Disparity in Authority of the State Administrative Court and District Court in Adjudicating Certified Land Claims

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Abstract

The title certificate over land is a form of State Administrative Decree, based on Article 1 number 3 of Law Number 9 of 2004 concerning the Second Amendment 2 to Law Number 5 of 1986 concerning the State Administrative Court. Related to that, if there are individuals and legal entities who object to the decision, the objection can be made through a lawsuit to the State Administrative Court based on the absolute compatibility of State Administrative Procurement. There are legal facts, the Sungai Full District Court of Jambi Province accepted, examined, tried and decided objections to the certification further in its decision stating that the certificates of the Defendants were invalid.

INTRODUCTION

The provisions of Article 4 of Law Number 5 of 1986 concerning the State Administrative Court which states, PTUN is one of the executors of judicial power for the people seeking justice in State Administrative disputes, according to Nomensen Sinamo the object of the PTUN dispute is a state administrative body or official who issues decisions based on the authority vested in him or delegated to him who is sued by a person or civil law entity. Furthermore, what is meant by State Administrative disputes as regulated in the general provisions of Article 1 point 3 of Law Number 5 of 1986 concerning State Administrative Court is, State Administrative disputes are disputes arising in the field of State Administration between persons or civil law entities and State Administrative Agencies or Officials, both central and regional, as a result of the issuance of a Decree of the State Administrative Officer including personnel disputes based on applicable laws and regulations.

Furthermore, if there is an objection from the public to a Decision of the State Administrative Officer, it cannot necessarily be directly prosecuted at the PTUN but can first make an administrative objection, as conveyed by Erna Syafitri and Nabitatus Sa'dah, stating that the settlement of State Administrative disputes first takes administrative efforts consisting of administrative objections and appeals. based on Law Number 5 of 1986 concerning the State Administrative Court Article 1 Number 3 of Law Number 5 of 1986.

1 Nomensen Sinamo, State Administrative Court Law, Jala Permata Aksara, Jakarta 2016, p 52
Concerning the State Administrative Court states, a State Administrative decision is a written determination issued by the State Administrative Agency or Officer containing actions of the State Administrative Law based on applicable laws and regulations, which is concrete, individual, and final in nature that gives rise to legal consequences for a person or civil law entity.

SF. Marbun, states a valid decision (Rechtgelding Beschikking) when fulfilling the requirements:
1. The decision is made by the Organ/Official Authorized to make it (bevoegd)
2. Form and Procedure of Manufacture (rechmatige)
3. Results should not contain the lack of juridis
g4. Content and Purpose in accordance with its basic Rules (doelmatig)

The product of the decision of the State Administrative Officer for example is a certificate of title to land, a certificate of title to land is a form of State Administrative Decree (KTUN) where we can see this information in Article 1 number 3 of Law Number 9 of 2004 concerning the Second Amendment 2 to Law Number 5 of 1986 concerning the State Administrative Court, with a certificate including the category of Decisions of State Administrative Officials that are concrete, individual and final, with this information it is clear and clear that the certificate is a product of the Decision of the State Administrative Officer which if there are individuals and legal entities objecting to the decision, the objection can be made through a lawsuit to the PTUN based on the absolute competence of the PTUN. There is a legal phenomenon where the District Court also receives, examines, adjudicates and decides objections to land title certificates as happened in the Sungai Full District Court of Jambi Province in a Case with Lawsuit Number 56/Pdtg/2021/PN. NES. In this case, the Plaintiff postulated in his lawsuit proposition (Fundamentum petendi) that the Defendants had committed an Unlawful Act, an act in which the Defendants controlled the Plaintiff's land without rights, while the Plaintiff had a basis of rights, namely a Certificate of Ownership in the name of Cyrus Saragih with Number: 235 issued by the National Land Agency, Kerinci Regency in 2020, while the Defendants postulated the Defendants' control over The land object of the case is based on the Certificate of Ownership Number: 266 which was also issued by the National Land Agency of Kerinci Regency, Year 1998 in the name of Ismail (parents of Defendants I and II) and Certificate of Ownership Number: 273 Year 2004 in the name of Syamsul Bahri.

Furthermore, in the decision of the case, the judge of the Sungai Full District Court in his decision on June 14, 2022 at number 9 stated that certificates Number: 266 and 273 were invalid and had no binding legal force. Furthermore, this legal fact is not in accordance with the absolute competence of the District Court because according to Article 4 of Law Number 5 of 1986 concerning the State Administrative Court which has the authority to adjudicate claims on the decision of the State Administrative Officer.

Based on the explanation above, it is necessary to conduct research on "Disparity in Authority of State Administrative Courts and District Courts in Adjudicating Claims for Certified Land Cases"

**METHODS**

The specification of this study is analytical descriptive, which is research that describes the disparity in authority of the state administrative court and the district court in adjudicating certified land case claims. The approach used is a normative juridical approach by conducting research on legal rules related to the authority of the State Administrative Court and District Court in adjudicating claims for certified land cases. Supported by an empirical

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juridical approach by conducting research to see the working of these legal rules in practice at the Sungai Full City District Court, Jambi Province. The data used in this study are secondary data obtained from literature studies then the data is obtained quantitatively and presented in a qualitative descriptive manner.

RESULTS AND DISCUSSION
In lawsuit No. 56/Pdt. G/2021/PN. The SPN judge of the Sungai Full District Court gave legal consideration on whether the convention plaintiff/reconvention defendant has a right to the land object of the case. Considering, that both the convention plaintiffs/reconvention defendants and the convention defendants I, convention defendant II and convention defendant III/the reconvention plaintiffs have submitted evidence P-1, T-1, and T-2 respectively namely title certificates: P-1 in accordance with the original, title certificate No. 235 in the name of Cyrus Saragih issued by the Kerinci Regency land office dated 25-06-2020 T-1 in accordance with the original, title certificate No. 266 in the name of Ismail issued by the Land Office of Kerinci Regency dated January 24, 1998 T-2 in accordance with the original. Certificate of title No. 273 in the name of Samsul Bahri issued by the Land Office of Kerinci Regency dated December 31, 2004.

The decision of the full Sungau State Court Judges; In the Tree of Things:
1. Granting the Convention Plaintiff's claim in part;
2. Declare it valid that the land object of the case is: A piece of land located in Pelompek Pasar Baru Village, Gunung Tujuh District, Kerinci Regency, Jambi Province with an area of 3,424 M2, with the following commensurate boundaries:
   a) The north side is bordered by Kembang land
   b) The south is bordered by Yasman's land
   c) The west is bordered by Kembang land
   d) The east is bordered by the Highway

The property of the Plaintiff based on Certificate of Title Number: 235 dated 25-06-2020 in the name of the Right Holder is Cyrus Saragih.
4. Stating that the land object of case No. I controlled by Defendant I, the land object of case No. II controlled by Defendant II and the land object of case No. III controlled by Defendant III are part of the land owned by the Plaintiff mentioned in number 1 above in accordance with Certificate of Title No. 235 dated 25 – 06 – 2020 on behalf of the Right Holder is Cyrus Saragih (Plaintiff)
5. Declaring Para Tergugat I, Tergugat II and Tergugat III are not entitled to land object object No. I, the land of the object of matter No. II and the land of the object of item No. III.
6. Declaring the deeds of the Threatened I, Tergugat II and Tergugat III who have mastered the land of the object of matter No. I, the land of the object of matterNo. II and the land of object No. III which without knowing and without permission from the plaintiff as entitled is an act without rights and against the law (onrepmatige daad).
7. To state the act of Tergugate II and Tergugat III which establishes the building on the land of object No. II and the land of object No. III which without the knowledge and without the permission of the plaintiff as entitled, is an act against the law;
8. Declaring the deeds of Alm. Ismail (father of Defendants I.1 and 2) and Defendant I who have certified the land object of case No. I with Certificate of Title No. 266 of 1998 in the name of Ismail (father of Defendants I. 1 and 2) and the deeds of Defendant II who have certified the land object of case No. II with Certificate of Property Number: 273 of 2004
on behalf of Syamsul Bahri (Defendant II) without knowing, without the permission and without the knowledge of the Plaintiff as the rightful, is an unlawful act;

9. Declaring the Certificate of Property Number: 266 of 1998 in the name of Ismail (father of Defendants I. 1 and 2) and the Certificate of Property Number: 273 of 2004 in the name of Syamsul Bahri (Defendant II) to be invalid and has no binding legal force

10. Punish the Defendants I, Defendant II and Defendant III or anyone else who has the right from them to return and hand over the land of the object of case No. I controlled by Defendant I, the land of the object of case No. II controlled by Defendant II and the land of the object of case No. III controlled by Defendant III to the Plaintiff as entitled to be in good condition and vacant without a day's burden. Every day they neglect to carry out this ruling, counting since this judgment has the force of law.

11. Punish the Defendants to submit, obey and obey the messenger of this case.

12. Dismiss Convention Plaintiff/Reconvention Defendant's claim for the remainder

The essence of civil justice is basically the process of examining, adjudicating, deciding and resolving civil disputes, in this case disputes over land title. While what is examined is basically about who is entitled to the land case, not how the administrative legality of a certificate. Based on the jurisprudence of the Supreme Court 383 K / SIP / 1971 dated November 3, 1971 stated, the nullity of the proof of property rights issued by the agrarian institution legally does not include the authority of the court but solely the authority of the administration.

Furthermore, based on the Supreme Court Jurispurudence Number: 5/your/pdt/2018. stated "With regard to such dual certificates, the Supreme Court is of the opinion that if there are two or more certificates on the same land, then the valid and legally enforceable certificate is the certificate issued earlier"

Related to that, based on the theory of wenagan according to Indiharto⁴, juridically, authority is the ability given by laws and regulations to carry out actions that cause legal consequences, so the author has decided what has been decided by the Judge Panel of the Sungai Full District Court in its Decision case No. 56/Pdt.G/2021/PN. SPN, the Judges of the Sungai Full District Court erred and misapplied the law in its decision saying that certificate No. 266 in the name of Ismail (Defendants I and II) and certificate No. 273 in the name of Syamsul bahri were invalid, had exceeded the authority possessed by the panel of judges of the Sungai Full District Court because the authority to declare whether or not a product of the decision of the State Administrative Officer was valid was the authority of the State Administrative Court and the District Court was not given the authority to examine, and decide disputes due to the Decision of the State Administrative Officer. One Breath With that Prajudi Atmosudirjo stated: "authority is the power to perform all actions in the field of public law, while the power to perform actions in the field of private law is called rights, so clearly according to the author that the decision of the Sungai Full District Court has been Ultra Petita because of the lawsuit filed at the Sungai Full State Court⁵.

is a Dispute of rights in this case an Unlawful Act (Onrecht Mattgedaad) but which is decided in its Judgment is related to the power of public law and is not a competency of the District Court in deciding it. So there is no legal certainty in the decision of the Sungai Full District Court in case No. 56/Pdt.G/2021/PN. NES. According to Zainal Asikin⁶, legal certainty is a guarantee that the law must be implemented in a good way. Legal certainty requires legal regulation efforts in legislation made by authorized and authoritative parties, so that these rules have a juridical aspect that can guarantee certainty that the law functions as a regulation that must be obeyed.

⁴ Indroharto, Efforts to Understand the State Administrative Court, Sinar Harapan Library, Jakarta, 2002, p.68
⁶ Zainal Asikin Op.Cit, hlm 8
CONCLUSION

The authority to adjudicate or competency of a court is divided into two types, namely absolute competence and relative competence. In relation to disputes over the right to breast, absolute competence in the District Court and if the dispute in a lawsuit is an administrative dispute, in this case there is a dispute over whether or not a certificate is valid or not which is a product of a state administrative official, then the competence lies with the State Administrative Court. In case no. 56/Pdt.G/2021/PN. The SPN judge has manifestly misapplied the law and has been ultra petita in his ruling.

REFERENCES

Constitution of the Republic of Indonesia Year 1945.
Law No. 5 of 1960 on the Basic Rules of Agrarian Trees.
Law No. 51 of 2009 concerning the Second Amendment to Law No. 5 of 1986 concerning the State Administrative Court.
Law No. 9 of 2004 concerning Amendments to the Law
Law No. 5 of 1986 concerning the State Administrative Court.
Law Number 48 of 2009 concerning General Courts.