the decision of the Sorong District Court) did not apply the law incorrectly because it was correct that in order for a lawsuit to be accepted, the lawsuit must clearly state in addition to the area and boundaries, the location of the disputed land, which was not proven in the *a quo* lawsuit, so it was correct that the Plaintiff's lawsuit in this case was an unclear lawsuit, therefore it was appropriate to declare it unacceptable.

From the cassation decision number 760 K/PDT/2016, dated June 28, 2016, the attorney for Defendant I then filed a lawsuit to the Jayapura State Administrative Court within a period of 90 days as stipulated in Article 55 of Law Number 5 of 1986 which was amended by Law Number 9 of 2004 and amended again by Law Number 51 of 2009 concerning State Administrative Courts, after it was discovered that there was an object of the case in the form of a Decree, namely a certificate belonging to Mr. Christian Gosal, in the process why did the object of the case in the form of the certificate have to be sued in the State Administrative Court...? because the issuance of the certificate is contrary to the applicable laws and regulations and is contrary to the general principles of good governance as stipulated in Article 53 paragraph 2 of Law Number 5 of 1986 as amended by Law Number 9 of 2004 and amended again by Law Number 51 of 2009 concerning State Administrative Courts.

This case shows the dualism of authority that occurs between the State Administrative Court and the civil Court in the process of resolving disputes related to land rights. In the decision of the Jayapura State Administrative Court with Number 20/G/2017/PTUN.JPR, dated November 20, 2017, the panel of judges granted the exception of the defendant and the second defendant intervention regarding the lawsuit that had expired (out of time), and stated that the Plaintiff's lawsuit could not be accepted (*niet universal verklaard*). The verdict orders the Plaintiff to pay court costs of Rp. 506,000. The legal considerations in this verdict have not yet entered into the main case because the exception regarding the expiration is considered relevant.

Furthermore, Rais Ridjali, who is the heir of the late Said Faqih Hasyim bin Tahir, through his attorney filed an appeal to the Makassar High State Administrative Court. The decision of the Makassar High State Administrative Court with Number 12/B/2018/ PTTUN.Mks, dated February 21, 2018, upheld the decision of the Jayapura State Administrative Court and sentenced the Plaintiff to pay court costs at both levels of Court.

Dissatisfied with the results, Rais Ridjali filed a cassation appeal. The Supreme Court of the Republic of Indonesia then issued a cassation decision with Number 340 K/TUN/2018, dated June 4, 2018, which overturned the decision of the Makassar State Administrative High Court and tried the case itself. In this cassation decision, the Supreme Court granted the Plaintiff's lawsuit in its entirety, canceled the Certificate of Ownership Number

618 in the name of Christian Gosal, and ordered the defendant to revoke the certificate. The Court also ordered the defendant in Cassation I and the defendant in Cassation II to pay court costs at all levels of Court, which at the cassation level was set at Rp. 500,000.

This decision shows the importance of procedural aspects in handling disputes related to land rights, especially regarding the timeliness of filing a lawsuit and the importance of legal certainty regarding land ownership status. The differences in decisions at various levels show the dynamics of administrative law which are closely related to the assessment of the validity or otherwise of state administrative actions, in this case the issuance of land ownership certificates.

Where in the legal considerations of the Panel of Supreme Court Justices, the Supreme Court agrees with the position of the Plaintiff's lawsuit, where The posita used as the basis for the lawsuit against the Plaintiff's lawsuit is starting from the existence of a district court decision that has permanent legal force, namely civil case decision number 65/PDT/G/2014/PN.SON dated May 21, 2015, in conjunction with the high court decision number 64/PDT/2015/PT.JAP, dated November 11, 2015. In conjunction with the decision of the Supreme Court of the Republic of Indonesia number 760 K/PDT/2016, dated June 28, 2016, and because the procedure for issuing a certificate of ownership in the name of Christian Gosal is contrary to applicable laws and regulations and contrary to the general principles of good governance as stated in the legal considerations of the panel of justices of the Supreme Court which reads as follows;

1. That after carefully considering the evidence which is used as the basis for consideration for *Judex The facts* to state that the Plaintiff has known the certificate of the object of dispute since March 2010 are in the form of: Letter/Invitation from the Head of the Sorong City Land Office to the Archive dated March 11, 2010, Invitation Letter from the Head of the Sorong City Land Office without a destination address dated March 30, 2010, Invitation Letter from the Head of the Sorong City Land Office to the Archive dated May 17, 2010, Mediation Minutes dated March 12, 2010, and Mediation Minutes dated May 19, 2010, it turns out that the object of the dispute is not clearly stated. Therefore, the Plaintiff's knowledge of the certificate of the object of dispute on April 27, 2017, while the lawsuit *a quo* was filed on July 24, 2017, so that the filing of the *a quo lawsuit* is still within the time limit as referred to in Article 55 of Law Number 5 of 1986 concerning State Administrative Courts;
2. That on December 16 2014 the object of the *a quo* dispute was sued at the Jayapura State Administrative Court by Said Faqih Hasyim bin Tahir (the Plaintiff's parent). *a quo*) against the Head of the Sorong City Land Office, and Christian Gosal (Defendant II Intervention) to the Jayapura State Administrative Court which was decided up to the cassation level of the Supreme Court of the Republic of Indonesia. The decision stated that the lawsuit was declared inadmissible because there were still problems with ownership;
3. That along with the state administrative lawsuit on November 10, 2014 Christian Gosal filed a civil lawsuit against: I. Hasyim bin Tahir, II. Westri, III. Sukisno, IV. Irma Wael, V. Yuliance, VI. Yusuf Kareth, VII. Yance Naa for control of land on Building Use Rights Certificate No. 49/Desa Malanu or the Ownership Rights Certificate of the disputed object. The civil case has been decided to the cassation level of the Supreme Court of the Republic of Indonesia, which, in essence, stated that the lawsuit from Christian Gosal was not accepted;
4. That the State Administrative Court must support the implementation of decisions from the Civil Court which have permanent legal force;
5. That based on the testimony of witnesses from the Plaintiff named Dachlan Effendi and Abdullatif Rabrusun, the physical land *a quo* has been controlled by the Plaintiff's parents since 1973;
6. That based on the considerations above, in substance there is a legal defect in the certificate of the object of the dispute, so that it is reasonable to declare it void;

However, it is very unfortunate that from the decision, it turns out that the party who has the certificate that was declared null and void or lost, namely Mr. Christian Gosal, filed a Judicial Review (PK) and after the process at the Supreme Court, it turned out that the Judicial Review Decision canceled the cassation decision without any consideration, so this is where the suspicion lies that the Judicial Review process is full of practices. transactional even though the researcher in this case as the legal representative of the winner at the cassation level was only defeated by a judicial review decision without any legal considerations in the judicial review decision referred to in the following verdict;

4. TO JUDGE

In exception:

- Granting the exceptions from the defendant and the second defendant intervening regarding the expiration date;
- Declaring the Plaintiff's claim inadmissible;
In the main matter
- Declaring the Plaintiff's claim inadmissible;

- Charge the Plaintiff with court costs at the level of judicial review of Rp. 500,000,-

From the description of the case, we can draw a common thread, namely giving a role to the land court in providing solutions when there is a tug-of-war of authority between civil, criminal and state administrative courts. Justice seekers will not be made hesitant in facing problems that intersect with land, researchers often find cases that intersect the authority to try between civil, criminal and state administrative courts, it is hoped that in the future there will be no more tug-of-war over problems related to land objects, the key is the land court. From the principle of fast, simple and low-cost justice, this also supports when the land court is present, so that when there is a lawsuit in a civil court related to land disputes, justice seekers are no longer faced with the language of exceptions related to the competence of the Court.

The role of the land court will provide certainty of competence to those seeking justice, for example if a land problem is brought to the realm of a civil court, the verdict will usually only provide a declaratory (declaring) verdict, not a judgment of a Comdemnatoir (punishing) nature.

5. CONCLUSION

The process of resolving land disputes related to court competence includes several stages involving different court jurisdictions, depending on the dispute's characteristics. In practice, land dispute resolution can involve civil, criminal, or state administrative courts, depending on the legal aspects in dispute—whether related to unlawful acts, ownership rights, or state administrative actions in issuing land certificates.

First, civil courts are competent to resolve disputes related to ownership rights or claims for compensation due to land rights violations. In civil cases, the Plaintiff needs to ensure the clarity of the object of the dispute and list all relevant parties because unclear or lacking parties can cause the lawsuit to be declared inadmissible (niet universal advertise). Second, the criminal Court is competent if the land dispute involves criminal elements, such as encroachment or acts of violence related to land use. This competence aims to provide criminal sanctions for parties who commit land-related crimes. Third, the state administrative court has the competence to try disputes about decisions of state administrative officials, such as the issuance or cancellation of land title certificates. The process in the state administrative court often begins by considering exceptions related to procedural aspects, such as the statute of limitations, before entering into the main case. In this case, the Plaintiff must ensure that the lawsuit is filed within the time limit set by law to avoid rejection based on the statute of limitations. From the entire process of land dispute resolution, dualism of authority can occur if a dispute relates to civil or state administrative aspects, or if the dispute has criminal elements. Therefore, determining the right competence is crucial to ensure that land dispute resolution can be carried out efficiently and provide legal certainty. The proper Court must be selected according to the characteristics of the dispute to avoid overlapping authority and ensure that the parties' rights are protected somewhat.

REFERENCES

- Adipradana, I., Borahima, A., & Said, N. (2019). Legal Protection for Land Deed Officials as Professional Insurance Policy Holders. *Notaire* 1(2)
- Anindhita, AB, Patittingi, F., & Rossi, C. Al. (2021). Comparison of Positive and Negative Publication Systems of Land Registration: A Legal Certainty Perspective. *Amanna Gappa*, 29 (2), 109.
- CNN Indonesia. (2021). *Testing the Strength of Evidence of Land Ownership Rocky Gerung Vs Sentul City*. CNN Indonesia. <https://www.cnnindonesia.com/nasional/20210921070044-12-697081/adu-kuat-bukti-kepemilikan-tanah-rocky-gerung-vs-sentul-city>
- Irwansyah. (2021). *Legal Research, Choice of Methods and Article Writing Practices*. Yogyakarta: Mirra Buana Media.
- Kansil, CST (1995). *Civil Law Module*. Jakarta: Pradnya Paramita.
- Lubis, MY, & Lubis, AR (2008). *Land Registration Law*. Jakarta: Mandar Maju.
- Merdeka. (2021). *Babinsa summoned by the Police, Dandim intervenes, TNI General writes an Open Letter to the Chief of Police*. Merdeka.Com. <https://www.merdeka.com/trending/babinsa-dicall-polisi-dandim-turun-tangan-jenderal-tni-buat-surat-ke-kapolri.html>
- Mudjiono. (2007). Alternative Land Dispute Resolution in Indonesia Through Revitalization of the Function of the Judicial Body. *Journal of Law*, 14 (3).
- Murad, R. (1999). *Settlement of Legal Disputes Over Land*. Bandung: Alumnus.
- Patittingi, F. (2011). Affirmation of the Basis of Hereditary Physical Ownership Rights in Land Registration Practices. *Amanna Gappa*, 19 (4), 361.
- Center for Population and Policy Studies. (2002). *Governance Reform and Regional Autonomy, An Executive Summary*. Gadjah Mada University.
- Setiawan, Y. (2009). *Mixed Legal Instruments in Land Consolidation*. Jakarta: Raja Grafindo Persada.
- Singarimbun, M., & Efendi, S. (2015). *Survey Research Methods*. Jakarta: LP3ES.
- English: Subekti, R., & Tjitrosudibio, R. (1996). *Indonesian Journal of International Relations (IJIB)*. Jakarta: Pradnya Paramita.
- Sumardjono, M. (2009). *Land*. Jakarta: Kompas.
- Suryana, A., Pide, ASM, & Lahae, K. (2021). Release of Land Rights of the Hatam Tribe Indigenous Community: Challenges and Contemporary Developments. *Al-Azhar Islamic Law Review*, 3 (1), 25.
- Tornado, DM, Riza, M., & Nur, SS (2021). Validity of Decrees on Granting Land Rights Without Tax Payment Letters. *Amsir Law Journal*, 2 (2), 38-49.
- Wiarno, NB (2008). *Abuse of Authority and Criminal Acts of Corruption*. Yogyakarta: Laksbang Mediatama.