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Analysis of Civil Law cases: from theory to Practice (Case Study of Supreme Court Decision No. 1753 / PDT / 2015)

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Abstrak

Penelitian ini bertujuan untuk menganalisis pertimbangan hukum dasar dan implikasi hukum dari Putusan Kasasi Mahkamah Agung Nomor 1753 K/PDT/2015. Fokus utama penelitian ini adalah pada sengketa sertifikat tanah, dengan penekanan pada kesalahan identifikasi terhadap tergugat dan klaim kepemilikan tanah yang mengakibatkan kaburnya tuntutan hukum. Penelitian ini mengadopsi pendekatan hukum normatif dengan metode filosofis dan analitis. Penelitian ini melakukan analisis deskriptif analitis untuk menjelaskan peraturan yang berlaku, teori hukum, dan praktik penegakan hukum positif terkait isu tersebut. Analisis menunjukkan bahwa Mahkamah Agung membatalkan putusan Pengadilan Tinggi Mataram karena tuntutan yang tidak jelas dan kesalahan dalam menentukan identitas tergugat. Hal ini mengonfirmasi pentingnya bukti yang akurat dan kredibel dalam sengketa sertifikat tanah. Putusan ini menyoroti pentingnya kepastian hukum, khususnya dalam registrasi tanah dan transaksi jual beli, dengan mempertimbangkan bukti konkret untuk memastikan keadilan dan kepastian hukum.

Kata Kunci : *Hukum Perdata; Mahkamah Agung; Pengadilan; Sengketa Tanah*

Abstract

This study aims to analyze the basic legal considerations and legal implications of Supreme Court Cassation Decision No. 1753 K/PDT/2015. The main focus was on land title disputes, with an emphasis on errors in defendant identification and land ownership claims that led to the blurring of the lawsuit. The study adopts a normative legal approach with philosophical and analytical methods. The study conducts analytical descriptive analysis to describe the applicable legislation, legal theory, and positive law enforcement practices related to the issue. The analysis showed that the Supreme Court overturned the decision of the Mataram High Court due to a vague lawsuit and a mistake in determining the identity of the defendant. This confirms the importance of accurate and credible evidence in land title disputes. This decision highlights the importance of legal certainty, particularly in land registration and sale and purchase transactions, taking into account concrete evidence to ensure fairness and legal certainty.

Keyword: *Civil Law; Supreme Court; Land Dispute; Court*

INTRODUCTION

Soil is an important and integral part of human life. The land also contains a wide variety of natural resources that can be utilized by humans (Bakung dkk., 2022). Land is one of the most valuable property rights for human life as well as for the Indonesian nation. The ideal concept describes the relationship of man with the land; man with the Creator, God Almighty, has become the philosophical foundation of human life to live on Earth (Soerodjo, 2003). The state has the right to control the land through the functions of the state to regulate and manage (regelen en besturen). The land issue is an issue that touches on the most basic rights of citizens. Land, in addition to having economic value, also has a social function (Harahap dkk., 2023). It is because of this social function that sometimes private interests in land are sacrificed in the public interest. Land has a social function, and its use should be able to improve the welfare of the people.

The need for land is an element of national development that is directed toward realizing prosperity and social justice for all Indonesian people in the implementation of development that can no longer be avoided. Because human life is equally inseparable from the land, Land is a gift from God Almighty, who created it for the habitation of living beings to carry out their lives. Land is an important aspect of life (Walker, 2008). This understanding means that humans as living beings need land, whether used as a place to grow crops, a place to live, or a place for other businesses, but in fact, the existing land supply is very limited. Land, or territory, is the main element of a country. For the Indonesian nation, which is a country called an agrarian nation or archipelago, land has a very important position in the framework of the maintenance of life and human life. On the other hand, for the state

and development, land is also the basic capital for the implementation of state life in the framework of the integrity of the Unitary State of the Republic of Indonesia (NKRI) and to realize the magnitude of the prosperity of the people (Hasbullah, 2005).

It is because of this position that the ownership, use, and utilization of land obtain legal protection from the government. The concept of the Unitary State of the Republic of Indonesia is a state of law oriented to the general welfare, as expressed in the Constitution of the Republic of Indonesia in 1945 (Muhtar, Maranjaya, dkk., 2023). It will not be separated from the legal disputes over land, which are a fundamental problem in society, especially regarding land. In a state of law, the government will enter almost all aspects of the life and livelihood of the people, both as individuals and as a society.

Citizens want to always defend their rights, while the government must also exercise the interests of the implementation of general welfare for all citizens. In order for the order of community life to take place harmoniously, protection is needed against the implementation of community interests. This can be realized if there is a guideline, rule, or standard that is adhered to by the community. As a basic right, the right to land is very meaningful as a sign of the existence, freedom, and dignity of a person (Soerodjo, 2003). On the other hand, the state is obliged to guarantee legal certainty on the right to land, even though the right is not absolute because it is limited by the interests of other people, society, and the state (Putri dkk., 2023). Land problems arise and affect all levels of society in everyday reality. Land disputes are issues that always arise and are always actual from time to time, along with the increase in population, development, and the widening access of various parties to obtain land as authorized capital in various interests (Wantu dkk., 2023).

A land issue is a problem that is quite complicated and sensitive in nature because it involves various aspects of life, both social, economic, political, psychological, and so on. In solving land problems, one not only must pay attention to the juridical aspects but also to various other aspects of life so that the resolution of the problem does not develop into an unrest that can disrupt the stability of society. The emergence of various problems regarding land shows that the use, control, and ownership of land in our country have not been orderly and directed. For example, there are land disputes that occur in various regions, such as those in Meruya Jakarta, PT Indonesia Power vs. PT Belaputera Intiland, Pari Island land disputes, Thousand Islands, and Pubabu, NTT. In addition, land disputes also occur between related rights to business, customary land, heritage land, boundary disputes, and others. The Ministry of Agrarian Affairs and Spatial Planning handled 2,145 agrarian disputes in 2015, but only resolved 947 cases. In 2016, completed issues reached 1,570 out of 2,996 disputes. In 2017, the government only resolved 1,034 cases out of 3,293 cases handled. The following

year, a total of 2,546 cases occurred, with 1,652 cases completed last year.

There were 8,959 cases of disputes, 56 percent of which occurred between communities, between neighbors and neighbors, and boundary disputes. Minister of Agrarian Affairs and Spatial Planning (ATR) Sofyan Djalil admitted that land disputes are the most frequently disputed issues in court. Land conflicts are said to be the cause of 70 percent of cases in court. The tendency that everyone seeks to control and maintain a certain plot of land includes seeking the status of ownership rights. So important is the meaning of land for people's lives; in this case, various problems arise regarding land rights by emphasizing legal certainty of rights and obligations, because the problem of protection and legal certainty of land is considered the main subject of land law. This is done to respond to developments in the future in order to build a just and prosperous society, as aspired to in the Constitution of the Republic of Indonesia in 1945.

Focus problems researchers are interested in studying cases related to land disputes that occurred in the case of ownership disputes over land rights that occurred between Inaq Sri Wahyuni against Haji Mohammad Thohir on the Supreme Court Cassation Decision No. 1753 K/PDT/2015 that in advance of the Selong District Court trial is as follows land dispute is derived from the land in the Certificate of Title No. 104 letter of measure No. 249 of 1982 covering an area of 300 m² in the name of H. Moh. Thohir (comparator/plaintiff) who on August 21, 2007 part of the land in the Certificate of property rights, then there was a breakdown of property rights certificate number 104/year 1982 by the Land Agency of East Lombok regency into 2 (two) certificates of property rights, namely (1) in the name of Winarsih with property rights certificate number 1739 covering an area of 200 m² and (2) in the name of H. Moh.

Thohir (comparator / plaintiff an area of 100 m² which is the remainder of the land area mentioned in the Certificate of property rights number 104/year 1982. Although H.Moh. Thohir still controls the remaining land area of 100 m², which is the rest of the land in the title certificate number 104 for the year 1982, Until now, H.Moh.Thohir also did not get a fraction of property rights certificate number 104 for the year 1982, which became his right; it was he who sold the niece of H's wife. Moh.Thohir named Sri Wahyuni (compared to I/defendant I), who was previously told to occupy a house and land covering an area of 100 m² belonging to H.Moh.Thohir, suddenly claimed to be the owner of a land area of 100 m² (disputed land) on the basis of buying and selling from buyers Inaq Sri Wahyuni (compared to I/defendant I), because Inaq Sri Wahyuni (compared to I/defendant I) solely just hitchhiking on land owned by H.Moh.Thohir, until H.Moh.Thohir before filing a lawsuit to the court, wanted a dispute resolution before the head of Aikmel village so that the minutes

of the dispute resolution made by the head of Aikmel village in 2013 were published. deed compared I / defendant I who controls, maintains, and does not want to return the disputed land along with property rights certificate number 1740/2008 on behalf of H.Muh.

Thohir and make a statement of sale and purchase on the object of dispute dated August 14, 2007 between the comparator/plaintiff and the comparator I/defendant I made by the village of Aikmel and including all other land rights transfer letters arising from the object of dispute. The relevance of legal issues in this case is the conflict of norms between the Supreme Court Cassation decision number 1753 K/PDT/2015 and the provisions of Article 19 paragraph (2) letter c of the UUPA outlining that land registration ends with the provision of letters of evidence of rights, which apply as a strong means of proof, and letters of evidence of rights issued as referred to in Article 23, Article 32, and Article 38 of the UUPA apply as a strong means of proof. Finally, regarding the transfer of rights, as mentioned in Article 20 paragraph (2) of the UUPA in this context, it is about the guarantee of protection and legal certainty from the plaintiff as the basis for the judge's consideration in the Supreme Court Cassation decision number 1753 K/PDT/2015 regarding the case of the dispute over the land title certificate.

Based on description above, the formulation problem are (1) What is the basis of legal consideration used by judges in deciding cases on Cassation decisions of the Supreme Court Number 1753 K/PDT/2015? and (2) What are the legal implications arising from the dispute over property rights to the land as outlined in the Supreme Court Cassation decision number 1753 K/PDT/2015?

RESEARCH METHOD

This study is categorized as normative legal research because it is based on the issue or theme raised as a research topic. The research approach used is philosophical and analytical, which is research that focuses on a rational view, is critical, analytical, and philosophical, and ends with a conclusion that aims to produce new findings as an answer to the main problem that has been set (Ishaq, 2017). And will be analyzed with descriptive analytical methods, namely by describing the applicable legislation related to the theory of law and positive law enforcement practices related to the problem (Waluyo, 2008).

RESULT AND DISCUSSION

Basis of legal consideration by the judge (ratio Decidendi) on the Supreme Court Cassation Decision No. 1753 K / PDT/2015

An analysis of the legal considerations of the Supreme Court in cases of disputes over property rights to land, as stated in the Cassation decision number 1753 K/PDT/2015, reveals several important aspects. First, the Supreme Court recognized the validity of the arguments presented in the Cassation Memorandum, indicating that, after thorough research, there was an error in the application of the law by the Mataram High Court that had previously overturned the decision of the Selong District Court. In particular, the Supreme Court highlighted the problem with the signature in the affidavit of sale and purchase between plaintiff and defendant I. The Supreme Court found that the difference in signatures was not substantial enough to consider the sale and purchase agreement invalid. This indicates the importance of an objective assessment of legal evidence, where an overly rigid interpretation of formalities may overlook the broader substance of the law and the principle of justice.

Furthermore, the Supreme Court took into account the facts revealed during the trial, namely that the land had been lawfully sold by the plaintiff to Defendant I. This sale, although not before the land deed officer (PPAT), is considered valid by the Supreme Court. This decision confirms that in agrarian law, the substance of the transaction and the agreement of the parties can be more important than formal compliance with the procedure. Finally, the decision of the Supreme Court to take over and decide the case on its own, as well as to order the respondent of Cassation to pay the costs of the case, demonstrates the application of the principles of justice and reasonableness.

The Supreme Court in this case acts not only as a supervisor of the rule of law but also as a determinant of substantive justice, ensuring that legal decisions reflect not only the rule of law but also the principles of justice and reasonableness. This overall analysis highlights how the Supreme Court seeks to strike a balance between the strict application of the law and the need to achieve substantive justice in cases of land title disputes.

Basic analysis of legal consideration by judges on Cassation decision of the Supreme Court Number 1753 K / PDT / 2015

In the case of property rights disputes over land that occurred between Inaq Sri Wahyuni and Haji Mohammad Thohir in the Supreme Court Cassation Decision No. 1753 K/PDT/2015 that in advance of the trial of the Selong District Court is a comparable act I / defendant I who controls, maintains and does not want to return the disputed land along with the Certificate of property rights No. 1740/2008 on behalf of H.Muh. Thohir and make a

statement of purchase and sale of the object of dispute dated August 14, 2007 between the comparator/plaintiff with the comparator I/defendant I made by the village of Aikmel and including all other land rights transfer letters arising from the object of dispute without the right and permission and knowledge of the owner of the land certificate.

The plaintiff has attempted to request the return of the disputed object from the defendants, but they refuse to comply; Defendant I's failure to provide the plaintiff's certificate (certificate SHM number 1740) entrusted by Mrs. Winarsih constitutes actions and deeds that are against the law (Onrechtmatige Daad); the actions and deeds; Actions and deeds of the defendant 1 who makes the object of dispute a purchase and sale letter without the knowledge of the plaintiff as the legitimate owner of the object of dispute are an action and action against the law (Onrechtmatige Daad); the actions and actions of the defendants who maintain the object of dispute without the basis of legitimate rights under the law are an action and action against the law (Onrechtmatige Daad).

Analysis of the judge's consideration of the first point of the Supreme Court Cassation decision number 1753 K / PDT/2015 which states that the plaintiff's signature in the sales and purchase statement between the plaintiff and Defendant I (T-I) is different so that it is not strong enough to state that the sale and purchase between the plaintiff and Defendant I on the object of dispute is invalid contrary to the provisions of Article 19 paragraph (2) letter c of the UUPA outlines that the land registration ends with the provision of proof of Rights, which is valid as a strong means of proof, and the certificate of proof of Rights issued as referred to in Article 23, Article 32, Article 38 of the UUPA applies as a strong means of proof. The Supreme Court judges stated that the plaintiff sold the disputed land area of 1 (one) acre to Defendant I in light and cash, making the sale and purchase valid even though it was not before PPAT, contrary to the transfer of rights as mentioned in Article 20 paragraph (2) of the Constitution.

In the case of a land title certificate dispute that occurred between Inaq Sri Wahyuni and Haji Mohammad Thohir, the author also views and argues the same thing, namely about:

1. The plaintiff's claim is vague (obscuur libel) both regarding the subject and object of the lawsuit and chronologically about the ownership of the disputed object of land controlled by the defendants;
2. Declare and establish the law that the actions and deeds of the defendants who retain the object of the dispute without the basis of legitimate rights under the law are actions and actions against the law (onrechtmatige daad);

3. Null and void or canceled letter of sale and purchase on the object of dispute between the plaintiff and Defendant I made by the head of Aikmel Village and including all forms of letters arising on the object of dispute.

A. Plaintiff's lawsuit blurred (obscure libel)

Both on the subject and object of the lawsuit as well as chronologically about the ownership of the land of the object of dispute controlled by the defendants; vague about the subject of the lawsuit; the plaintiff has wrongly attracted the parties in the case of a quo, which attracts a person named Dianti Nova as defendant II, while the person has no such;

B. The plaintiff has erred in clarifying the problem in the case of a quo

The plaintiff owns the land object of dispute, while Defendant I holds the land used as the object of dispute, based on a sales and purchase statement letter dated August 14, 2007. However, the plaintiff mistakenly identifies Defendant II as the party controlling the disputed land, causing significant ambiguity in the lawsuit.

C. Judex Facti (Mataram High Court) in taking a decision that invalidates the decision of the Selong District Court is that there have been errors in the application of the law.

In consideration of the Mataram High Court has been mistaken in taking conclusions because the considerations of the Selong District Court decision is appropriate and correct because based on legal facts in front of the trial both based on written evidence and testimony of witnesses submitted by the defendants/comparators, that the land object of dispute in the case of a quo is the property of the defendants / comparators who have controlled more than 40 years continuously based on purchased from the plaintiff / comparators and made in front of authorized officials, therefore, buyers who are in good faith protected by law, should the Mataram High Court in its legal considerations must take over all legal considerations Selong District Court, so thus the Mataram High Court further inevitably continue to strengthen the decision of the District Court Selong strengthen the decision, the Mataram High Court inevitably have to strengthen the decision of the District Court Selong dated October 28, 2014, No. 21/PDT.G/2014 / PN.Cell instead of canceling it;

Judex Facti (Mataram High Court), which has overturned the decision of the Selong District Court in the A quo case without a clear legal basis in the sense that it is not supported by formal facts or material revealed in this case, so clearly the Mataram High Court has erred and erred in the application of the law. Judex Facti (Mataram High Court), which overturned the decision of the Selong District Court in this case, is very inaccurate and wrong in the

application of the law, where in this case the defendants/appellants have been able to prove well and correctly the arguments of the objection in the answer, either through field facts (local examination), written evidence, or the testimony of witnesses revealed in front of the trial submitted by the defendants/appellants. Legal facts were found that the disputed land in this case belonged to the defendants or comparators who had been controlled successively for 40 years without interference from anyone and had been legally purchased in front of the competent authority, namely in front of the Aikmel village head and in front of the witnesses according to the purchase and sale certificate submitted by the defendants or comparators, while in this case the plaintiff or comparator cannot prove properly and correctly that the disputed land in this case is his property, nor with the evidence of the letter that has been filed, nothing indicates that the disputed land is the property of the plaintiff or comparator. In view of the fact that the cassation application from the defendants or appellants has been submitted within the time limit and according to the conditions stipulated by the law, and submitting the cassation memory in accordance with the law, it is appropriate that the cassation application from the cassation applicant be accepted.

Basic analysis of legal consideration by judges on Cassation decision of the Supreme Court Number 1753 K / PDT / 2015

Analysis of the legal consequences arising from the dispute over property rights to the land in Supreme Court Cassation Decision No. 1753 K/PDT/2015 Plaintiff's signature in the sales and purchase statement between the plaintiff and Defendant I (T-i) is different, so it is not strong enough to state that the sale and purchase between the plaintiff and Defendant I on the object of dispute is invalid. Any problems that arise during a dispute that rolls over in court must go through a process of proof.

Government Regulation No. 24 of 1997 provides a strong guarantee for legal certainty, allowing the cancellation of land ownership certificates if there is evidence of defective data used for issuance. The issuance of a certificate of title to land by the Land Office is a legal act in the field of state administration. In this case, the National Land Agency, as a state administration agency, carries out its duties based on the prevailing laws and regulations.

The issuance of certificates of land rights has gone through a process or stage determined by the regulation on land registration, PP number 24 of 1997. Therefore, the issuance of certificates of land rights by the National Land Agency is constitutive, which is a decision of the government administration that has legal consequences. The legal consequence is that the state guarantees and protects the owner of the certificate of land rights. If it turns out that there is an error or oversight in the issuance of land rights certificates,

it must go through a legal mechanism to correct the legal consequences.

In this case, there must be an injured party. Article 1365 of the Civil Code entitles and requires compensation for the loss to the injured party. The basis for applying for compensation is based on Article 1365 of the Civil Code. A land area of one (the object of dispute) has been sold by the plaintiff to Defendant I in light and cash so that the sale and purchase are legitimate even though they were not before PPAT. The transfer of rights to the land resulted in the breakdown.

The result is that if the solution is carried out on one piece of land (land rights), it will produce a new right as a whole with the abolition of the status of the old land rights. However, the new land rights maintain the same status as the old land rights that have been removed. Or the transfer of land rights resulting in separation. The result of the separation of one plot of land (land rights) will result in the birth of new land rights in addition to the existing land rights. The status of the new land rights is the same as the status of the land rights before the separation. In Article 1320 to Article 1337 of the Civil Code, there is an affirmation that the agreement is void if it contains coercion, fraud, oversight, incompetence of the maker, and without cause (causation not lawful).

Thus, if in the process of transitioning or obtaining a certificate of land rights there are elements referred to in Article 1320 to Article 1337 of the Civil Code, then the certificate of land owned by a person has not shown the person as the actual rights holder. In such circumstances, the certificate of title to the land can be canceled at any time if it turns out that there is another party who can legally prove that he is the true owner (M.H, 2023). In contrast to the positive land registration system, the proof of a person's right to land is absolute and inviolable. If it turns out that there is defective evidence showing the legal defects of the acquisition of the right, then he cannot demand cancellation, except for the claim for payment of damages (Arba, 2021).

The following are excerpts from the consideration of judges who represent the legal consequences arising from property rights disputes on the land in the Supreme Court Cassation decision number 1753 K / PDT/2015:

1. That these reasons can be justified, because after carefully examining the Cassation memory dated April 13, 2015 and Contra Cassation memory dated April 27, 2015 and connected with the decision of Judex Facti in this case the Mataram High Court which overturned the decision of the Selong District Court it turned out that Judex Facti wrongly applied the law with consideration:
2. That the signature of the plaintiff in the statement of sale and purchase between the plaintiff and Defendant I (T-I) is different so that it is not strong enough to state that the

sale and purchase between the plaintiff and Defendant I on the object of dispute is invalid, therefore the decision and consideration of the High Court deserve to be canceled;

3. That in accordance with the facts of the trial proved that the land area of 1 (one) are (object of dispute) has been sold by the plaintiff to Defendant I in light and cash so that the sale and purchase is legitimate even though not before PPAT, therefore the decision and consideration of the Selong District Court should be strengthened;
4. Considering, that based on the above considerations, the Supreme Court is of the opinion that there are sufficient grounds to grant the Cassation application from the Cassation applicant and cancel the decision of the Mataram High Court number 158/PDT/2014/PT.Mtr. dated February 12, 2015 juncto Selong District Court Decision No. 21/Rev.G / 2014 / PN.Cell. October 28, 2014.
5. As well as the Supreme Court itself adjudicates this case by amar verdict as will be mentioned below; considering, that by the respondent of Cassation is on the losing side, it is punishable to pay the costs of the case in all levels of Justice.

Various aspects of substantive law and justice are highlighted in the property rights disputes over land listed in the Supreme Court Cassation decision number 1753 K/PDT/2015. First, the Supreme Court considered that the reasons presented in the Cassation memory were sufficient, indicating that there was an error in the application of the law by the Mataram High Court. In particular, the High Court considered it wrong to overturn the decision of the Selong District Court. The second important point is the Supreme Court's assessment of the difference in signatures in the sales and purchase statement between Plaintiff and defendant I. The Supreme Court considered that this difference was not significant enough to declare the transaction invalid.

This suggests that the Supreme Court gives more weight to the substance of the transaction than to the formality of the document. This decision confirms the importance of weighing the facts and circumstances of the case as a whole rather than focusing solely on the technical aspects of the law. Furthermore, the court found that the plaintiff had legally sold the disputed land to Defendant I, even though the transaction did not involve the presence of PPAT. This decision reflects the understanding that legal practice must adapt to the realities of transactions and agreements concluded by the parties.

Fourth, the Supreme Court decides to grant the cassation appeal of the cassation applicant, overturn the previous judgment, and take over the handling of the case. It indicates that the Supreme Court is seeking to correct what is considered to be an error in the interpretation or application of the law by a previous court. Finally, the Supreme Court

sentenced the respondent of Cassation, who was on the losing side, to pay the costs of the case at all levels of the judiciary. This decision reflects the principle that any losing party to a legal dispute should be responsible for the costs incurred.

Supreme Court Decision No. 1753 K / PDT / 2015 :

Judge

1. Grant the appeal of the Cassation of the petitioners: 1. INAQ SRI WAHYUNI, 2. DITI NOVA, 3. WAHYUDI;
2. Cancel the decision of the Mataram High Court number 158/PDT/2014 / PT.Mtr. dated February 12, 2015 juncto Selong District Court Decision No. 21/Rev.G/2014 / PN.Cell. October 28, 2014;

JUDGE FOR YOURSELF:

In the exception: reject the exception of the defendants entirely; in the main case: reject the plaintiff's claim entirely; punish the respondent Cassation / Plaintiff to pay the cost of the case in all levels of justice in this Cassation level set at Rp500, 000.00 (five hundred thousand rupiah); In the term implication, also known as legal consequences, there are two legal consequences, namely direct legal consequences and indirect legal consequences. The consequences of the law must at least contain justice, certainty, and expediency. Justice is one of the most discussed goals of law throughout the history of the philosophy of law. The word fair has more than one meaning. Justice can be defined as what is lawful and what is equitable. Here, it is shown that a person is said to be unfair if they take more than the right share.

One aspect of legal certainty is law enforcement. In this case, the comprehensive role of law enforcement officers. Julius Stahl, as quoted by Azhary, mentioned the main elements of legal certainty, namely (Rs dkk., 2023):

1. Recognizing and protecting human rights;
2. To protect these rights, the administration of the state must be based on the theory of trias politica (separation);
3. In carrying out its duties, the government under the law (welmatigh bestuur); and
4. If in carrying out their duties under the law the government still violates human rights (government interference in the life of the community) then there will be a court that will solve it (Muhtar, Apripari, dkk., 2023).

Based on these elements, legal certainty is the foundation of the legal system. There is no enforcement against crimes or offenses committed before the regulations governing

them. Legal expediency, the existence of a law that aims to provide security and order and ensure the welfare of the community, is obtained from the state as an umbrella of society. The rule of law, in addition to protecting human interests against the dangers that threaten it, also regulates relationships between people. In Government Regulation No. 24 of 1997 on land registration, the registration of land plots is known as two (two) transitional characters of land rights that can be registered at the Land Agency office, namely:

1. Transfer of land rights, resulting in damage. The result is that the division carried out on one piece of land (land rights) will result in a new right as a whole with the abolition of the status of the old land rights (Harahap dkk., 2023). However, the new land rights maintain the same status as the revoked old land rights. Transfer of land rights, resulting in separation (Abqa dkk., 2023). The result of the separation of one plot of land (land rights) will result in the birth of new land rights in addition to the existing land rights (Zhang, 2021).
2. The new land title status The status is the same as the land title status before separation (Boutthavong dkk., 2016). Explanation separation means a large area of land taken or separated in part or several parts that become a new field unit. In this case, the parent lot still exists and has not changed its identity, except for the area and boundaries as stated in the new measurement letter. So the term used is separation to distinguish what is done in the settlement (Corley & Gioia, 2004).

In the cassation decision of Supreme Court Number 1753 K/PDT/2015, the Supreme Court took several important decisions that have significant legal implications. First, the Supreme Court granted the cassation appeal of the Cassationists, which indicates a reassessment of the previous court decision. By overturning the decisions of the Mataram High Court and Selong District Court, the Supreme Court showed that there were errors in the interpretation or application of the law by these courts. One of the direct legal implications of this decision is the affirmation of the principle of justice.

By rejecting the defendants 'exceptions and the plaintiffs' claims, the Supreme Court demonstrated its commitment to ensuring that decisions are made based on a fair and objective assessment of the evidence and arguments presented. The denial of exceptions and lawsuits affirms legal certainty. This shows that the Supreme Court seeks to strengthen the principle of legality and certainty in law enforcement, in line with the principles of justice and expediency. In the context of justice, the Supreme Court's decision underscores the importance of treating all parties fairly and equally before the law.

Fairness in this case means ensuring that each party gets treatment commensurate with its rights and responsibilities. This is in accordance with the philosophy of law, which emphasizes

justice as one of the main objectives of the law itself. Regarding legal certainty, this decision reflects the understanding that the law must be clear, predictable, and consistently applied. Protecting human rights, running a government based on law, and providing courts as a means of dispute resolution are key components of legal certainty.

Finally, in the context of expediency, the decision of the Supreme Court reflects the understanding that the law exists to serve the interests of society, provide security and order, and ensure social well-being. This decree emphasizes the importance of the law in regulating relations between people and protecting them from threats. This decision also affects the way land registration is carried out, including the division and separation of land rights, as stated in Government Regulation No. 24 of 1997 on Land Registration. This decision affirms that the legal process must take into account both justice, legal certainty, and legal expediency in the context of the registration and transfer of land rights.

CONCLUSION

Based on the analysis of the Cassation decision of the Supreme Court Number 1753 K/PDT/2015, it can be concluded that the plaintiff's lawsuit is considered vague (obscure libel) in terms of subject, object, and chronological ownership of the disputed land, with special errors in determining the identity of the defendant and land ownership claims. This error became the basis for the Supreme Court to grant a cassation appeal and overturn the decision of the Mataram High Court. From a legal standpoint, this case affirms the significance of precise and reliable evidence in legal proceedings, particularly in land title disputes. In such cases, a certificate of land rights can be invalidated if there is evidence demonstrating legal flaws in its acquisition, potentially leading to claims for compensation under the law. This decision also highlights the principle of legal certainty, especially in the context of land registration, where land sale and purchase transactions are considered valid even if they are not before PPAT, given the importance of concrete evidence in the legal process to ensure justice and legal certainty.

REFERENCE

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