

# Juridical Review of Land Dispute Decisions in the Administrative Court of Yogyakarta

Erna Sri Wibawanti<sup>1</sup>, Takariadinda Diana Etika<sup>1</sup> and Ahmad Prakarsa Surya Sanjaya<sup>1</sup>

<sup>1</sup>Janabadra University, Yogyakarta, Indonesia

**Keywords:** Land Dispute, Administrative Court.

**Abstract:** The results showed that land disputes handled by the Yogyakarta State Administrative Court, 11 from 12 lawsuits, when it is viewed from the subjects (Plaintiffs and Defendants), the one who sued were individuals and only one is a Private Legal Entity, while the defendant is the Head of the Land Office and Village Chief. Most of the objects of the dispute are the Land Certificates, the Decree of Giving Rights and the silence of the officials (negative fictitious). This negative fictitious dispute object no longer exists after the Act No. 30 of 2014, because the provisions regarding negative fiction have been changed to positive fictitious provisions. However, because fictitious positive State Administrative decisions are relatively less published than negative fictions, even positive fictional claims to the State Administrative Court are less frequent. Until this research was conducted, there was no land suit that consisted of Positive Fictitious decisions that entered the Yogyakarta Administrative Court. The basis of the land dispute lawsuit at the Yogyakarta State Administrative Court is generally because the Plaintiff feels aggrieved because of the object of material disability, formal disability, and a violation of the Principles of Good Governance. The form of judges' decisions in land disputes at State Administrative Court is Court is mostly "NO" (Niet Onvankelijk Verklaard, which is 6 cases in 12 cases. This happened because the lawsuit registered was often made in such a way by the Advocates, as if it should be examined up to the point of the case. After examining the subject matter, through verification and examination of witnesses, it was discovered that the exception was the object of the dispute.

## 1 INTRODUCTION

According to the Ombudsman member for Agrarian and Agriculture, Alamsyah Saragih, (kompas.com, 2018) community reports related to land are included in the category of the five highest public reports. Complaints related to land reached 14 (fourteen) percent of all public reports received by the Ombudsman. Of the total reports related to the land, 23 percent are land conflicts or disputes.

It is undeniable that land disputes, judging from the juridical aspect alone, are not simple solutions. In a case, it often involves several agencies, which are directly or indirectly related to the problem or dispute. Need the same concept and perception to produce a solid and fair solution for those who demand justice. Without intending to generalize, it appears that an understanding of the concepts and perceptions underlying the resolution of land disputes in Indonesia is still very deficient, which is disadvantageous to justice seekers. (Istijab, 2018) In fact, according to S.F.Marbun in (Syaha, 2016), philosophically the

purpose of establishing a State Administrative Court (PTUN) is to provide protection for individual rights and community rights, so that accord, balance and harmony is achieved between individual interests and the interests of the community or the public interest.

According to Aju Putrijanti (Putrijanti and Leonard, 2019), the role of the State Administrative Court is increasingly important to enforce the justice function which is carried out together with the supervisory function. Supervision of the running of the government needs to be done and improved, so that it can realize good governance. The supervision function by State Administrative Court is important to guarantee the protection and fulfillment of the rights as citizens, and the enforcement of state administrative law within the legal state framework. Administrative law enforcement in several fields does not seem to work according to the existing conditions.

Like disputes in other fields, there are two ways of resolving land disputes that are common in Indonesia, namely through nonlitigation channels and litigation channels. How the competence of the Court, es-

pecially the State Administrative Court, in handling land disputes is still unclear to the public, so that land claims that are registered with the State Administrative Court are forced to be unacceptable because of the plaintiff's ignorance of the competence of the State Administrative Court in handling land cases, so also happened in the Yogyakarta Administrative Court.

Based on this background, the problem in this research is a land dispute handled by the Yogyakarta State Administrative Court, the basis of the claim of the plaintiffs in a land dispute at the Yogyakarta State Administrative Court, as well as a judge's decision in resolving land disputes at the Yogyakarta State Administrative Court.

## 2 METHOD

The research was conducted by having normative legal research with a legal case study approach in the form of a State Administrative Court Decision regarding land disputes. The research data was obtained by reviewing the decisions of the State Administrative Court, also supported by data from interviews with Yogyakarta State Administrative Court Judges and various laws and regulations and other legal material relating to land disputes and the State administrative judicature. The data obtained were analyzed using a qualitative descriptive method to obtain a clear picture relating to land disputes in the Yogyakarta State Administrative Court.

## 3 DISCUSSION

### 3.1 Land Disputes Handled by the Yogyakarta State Administrative Court

Based on the results of the study, it was obtained data from the research object in the form of an incraacht decision that has permanent legal force and has entered the legal archives, for the period 1 January 2014 to 31 December 2018 there were a number of 12 land dispute decisions. In 2014 there were 4 (four) disputes, in 2015 there were 3 (three) disputes, in 2017 there were 4 (four) disputes, whereas in 2018 there were 1 (one) dispute that had been decided by the Yogyakarta State Administrative Court. The location of the 12 (twelve) disputes included: Yogyakarta City 5 (five) disputes, 4 (four) disputes occurred in Sleman Regency, 2 (two) disputes occurred in Bantul Re-

gency, 1 (one) dispute occurred in Gunungkidul Regency.

Land disputes handled by the Yogyakarta State Administrative Court are divided into 2 (two), namely from the side of the Subject of the Dispute and the Object of the dispute.

Referring from the subject of land disputes in Yogyakarta Administrative Court which became the plaintiffs, most (11 of 12 lawsuits) are individual or person, only 1 (one) plaintiff is a legal entity, namely PT. Papua Regional Development Bank. Even though the plaintiff is an individual, there are a number of lawsuits with more than one plaintiff. While most of the defendants were the Head of the Land Office, namely the Yogyakarta City Land Office 5 claims, the Sleman District Land Office, 3 (three) claims of the Head Office of Bantul Regency 2 (two) claims, the Head of the Land Office of Gunungkidul Regency, 2 (two) two) claim and Head of Caturtunggal Village Besides the main defendant, in several cases there was also defendant II, as Defendants of the Reconvention.

Based on the object, land disputes that enter the Yogyakarta State Administrative Court include:

- a. Certificate of Land Rights, either in the form of a Right of Ownership Certificate, Right to Build (HGB), Right to Use and Management Right. The land certificate which is part of the State Administration Decree on the other hand is also an acknowledgment of the rights of the state to citizens regarding ownership of land, so there is also a civil law dimension. It can clearly be said that the certificate in this case stand in two legal environments namely the State Administrative Law and Civil Law. Therefore, if there is a dispute over the land certificate, the authority to adjudicate can be carried out by the Administrative Court and the General Court, depending on the absolute authority of each court in accordance with the applicable laws and regulations.
- b. Other decisions relating to the granting of land rights issued by State Administration Officers in the ranks of the National Land Agency (BPN), namely:
  - 1) Letter of the Head of the Sleman Regency Land Office concerning Termination of Letter C Land Conversion because there is already a Certificate of Using Rights ( dispute No.18/G/2017/PTUN.YK)
  - 2) Letter of the Head of the Republic of Indonesia National Land Agency concerning House / Land Sales and Conferral of Management Rights.(dispute No.01/G/2018/PTUN.YK)
  - 3) Decree of the Head of the Land Office

District. Sleman regarding Application for Issuance of Mortgage Certificates (dispute No.24/G/2017/PTUN.YK

c. The Silence act from State Administrative Court Officials outside the National Land Agency ranks, namely:

- 1) The silent act of the Head of the Caturtunggal Village to the request for a sign of supporting evidence for the Land Conversion Letter C. The plaintiff in this case wanted to carry out his Letter C Land Conversion, and then submitted a request to the Defendant to sign the supporting evidence. However, the Defendant responded by ignoring the request for several months. The Plaintiff felt disadvantaged because of being obstructed in his Letter C Land Conversion process. (Dispute Number 01 / G / 2014 / PTUN.YK)
- 2) The silent act towards the request to cancel the write-off of the Plaintiff's name Revocation of the Plaintiff's name and replaced with the name of another person in the Plaintiff's Title Certificate is deemed a procedural defect. The Plaintiff submitted a request to the Defendant to cancel the write-off, but the Defendant responded with a silence for months. (Dispute Number 09 / G / 2014 / PTUN.YK)

The two disputes are similar because they both have a negative fictitious object of dispute (regulated in Article 3 UUNo. 5 of 1986 concerning Peratun), and occurred before the enactment of Law No. 30 of 2014 concerning Government Administration. This negative fictitious dispute object no longer exists after the Act No. 30 of 2014, because the provisions regarding negative fiction have been changed to positive fictitious provisions. However, because fictitious positive State Administrative decisions are relatively less published than negative fictions, even positive fictional claims to the State Administrative Court are less frequent. This is a benefit of the enactment of Law No. 30 of 2014 because before that, the lawsuit against the decision of a negative fictional State Administrative Court dominated the disputes in the State Administrative Court, not least in the Yogyakarta State Administrative Court.

After the enactment of Law Number 30 Year 2014 Regarding Government Administration, the authority of the Administrative Court no longer hears a Negative Fictitious decision, but a Positive Fictitious Decision. The authority of Administrative Court was expanded, not only to adjudicate th State Administration dispute which object was in written State Administration decision. The authority of PTUN includes:

- a. Assess the positive fictive TUN decision. If there is a request from the community members to the TUN official to issue a TUN decision, but that has not been implemented until a certain period of time has passed, then the TUN decision is deemed to have granted the request.
- b. Assess the actual actions or actions taken by government officials;
- c. Assess the TUN decision or actions of government officials in the executive, judicial, legislative and other state administration circles;
- d. Assess the abuse of authority by government officials;
- e. Assess general government officials' decisions. (Putrijanti, 2015)

Article 47 of Law No. 5 of 1986 concerning State Administrative Court states that the court has the duty and authority to examine, decide upon and resolve state administrative disputes. The discussion regarding the authority possessed is closely related to the object of the dispute that must be examined, decided upon and resolved. The object of the dispute examined is the written stipulation issued by the State Administration Agency or Officer which contains state administrative legal actions that are concrete, individual, final and have legal consequences for a person or a legal entity. In Article 21 paragraph (1) of Law Number 30 Year 2014 Regarding Government Administration, it states that the court has the authority to accept, examine and decide whether there is an element of abuse of authority by government officials. The formulation of the contents of the two articles is different, which may arise with the thought that: one, the authority of concerning State Administrative Court becomes broader, not merely examining, deciding and resolving state administrative disputes, but also assessing whether or not there is an element of abuse of authority by Government Officials. Second, that the Court's decision regarding whether or not there is abuse of authority can be appealed to the State Administrative High Court whose decision is final and binding. Both of these things are an extension of the authority of concerning State Administrative Court, that is, not only the number of the administrative authorities, but also the settlement of state administrative disputes only. (SANTOSO and SADJIJONO, 2018).

Related to the positive fictitious decision/verdict (acceptance) as the object of government disputes in the competence of the State Administrative Court to test the government's silence when carrying out duties and functions based on authority norms can be justified according to the law or contrary to the laws and

regulations, general basis of good governance and the principle of good governance. (Setiawan and Hadiatmodjo, )

Until this research was conducted, there was no land suit that consisted of Positive Fictitious decisions that entered the Yogyakarta Administrative Court.

### 3.2 Basic Lawsuits to the State Administrative Court

Regarding the reasons that are commonly used as the basis for filing a State Administration lawsuit is regulated in Article 53 paragraph (2) of the Law on Administrative Law of the State, namely:

- a. The State Administration decision sued is contrary to the applicable laws and regulations, if:
  - 1) Contrary to the provisions in the laws and regulations which are procedural / formal in nature,
  - 2) Contrary to the provisions in the laws and regulations that are substantial / material,
  - 3) Issued by unauthorized State Administration official.
- b. The State Administration Decree sued contravenes the general principles of good governance.

The legal procedure aspect is one of the important requirements that must be fulfilled by a decision or decree issued by a state administration agency or official. In Article 53 paragraph (2) a, Law no. 5 of 1986 concerning the Judicial System of State Administration as amended by Law No. 9 of 2004, one of the reasons that can be used in a lawsuit is that the state administration's decision is contrary to the applicable laws and regulations. In the explanation of the article, it is determined that a state administrative decision can be considered contrary to the applicable laws and regulations if the person concerned (the decision) contradicts the provisions in the "procedural" laws and regulations. Therefore, the legal procedure aspect is one of the basis for a state administrative court decision to cancel a certificate of land rights because the state administrative body or official has made a legal act issuing a decision or stipulation due to an error in the nature of "legal procedure" in its issuance, it means that the decision of the state administration body or official is in conflict with applicable laws. With the discovery of a procedural error, the court's rationale in its decision to declare "null" (nietig) the decision. (Wahyunadi, 2016)

Besides the procedural aspects, a decision must also fulfill the material aspects. Although the demands are in principle always the same, the basis of the lawsuit certainly varies depending on what and

how the case is and the object of the dispute. Therefore, they must look into the documents of the Lawsuit one by one, the contents of which are also written in the copy of the decision. However, there are similarities in all the grounds of the lawsuit, namely 'because the Plaintiff feels that his interests were impaired by the State Administration Decree issued by the Defendant'

If it is viewed from the grounds of a land suit filed with State Administrative Court of Yogyakarta, it is mostly related to the issuance of certificates and requests for revocation of certificates, on various grounds: the defendant exceeds authority, the data in the certificate issued is legally flawed due to error in persona, because the head of the land office is inaccurate in listing rights subjects, the defendant violated the General Principles of Good Governance (AAUPB) especially the principle of expediency, legal certainty and the principle of accuracy. Besides that, the lawsuit that entered PTUN was also based on the silence of the defendant. Silence as the basis of a lawsuit can be seen in Dispute Number 01 / G / 2014 / PTUN.YK and Dispute Number 09 / G / 2014 / PTUN.YK

Dispute Number 01 / G / 2014 / PTUN.YK. The silent act of the Head of the Caturtunggal Village to the request for a sign of supporting evidence for the Land Conversion Letter C. The plaintiff in this case wanted to carry out his Letter C Land Conversion, and then submitted a request to the Defendant to sign the supporting evidence. However, the Defendant responded by ignoring the request for several months. The Plaintiff felt disadvantaged because of being obstructed in his Letter C Land Conversion process.

Dispute Number 09 / G / 2014 / PTUN.YK. The silent act towards the request to cancel the write-off of the Plaintiff's name Revocation of the Plaintiff's name and replaced with the name of another person in the Plaintiff's Title Certificate is deemed a procedural defect. The Plaintiff submitted a request to the Defendant to cancel the write-off, but the Defendant responded with a silence for months. The two disputes are similar because they both have a negative fictitious object of dispute (regulated in Article 3 UUNo. 5 of 1986 concerning Peratun), and occurred before the enactment of Law No. 30 of 2014 concerning Government Administration. This negative fictitious dispute object no longer exists after the Act No. 30 of 2014, because the provisions regarding negative fiction have been changed to positive fictitious provisions. However, because fictitious positive State Administrative decisions are relatively less published than negative fictions, even positive fictional claims to the State Administrative Court are less frequent.

This is a benefit of the enactment of Law No. 30 of 2014 because before that, the lawsuit against the decision of a negative fictional State Administrative Court dominated the disputes in the State Administrative Court, not least in the Yogyakarta State Administrative Court.

The concept of positive fictitious decisions in Law No. 30 of 2014 is very different from the negative fictitious decisions stipulated in the Peratun Law. Contrary to the concept of negative fiction, it means that the silence of the official's attitude is considered to be refusing, while the positive fictional is considered granted. Even in positive fictitious decisions, the applicant does not automatically obtain the results of his application, but must first submit a request to the Administrative Court to obtain a decision on receipt of the request. PTUN must decide on the application no later than 21 (twenty one) working days after the application is submitted. State Administration Decree is final and binding, there are no other legal remedies. Government Agencies and / or Officers must determine the Decree to implement the PTUN decision no later than 5 (five) working days after the decision of the Court is determined. (Abdullah, 2010)

In general, the legal basis used by the plaintiff to sue the State Administrative Court is the first reason that a TUN official or TUN body has committed an act that violates the applicable laws and regulations and the second has violated Good Governance General Principles (AUPB) both AUPB in Law No. 28 of 1999 (before the enactment of Law No.30 of 2014) and Good Governance General Principles contained in Law No. 30 of 2014.

Good Governance General Principles as a doctrine is universal that has been recognized and applied in many countries, where there are formulated (codified) formally and some are not codified. In essence, the functions of the Good Governance General Principles are: 1) As a guideline or code of ethics for State Administration Agencies / officials in carrying out government affairs (including in order to issue State Administration Decree), the ultimate goal is for the realization of good and clean governance (clean and good governance) ; 2) As a benchmark as well as a reason (beroepsgronden) for parties who feel their interests have been impaired by a decision issued by the State Administration Agency / Officer to file a claim against the decision; 3) As a basis or criteria for testing (toetsingsgronden) for the court or State Administration judge to assess whether the decision issued by the State Administration Agency / Official has been in accordance with legal norms and justice, so that a decision can be made regarding the validity of the decision. (Wahyunadi, 2016)

The concept of positive fictitious decisions in Law No. 30 of 2014 is very different from the negative fictitious decisions stipulated in the State Administrative Law. Contrary to the negative fiction concept, it means that the silence of the official's attitude is considered to be refusing, while the positive fictional is considered to be granted. Even in positive fictitious decisions, the applicant does not automatically obtain the results of his application, but must first submit a request to the Administrative Court to obtain a decision on receipt of the request. State Administrative Court must decide on the application no later than 21 (twenty one) working days after the application is submitted. State Administrative Court decision is final and binding, there are no other legal remedies. Government Agencies and / or Officers must determine the Decree to implement the State Administrative Court decision no later than 5 (five) working days since the decision of the Court is determined. (Lim-bong, 2012)

### 3.3 Form of Decision

he decision made by the Judge on land disputes that entered throughout 2014 to 2018 consisted of:

- a 4 (four) cases with a 'Grant' decision
- b 1 (one) case with a 'Granting Partly' verdict
- c 1 (one) case with the decision 'Refusing'
- d 6 (six) cases with the decision of 'NO (Niet Onvankelijk Verklaard)' or 'cannot be accepted'

The decisions on land disputes are explained in detail as follows

- 1 4 (four) cases with a 'Grant' decision There are 4 (four) State Administrative Court decisions that grant all plaintiff's requests. Formally the plaintiff's request against State Administrative Court can be grouped into 2 (two), the first is the main lawsuit, namely requesting State Administrative Court to cancel / revoke the disputed state administration decision letter and the second, an additional lawsuit consisting of requesting a new administrative decision, request for compensation and the last request for rehabilitation.
  - a dispute based on the fact that the issuance of the dispute object was flawed in procedure, the Judge declared the object of the dispute null or invalid and ordered the revocation of the object of dispute. ( Dispute No.05/G/2015/PTUN.YK,
  - b on the fact that the issuance of the dispute object was flawed in procedure and violated AAUPB, especially the principle of accuracy

- and the principle of legal certainty. (Dispute No.26/G/2015/PTUN.YK),
- c based on the consideration of a District Court decision that had to be carried out, because the object of the dispute was considered juridical defect in material and formal aspects so that it was deemed invalid or invalid and had to be revoked (Dispute No. 18/G/2017/PTUN.YK)
  - d based on the reasons for discovering various procedural defects and violations of the General Principles of Good Governance in the issuance of the object of the dispute, (Dispute No.01/G/2018/PTUN.YK)
- 2 1 (one) case with a 'Granting Partly' verdict because the object of the lawsuit was proven legally and convincingly to contain material defects that is contrary to the laws and regulations of Article 19 paragraph (1) of the Basic Agrarian Law. Therefore, the object of the dispute is declared void or invalid and must be revoked by the Defendant, and the Defendant is ordered to follow up on the Plaintiff's request. Meanwhile the demands besides and the rest were rejected by the Panel of Judges.
- 3 1 (one) case with the decision 'Refusing' with consideration of finding evidence that the Certificate of Property Rights that would be encumbered by the Underwriting Right had the status of inheritance which had not been divided and was still blocked.. Therefore, the Defendant / Head of the Sleman Regency Land Office refuses to issue the Mortgage Certificate submitted by the Plaintiff.
- 4 6 (six) cases with the decision of 'NO (Niet Onverklijjk Verklaard)' or 'cannot be accepted' Judges' considerations for deciding "NO" or "Unacceptable" lawsuit from the defendant can be detailed as follows
- a Dispute Number 02 / G / 2014 / PTUN.YK This dispute was decided 'NO' or 'unacceptable' by the Panel of Judges for several reasons. The first reason is because of absolute competence, that aside from State Administrative Court of Yogyakarta, it turns out that this dispute was also registered in the Yogyakarta District Court. The second reason is that this lawsuit has no legal basis or legal standing. The third reason is because the lawsuit is subject to declarative (declanatoir) exceptions (because of absolute or relative competence of the court) and pre-mortals (premetoir) exceptions because they have passed the deadline or have expired. The fourth reason is because the plurium litis consortium, that the Plaintiff acknowledges that there are other heirs who are entitled, so this lawsuit is lacking of parties.
  - b Dispute Number 09 / G / 2014 / PTUN.YK This dispute was decided 'NO' or 'unacceptable' on the grounds that the Plaintiff did not have a direct relationship with the object of the dispute. The arguments and evidence are considered irrelevant with the case and object of the dispute. Based on that, the lawsuit is considered to have no legal standing.
  - c Dispute Number 10 / G / 2014 / PTUN.YK This dispute was decided 'NO' or 'unacceptable' on the grounds that the State Administrative Court was not authorized to examine, decide on and resolve the dispute in litis. This means that the dispute is not the absolute authority of the Yogyakarta Administrative Court but the absolute authority of the Religious Court because the subject of the dispute is actually an inheritance case. The Panel of Judges is of the opinion that the subject matter of the dispute in casu does not need to be further considered and legally, the Plaintiff's claim has legal grounds to be declared not accepted.)
  - d Dispute Number 22 / G / 2015 / PTUN.YK The Panel of Judges decided that this dispute was not accepted or 'NO' for various reasons. The first reason is because the lawsuit has expired. The second reason is because the claim does not have a legal standing because the plaintiff's claim does not explain the origin of the object of the dispute, so there is actually no legal relationship between the Plaintiff and the object of the dispute. The third reason is because obscure libel lawsuit because there is no correlation between the title of the claim, the basis of the claim (posita), and the claim (petitum).
  - e Dispute Number 16 / G / 2017 / PTUN.YK This dispute was decided by the Yogyakarta State Administrative Court Judge with the 'NO' argument based on the reason that the lawsuit has expired. This fact is known at the time of examination of the subject matter of the dispute, namely at the examination of evidence and witnesses, where the evidence and witnesses show conclusively that the Plaintiff has known about the object of the dispute in advance and has passed the time limit of the claim.
  - f Dispute Number 26 / G / 2017 / PTUN.YK The Panel of Judges decided 'NO' on this dispute because it considered that this dispute was not a State Administration dispute but a dispute of ownership (civil) therefore State Administrative Court was not in an authority to try it.

From these data it is known that the Yogyakarta State Administrative Court Judges very often decide cases that contain land disputes with a decision 'NO' or *niet ontvankelijk verklaard*. The 'NO' verdict is a ruling stating that the claim cannot be accepted on the grounds that the claim contains formal defects. The causes of formal defects in the lawsuit are, among other things, because the lawsuit does not meet the requirements given in Article 123 paragraph (1) HIR j.o. SEMA No. 4 of 1996, in the form of:

- 1 A claim has no legal basis or legal standing;
- 2 An error in persona suit in the form of disqualification or *plurium litis consortium*;
- 3 Claims containing defects or *obscuur libel*; or
- 4 The suit violates absolute or relative competence.

The 'NO' decision at the Yogyakarta State Administrative Court often occurs because the Judge is not sure yet, or there is no convincing evidence, to fulfill dismissal as stipulated in Article 62. The registered claim is often made in such a way by the Advocate, as if it should be examined to the point of the matter. After examining the subject matter, through verification and examination of witnesses, it was discovered that the exception was the object of the dispute. For this kind of outcome, the Judge will inevitably have to give a 'NO' or 'unacceptable' verdict after the main examination.

The mandate of SEMA Number 4 of 2014 does require the Judge to be careful and not careless in giving a decision "NO" in dismissal. This is related to the 90 day lawsuit that is feared to be missed so that the lawsuit is not subject to questioning only because the lawsuit has to be filed repeatedly as a result of not passing the dismissal.

The basis for granting the "NO" verdict can be seen in the Indonesian Supreme Court Jurisprudence No. 1149 / K / Sip / 1975 dated 17 April 1975 j.o. Decision of the Supreme Court of the Republic of Indonesia No. 565 / K / Sip / 1973 dated August 21, 1973 j.o. Decision of the Supreme Court of the Republic of Indonesia No 1149 / K / Sip / 1979 dated April 7, 1979 which states that against the object of the claim that is not clear, the claim cannot be accepted. In the State Administrative Judiciary, regarding the "NO" verdict is regulated in Article 77 of the TUN Judicial Law (51/2009) that basically a decision cannot be accepted because of an exception. The exception is three categories, namely:

- 1 The exception of the absolute authority of the Court, can be filed at any time during the examination, and although there is no exception to the Court's absolute authority (from the Defendant),

if the Judge is aware of it, he is obliged to declare that the Court is not authorized to adjudicate the dispute;

- 2 Exception of the relative authority of the Court, submitted before being given an answer to the subjectmatter of the dispute, and the exception must be decided before the dispute is examined;
- 3 Other exceptions that do not concern the Court's authority can only be decided along with the subject matter of the dispute.

The fact that occurs in society, there is still confusion or misunderstanding of the community in determining a land case in the realm of the General Court or State Administrative Court.

At present, there are three justice systems that can handle a land case, namely Civil Court, Criminal Court and State Administrative Court. Land cases can be an accumulation of civil, state administration, or criminal cases at the same time. (Simanjuntak, 2017)

In general, land disputes can be resolved either through civil or religious justice (if it involves ownership of land rights), criminal justice (if the criminal element is contained in the dispute), or administrative justice (if it involves the validity of land rights). The liquidation of the jurisdictional authority boundaries in resolving land issues makes the land problem a gray legal area. This ambiguity can be seen from the problematic relationship between administrative law and civil law in solving land issues. In such conditions, it is often not easy to determine the meaning of "certificate validity" or "certificate ownership" for both the General Court and the State Administrative Court. Both in the context of the General Courts and the Religious Courts, in civil disputes involving land related to land titles, the Court often states that the "legality" and land title certificates are first tested by State Administrative Court. Likewise on the contrary, the plural found by the State Administrative Court stated that the General Court must first decide the matter of ownership, even if the sued is the validity of a certificate.

## 4 CONCLUSIONS

Based on the results of research and discussion on Land Dispute Settlement through the State Administrative Court in Yogyakarta, conclusions can be drawn as follows:

- 1 Land disputes handled by the Yogyakarta State Administrative Court can be determined by two variables, namely: (a) based on the subject (Plaintiff and Defendant), and (b) based on the object of

the dispute: The results showed that land disputes handled by the Yogyakarta State Administrative Court, 11 from 12 lawsuits, when it is viewed from the subjects (Plaintiffs and Defendants), the one who sued were individuals and only one is a Private Legal Entity, while the defendant is the Head of the Land Office and Village Chief. Most of the objects of the dispute are the Land Certificates, the Decree of Giving Rights and the silence of the officials (negative fictitious). This negative fictitious dispute object no longer exists after the Act No. 30 of 2014, because the provisions regarding negative fiction have been changed to positive fictitious provisions. However, because fictitious positive State Administrative decisions are relatively less published than negative fictions, even positive fictional claims to the State Administrative Court are less frequent. Until this research was conducted, there was no land suit that consisted of Positive Fictitious decisions that entered the Yogyakarta Administrative Court.

- 2 The fundamentals of the lawsuit in each land dispute in the Yogyakarta State Administrative Court can generally be grouped into 3 (three) groups, namely the Plaintiff feels his rights and interests are harmed because:
  - a The object of dispute (State Administrative Decree) issued contains material defects;
  - b The object of dispute (State Administrative Decree) issued contains formal defects; and
  - c The object of dispute (State Administrative Decree) issued ignores Good Governance Principles.
- 3 The decision made by the Judge on land disputes that entered throughout 2014 to 2018 consisted of:
  - 4 (four) cases with a 'Grant' decision
  - 1 (one) case with a 'Granting Partly' verdict
  - 1 (one) case with the decision 'Refusing'
  - 6 (six) cases with the decision of 'NO (Niet Onvankelijk Verklaard)' or 'cannot be accepted'

The form of the decision of the Yogyakarta Administrative Court which adjudicates land disputes is mostly in the form of a "NO" verdicts, which are as many as 6 out of 12 disputes. This happened because the lawsuit registered was often made in such a way by the Advocates, as if it should be examined up to the point of the case. After examining the subject matter, through verification and examination of witnesses, it was discovered that the exception was the object of the dispute.

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