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### Integration of Absolute Authority of District Courts and State Administrative Courts in Land Disputes through Koneksitas Courts

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#### Abstract

*Land disputes in Indonesia often encounter legal uncertainty due to the rigid separation of judicial authority between district courts, which adjudicate ownership disputes, and state administrative courts (PTUN), which review the legality of land ownership certificates. This jurisdictional divide frequently leads to inconsistent or contradictory rulings over the same land, reflecting a systemic challenge in the Indonesian judicial system. This research examines mechanisms to overcome the impasse of absolute competence between the two courts, focusing on the development of a connectivity court model that integrates their functions. Employing a normative legal method with a statutory approach, the study proposes the modification of procedural law to establish a connectivity court that enables joint adjudication of civil ownership and administrative certificate disputes. Such a mechanism not only ensures legal certainty and coherence in decisions but also promotes justice that is simple, efficient, and affordable, while optimizing existing judicial infrastructure and avoiding the complexities and costs associated with creating a specialized agrarian court.*



## A. Introduction

Indonesia, as a state based on the rule of law as stipulated in Article 1 paragraph (3) of the 1945 Constitution, places the judiciary at the center of safeguarding justice and legal certainty. In practice, however, land dispute resolution faces persistent challenges because of the rigid separation of jurisdiction between the District Court and the Administrative Court (PTUN). Civil courts adjudicate land ownership disputes, while PTUN examines the administrative validity of land certificates. This dual-track system often produces overlapping or contradictory rulings, undermining legal certainty and prolonging litigation. Adriaan Bedner and Yance Arizona have critically highlighted this structural disjunction in Indonesia's land law, calling for integrative mechanisms between judicial forums.<sup>1</sup>

The main problem lies in the absence of a procedural framework that unifies civil and administrative dimensions of land disputes. Without such integration, claimants must pursue parallel proceedings, which increases litigation costs and reduces consistency in judicial outcomes. Weak institutional coordination and overlapping regulations further exacerbate the issue. Comparative experiences, such as court-connected mediation in Japan and Germany, demonstrate how integrated mechanisms can improve efficiency and reliability in land dispute resolution.<sup>2</sup>

In response, this article proposes the establishment of a Connectivity Court (Pengadilan Koneksitas) as an innovative alternative. Instead of creating a new agrarian court, this model facilitates functional coordination between PTUN and civil courts in handling disputes that involve both ownership and administrative validity. This approach resonates with the proposal of Tamsil and colleagues for specialized agrarian courts, which emphasize the importance of integrated forums to enhance the efficiency and legitimacy of rulings in resource-related disputes.<sup>3</sup>

Furthermore, the Connectivity Court reflects global trends in the recognition of collective land rights, which require adaptive legal frameworks. Liz Alden Wily underscores that collective land ownership in the twenty-first century demands flexible adjudicatory systems.<sup>4</sup> The urgency of establishing such a court in Indonesia therefore lies not only in streamlining litigation but also in strengthening institutional integration and ensuring consistency of judgments in land adjudication.

Within Indonesia's judicial system, legal services are designed to provide simple, fast, and low-cost dispute resolution at all levels of the judiciary.<sup>5</sup> The Supreme Court oversees four judicial environments with absolute jurisdictional authority, namely the general courts for civil and criminal cases, the state administrative courts, the religious courts, and the military courts. The proposed Connectivity Court would serve as a complementary mechanism that bridges jurisdictional divides and supports the constitutional mandate of justice and legal certainty.

The Indonesian justice system is designed to provide legal services to the community by ensuring simple, fast, and low-cost dispute resolution across all types and levels of courts. Within this framework, the Supreme Court, as the highest judicial body, oversees four judicial

<sup>1</sup> Ricardo T. Calderon, Amulya Gurtu, and Michael A. Holly, "Exploring Transparency–Sustainability Linkage: Analysis of CSR Disclosures," *IIMS Journal of Management Science*, January 1, 2024, <https://doi.org/10.1177/0976030X231220298>.

<sup>2</sup> Katja Funken, "Comparative Dispute Management: Court-Connected Mediation in Japan and Germany," *German Law Journal* 3, no. 2 (February 1, 2002): E1, <https://doi.org/10.1017/S2071832200014759>.

<sup>3</sup> Tamsil et al., "Special Court Model in Settlement of Tenure Conflicts and Agrarian Resources," *Advances in Social Science, Education and Humanities Research* 603, no. 1 (December 3, 2021): 211–18, <https://doi.org/10.2991/ASSEHR.K.211130.038>.

<sup>4</sup> Liz Alden Wily, "Collective Land Ownership in the 21st Century: Overview of Global Trends," *Land* 2018, Vol. 7, Page 68 7, no. 2 (May 29, 2018): 68, <https://doi.org/10.3390/LAND7020068>.

<sup>5</sup> Honey Mae Araña et al., "Enhancing Community Conflict Resolution Skills: A Training Needs Assessment for Lupon Tagapamayapa," *Mediterranean Journal of Basic and Applied Sciences (MJBAS)* 7, no. 2 (n.d.): 126–35, <https://doi.org/10.46382/MJBAS.2023.7215>.

environments with distinct competences: the general courts for civil and criminal cases, the state administrative courts, the religious courts, and the military courts.<sup>6</sup>

Land disputes, particularly those involving ownership rights and land certificates, fall within the competence of two judicial environments. The district court within the general judiciary has authority over civil disputes concerning ownership rights or land title guarantees, while the state administrative court adjudicates disputes related to the validity of land certificates. A ruling by the district court that confirms ownership does not automatically invalidate an erroneously registered certificate, thus requiring further proceedings before the state administrative court. Conversely, if a certificate is annulled by the state administrative court, a claimant may still need to confirm ownership rights through the district court, unless the land authority cancels the earlier certificate and issues a new one based on the civil court's decision.

The complexity of land law in Indonesia is also shaped by the constitutional structure of land ownership. All land is ultimately vested in the state, while individuals and customary communities hold land rights rather than absolute ownership. This arrangement positions the state as a trustee of community lands, often resulting in decisions that conflict with local interests. The Basic Agrarian Law of 1960 recognizes customary rights and grants indigenous communities the authority to manage their land, but such rights must remain aligned with national interests. Although the Constitutional Court in 2013 affirmed that customary forests are not part of state forests, there is still no specific regulation governing the issuance of collective certificates for customary land.<sup>7</sup>

Legal certainty for indigenous communities also depends heavily on the alignment of land administration regulations with the recognition of collective rights.<sup>8</sup> At the same time, the dual adjudication process in civil and administrative courts over the same land object opens the possibility of divergent or even contradictory rulings on ownership status. The problem is further compounded by the lengthy duration of litigation, which is prolonged by the availability of multiple legal remedies, including appeals, cassation, and judicial review. As a result, the path to legal certainty becomes increasingly protracted.

Building on this context, the urgency of establishing a Connectivity Court becomes evident. Such a forum would integrate the resolution of land disputes that involve civil, criminal, and administrative dimensions within a single judicial mechanism. Research by Koeswahyono and Maharani<sup>9</sup> emphasizes that agrarian conflict should not be viewed merely as a technical land dispute, but rather as the surface manifestation of deeper structural conflicts involving state power, capital interests, and systemic imbalances in the legal order.<sup>10</sup> Within this framework, conventional judicial mechanisms often fall short in delivering justice, largely due to overlapping jurisdictions and inconsistent decisions between general courts and the state administrative court (PTUN). The pluralistic and multi-layered nature of Indonesia's land law

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<sup>6</sup> Fathur Rauzi, Muhammad Zaki, and Pahrul Hadi, "The Parameters of Absolute Competence of General Courts and State Administrative Courts in Adjudicating Land Disputes," *SHS Web of Conferences* 182 (2024): 04008, <https://doi.org/10.1051/SHSCONF/202418204008>.

<sup>7</sup> Adriaan Bedner and Yance Arizona, "Adat in Indonesian Land Law: A Promise for the Future or a Dead End?," *Asia Pacific Journal of Anthropology* 20, no. 5 (October 20, 2019): 416–34, <https://doi.org/10.1080/14442213.2019.1670246>; CSUBTYPE:STRING:SPECIAL;PAGE:STRING:ARTICLE/C HAPTER.

<sup>8</sup> Bedner and Arizona.

<sup>9</sup> Imam Koeswahyono and Diah Pawestri Maharani, "Rasionalisasi Pengadilan Agraria Di Indonesia Sebagai Solusi Penyelesaian Sengketa Agraria Berkeadilan," *Arena Hukum* 5, no. 1 (2022): 1–19, <https://doi.org/https://doi.org/10.21776/ub.arenahukum.2022.01501.1>.

<sup>10</sup> Faqih Adila Adifa, "Peradilan Koneksitas Dalam Mewujudkan Asas Peradilan Cepat, Sederhana Dan Biaya Ringan" (Universitas Islam Indonesia, 2023), <https://dspace.uui.ac.id/bitstream/handle/123456789/47490/19410672.pdf?sequence=1>.

further discourages individuals from pursuing litigation, as the process is widely perceived as lengthy, costly, and biased against marginalized groups.

The judiciary functions not only as a forum for dispute resolution but also as an instrument of conflict prevention through comprehensive and progressive legal approaches. This article seeks to contribute to the discourse on land dispute resolution, particularly disputes concerning ownership rights, guarantees of land rights<sup>11</sup>, and evidentiary matters related to land certificates. The aim is to bring justice and legal certainty closer to the community by promoting an effective and efficient judicial system that serves both litigants and the state as the administrator of justice.

Since dispute resolution is closely tied to both the substance of the conflict and the institutional mechanisms employed, this study emphasizes the urgency of establishing a connected court. Specifically, it proposes functional coordination between the district court and the state administrative court in adjudicating land disputes, without the need to create a specialized land court. Such a model is expected to strengthen legal certainty and prevent inconsistent or conflicting rulings on ownership and evidentiary matters arising from dual jurisdictions.

This research employs a normative legal method with a statutory approach, drawing upon legislation related to land, government administration, general courts, and state administrative courts. Data are collected through literature review, content analysis, and doctrinal analysis to examine the relevance and feasibility of a connectivity court in land dispute adjudication.

## B. Discussion

### 1. Legal Certainty Of Judicial Competence In Civil Land Disputes And Administrative Land Disputes

A dispute refers to a situation that gives rise to differences of opinion, quarrels, arguments, or disagreements, including disputes over land rights. In the land sector, disputes may be resolved either through deliberation outside the courts or through adjudication within the state judicial system, in accordance with applicable laws and regulations.<sup>12</sup> The state bears responsibility for ensuring legal certainty in land disputes by establishing a judicial mechanism that is accessible to justice seekers and guarantees the resolution of ownership claims over contested land.<sup>13</sup>

Land disputes can be examined from both civil law and administrative law perspectives. From a civil law perspective, disputes commonly involve unlawful acts or breaches of contract related to:

- 1) Ownership;
- 2) Boundary;
- 3) Land tenure or rights disputes;
- 4) Guarantee;
- 5) Implementation or violation of rights and obligations over land as the object of the agreement, such as binding agreements, buying and selling, or vacating;
- 6) Other disputes that can be classified as acts of default or unlawful acts against land rights.

Administrative land disputes are disputes relating to:

<sup>11</sup> Syifa' Silvana, Emir Fabrian Marino, and Roki Arnanda, "Penyelesaian Sengketa Sertifikat Tanah Ganda Serta Bentuk Kepastian Hukumnya," *Jentera: Jurnal Hukum* 4, no. 2 (2021): 555–73, <https://jurnal.jentera.ac.id/index.php/jentera/article/view/40>.

<sup>12</sup> *Op., Cit.* Faqih Adila Adifa, "Peradilan Koneksitas Dalam Mewujudkan Asas Peradilan Cepat, Sederhana Dan Biaya Ringan."

<sup>13</sup> Teddy Chandra, "Non-Litigation Process Land Dispute Settlement For Legal Certainty," *Substantive Justice International Journal of Law* 2, no. 2 (2019): 177–94, <https://doi.org/https://doi.org/10.33096/substantivejustice.v2i2.49>.

- 1) Legal documents of ownership, such as issuance of ownership certificates, division of certificates, revocation or cancellation of land rights certificates, and others;
- 2) Documents of ownership, such as land title guarantee certificates;
- 3) Refusal of the land office to issue a certificate for the land requested;
- 4) There are duplicate certificates for one plot of land, either due to overlapping ownership or due to administrative errors in issuing certificates by the land office;
- 5) Other documents regarding land which are decisions of TUN officials or bodies.

Civil land disputes and administrative land disputes mentioned above in their settlement through adjudication will be related to and limited by the absolute competence of the general court environment or state administrative court.<sup>14</sup> The scope of land disputes in relation to the competence to adjudicate by the general court environment at the district court and the state administrative court environment can at least be inventoried as follows:<sup>15</sup>

- a. Disputes over land ownership or control due to the absence of a certificate of proof of ownership of land rights.

Following the enactment of the Basic Agrarian Law (BAL) Number 5 of 1960, and as an implementation of Article 19 of the BAL, the government issued Government Regulation Number 10 of 1961 on land registration. This regulation introduced the Rechts-Cadaster system, replacing the Fiscale-Cadaster, with the principal aim of ensuring legal certainty. Land registration is conducted through an institutionalized mechanism whereby an individual or legal entity submits an application, which is then processed until proof of ownership in the form of a land title certificate is issued and recorded in the land book.<sup>16</sup>

According to Article 19 paragraph (2) letter c of the BAL and Article 32 paragraph (1) of Government Regulation Number 24 of 1997<sup>17</sup>, a land title certificate constitutes valid proof of ownership regarding both the physical and legal data contained therein, provided such data corresponds with the measurement letter and the land book.<sup>18</sup> Unless proven otherwise, the physical and legal data stated in the certificate must be presumed correct. State recognition and protection of land rights may take the form of issuing certificates to individuals or legal entities, recognizing customary land ownership, establishing judicial institutions to resolve land disputes, and formulating regulations or policies in the land sector. These measures are intended to prevent disputes or ensure fair and legally certain resolution through competent judicial bodies.

In practice, only a portion of land ownership in Indonesia is supported by certificates. Many parcels remain under state control, customary ownership, or are categorized as abandoned land. Others are controlled through forest clearing, land expansion, hereditary possession, inheritance, court decisions, or other bases of acquisition. Such situations often give rise to disputes over ownership, which fall within the absolute jurisdiction of the district courts.

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<sup>14</sup> Fonaha Hulu, Gunarto, and Anis Mashdurohatun, "Legal Reconstruction of Land Dispute Settlement Based on Justice Value," *Scholars International Journal of Law, Crime and Justice* 6, no. 3 (2023): 147–53, <https://doi.org/10.36348/sijlcj.2023.v06i03.002>.

<sup>15</sup> Jean Claudia, "Settlement of Land Disputes with the Competence of the State Administrative Court According to the Perspective of Indonesian Law," *Asian Journal of Social and Humanities* 1, no. 8 (2023): 399–406, <https://doi.org/https://doi.org/10.59888/ajosh.v1i08.41>.

<sup>16</sup> Irwanda Yunus, Istiqamah, and Erlina, "Sengketa Hak Atas Tanah Yang Tidak Mempunyai Bukti Kepemilikan Hak Atas Tanah," *Alauddin Law Development Journal* 5, no. 3 (2023): 436–41, <https://doi.org/https://doi.org/10.24252/aldev.v5i3.21485>.

<sup>17</sup> Nindya Dewi Kartika Rohmi, "The Legal Certainty of Land Rights Certificates Regarding Land Registration," *TABELLIUS: Journal of Law* 1, no. 3 (2023): 816–30, <https://jurnal.unissula.ac.id/index.php/tabelius/article/view/33259>.

<sup>18</sup> Devi Nurfadillah Abas and Bambang Tri Bawono, "The Legal Position of Land Ownership Certificates Issued Not In Accordance with Administrative Procedures," *Jurnal Konstatering* 2, no. 1 (2023): 27–39, <https://jurnal.unissula.ac.id/index.php/jk/article/view/29642>.

## b. Dispute over the validity of land ownership certificates

Legal certainty over land rights, as mandated by the Basic Agrarian Law (UUPA), encompasses two dimensions: certainty of the object and certainty of the subject of rights. Certainty of the object refers to the accurate identification of land parcels through geo-referenced coordinates recorded in the land registration map. Certainty of the subject relates to the verified identity of rights holders as recorded in the land registration book maintained by the land office. A copy of these records, known as a land certificate, constitutes the outcome of the land registration process and reflects any changes in subject, status, or legal actions concerning the land. Pursuant to Article 19 paragraph (1) letter c, Article 23 paragraph (2), Article 32 paragraph (2), and Article 38 paragraph (2) of the UUPA, the land certificate serves as strong legal evidence.<sup>19</sup>

Despite this framework, various obstacles undermine the effectiveness of land registration. Historical ownership issues, societal psychological factors, weak regulatory provisions, and bureaucratic interventions in land transfer processes contribute to legal uncertainty. These factors manifest in false certificates, asphalt certificates<sup>20</sup>, double certificates, and blocked certificates<sup>21</sup>. Problems related to applicants' legal standing, invalid physical data, improper granting of rights, incomplete requirements, or procedural irregularities may also invalidate land certificates, resulting in refusals or failures of issuance and potentially leading to litigation.

In such cases, certificates of proof of land ownership constitute *beschikking*, namely written determinations by state administrative officials that are concrete, individual, and final, and that create legal consequences for individuals or legal entities. As such, land certificates fall within the jurisdiction of state administrative courts, in accordance with Law No. 5 of 1986, Law No. 51 of 2009<sup>22</sup>, and Law No. 9 of 2024. Aggrieved parties may challenge administrative decisions to seek cancellation, correction, or issuance of land certificates.<sup>23</sup> The State Administrative Court is authorized to review the validity of certificates issued by the National Land Agency (BPN) in administrative disputes, including cases where the BPN fails to issue certificates within the prescribed period.

This authority is reinforced by the principle of negative fiction in Article 3 of the PTUN Law, which presumes a decision to exist when the competent body remains silent beyond the legal deadline. Furthermore, Article 53 of the PTUN Law requires that claims be based on violations of law or of the General Principles of Good Governance (AAUPB).<sup>24</sup> Accordingly, the BPN's failure to issue land certificates within the stipulated timeframe provides sufficient legal grounds for administrative litigation, ensuring the protection of legal certainty and the enforcement of good governance principles.

<sup>19</sup> Agus Salim, "Penyelesaian Sengketa Hukum Terhadap Pemegang Sertifikat Hak Milik Dengan Adanya Penerbitan Sertifikat Ganda," *USM Law Review* 2, no. 2 (2019): 162–73, <https://doi.org/https://doi.org/10.26623/julr.v2i2.2269>.

<sup>20</sup> Gandi Assidiqih and Indri Fogar Susilowati, "Juridical Review of Electronic Land Certificates as Evidence of Land Ownership in Indonesia," *NOVUM: JURNAL HUKUM* 10, no. 3 (2023): 57–72, <https://doi.org/https://doi.org/10.2674/novum.v0i0>.

<sup>21</sup> Moh Ali Wafa, "Problematic Issuance of Land Rights Certificate," *Jurnal Cita Hukum* 5, no. 2 (2017): 233–53, <https://doi.org/https://doi.org/10.15408/jch.v5i2.7089>.

<sup>22</sup> Aju Putrijanti, "The Competence of the Administrative Court and Administrative Justice," *Fiat Justisia: Jurnal Ilmu Hukum* 14, no. 2 (2020): 97–112, <https://doi.org/https://doi.org/10.25041/fiatjustisia.v14no2.1890>.

<sup>23</sup> Aisyah Rukmi Widowati and Azahery Insan Kamil, "Legal Study of Land Redistribution Policy as Land Reform Object: State Administrative Law Perspective," *Mendapo Journal Of Administration Law* 6, no. 1 (2025): 59–84, <https://doi.org/https://doi.org/10.22437/mendapo.v6i1.38322>.

<sup>24</sup> Hendri Jayadi et al., "Penyelesaian Sengketa Tanah Berdasarkan Hukum Positif Tentang Penyelesaian Sengketa Di Indonesia," *Jurnal Comunitã Servizio* 5, no. 1 (2023): 1050 – 1069, <https://doi.org/https://doi.org/10.33541/cs.v5i1.4287>.

c. Disputes over ownership rights and disputes over certificates of evidence of land rights issued by the State Administrative Body

Land disputes of this nature are particularly complex because they not only involve civil conflicts over control or ownership claims but also administrative disputes concerning the validity of land title certificates issued in the name of other parties by state administrative officials. Thus, in addition to matters falling under the absolute competence of the district court, there are also disputes subject to the jurisdiction of the state administrative court.<sup>25</sup> Certificates of land rights, which derive from state land, may include ownership rights, business use rights, building use rights, usage rights, and management rights. These also extend to state land allocated for agrarian reform and other rights regulated in Article 66 of the Regulation of the Minister of Agrarian Affairs/Head of the BPN No. 3 of 1997 on the implementation of Government Regulation No. 24 of 1997 concerning land registration.

The issuance of land title certificates constitutes a constitutive state administrative decision and therefore falls within the jurisdiction of the state administrative court. Although Indonesian land law recognizes the doctrine of *rechtsverwerking*, under which a certificate holder who has possessed land for five years is protected against third-party claims, ownership disputes may still arise. Courts cannot reject claims if supported by reasons and evidence showing that the certificate was issued through unlawful procedures or based on false, incomplete, or invalid documents, or if it has been annulled by a court decision.

Issues of ownership and evidentiary validity will persist even with stricter land registration mechanisms and the introduction of electronic certificates. Digitalization itself carries risks of cybercrime or system disruptions that may alter the physical or legal data recorded in certificates, thereby harming legitimate owners or benefiting other parties. Resolution of such disputes will continue to fall within the absolute competence of district courts and/or the jurisdiction of state administrative courts, depending on whether the issues relate to ownership and control or to the issuance and alteration of certificate data.

d. The dispute concerns the granting of security for land rights

Disputes over land guarantees may arise when collateral is provided by an unauthorized party, when the valuation of the guarantee is contested, or when execution of the guarantee results in the transfer of land rights. Such disputes generally fall under the absolute jurisdiction of the district court. However, if the dispute also involves the transfer of ownership or changes to certificate data, the land office, as the state administrative authority responsible for issuing certificates, becomes directly involved. In such cases, disputes concerning administrative decisions of the land office fall under the exclusive jurisdiction of the state administrative court. For land to serve as debt security, several requirements must be met:

- 1) the land must have economic value and be convertible into money, since the secured debt is monetary in nature;
- 2) the land right must be registered in the public register in accordance with the principle of publicity;
- 3) the land right must be transferable, allowing public sale in the event of debtor default; and
- 4) the land right must be explicitly recognized by law as a right that may serve as collateral.<sup>26</sup>

<sup>25</sup> Azis Akbar Ramadhan, "Sengketa Kompetensi Absolut Pengadilan Negeri Dan Pengadilan Tata Usaha Negara Terkait Dengan Perkara Sengketa Pertanahan," *Journal of Mandalika Literature* 6, no. 1 (2025): 264–78, <https://doi.org/https://doi.org/10.36312/jml.v6i1.3993>.

<sup>26</sup> Marwiyah, Sigit Irianto, and Sri Mulyani, "Reconstruction Of Collateral Arrangements In Bank Credit Agreements To Realize Legal Certainty In Indonesia," *Journal of Neonatal Surgery* 14, no. 9S (2025): 136–42, <https://doi.org/https://doi.org/10.52783/jns.v14.2638>.

Legal disputes over land become more complex when the land is used as debt collateral and the debtor defaults, leading to auction and transfer of ownership. In banking practice, collateralized land need not belong to the debtor; it may also belong to a third party. In such cases, the landowner or their representative must sign the deed of granting the Mortgage Right, thereby legitimizing the collateral arrangement.

Judicial practice shows how these disputes often lead to prolonged and fragmented litigation. In Court Decision No. 88 K/TUN/1993, ownership issues had to be settled first in the district court before the State Administrative Court (PTUN) could examine certificate validity, resulting in delays and split rulings. Similarly, Decision No. 22 K/TUN/1998 revealed overlapping proceedings that created legal uncertainty. Such conflicts of jurisdiction between general courts and PTUN undermine procedural efficiency and weaken legal certainty.<sup>27</sup>

Koeswahyono and Maharani note that bifurcation of authority produces contradictory outcomes and erodes substantive justice.<sup>28</sup> Rauzi and Hadi stress the persistence of competence disputes without institutional coordination, while Agus Salim highlights the absence of a forum capable of jointly reviewing ownership and administrative validity.<sup>29</sup>

These realities underscore the urgency of establishing a Koneksitas Court, a unified judicial body to handle overlapping land disputes. Such a court would streamline processes, prevent contradictory rulings, and enable ownership and certificate validity to be examined in one forum, thereby ensuring faster resolution, stronger legal certainty, and restored public trust in land adjudication.<sup>30</sup>

## 2. Litigation Methods in Dispute Resolution

Dispute resolution signifies the settlement of all issues between parties, ensuring that rights and obligations are fulfilled. It can be pursued through litigation or non-litigation. Litigation involves the state judicial system where judges issue binding decisions.<sup>31</sup> In Indonesia, the judiciary under the Supreme Court consists of four branches: the General Court, the Religious Court, the State Administrative Court, and the Military Court, each with first-instance and appellate courts. Their absolute competence is designed to maintain order and legal certainty in adjudicating disputes.

Litigation offers advantages such as binding legal force, finality, and enforceability. Court rulings establish the win-lose position, and if the losing party refuses compliance, execution mechanisms are available. Decisions also carry three essential powers: binding, evidentiary, and executory, ensuring enforceable and authoritative outcomes.

<sup>27</sup> *Op., Cit.* Marwiyyah, Sigit Irianto, and Sri Mulyani.

<sup>28</sup> Fathur Rauzi and Muhammad Zaki Pahrul Hadi, "The Parameters of Absolute Competence of General Courts and State Administrative Courts in Adjudicating Land Disputes," *The 5th Annual Conference on Education and Social Sciences (ACcESS 2023)* 182, no. 04008 (2024): 1–7, <https://doi.org/https://doi.org/10.1051/shsconf/202418204008>.

<sup>29</sup> *Op., Cit.* Imam Koeswahyono and Diah Pawestri Maharani, "Rasionalisasi Pengadilan Agraria Di Indonesia Sebagai Solusi Penyelesaian Sengketa Agraria Berkeadilan."

<sup>30</sup> *Op., Cit.* Agus Salim, "Penyelesaian Sengketa Hukum Terhadap Pemegang Sertifikat Hak Milik Dengan Adanya Penerbitan Sertifikat Ganda."

<sup>31</sup> Muhammad Iqbal Baiquni, "Arbitrators as a Legal Profession in The Alternative Role of Dispute Resolution in Indonesia," *Jurnal Humaya: Jurnal Hukum, Humaniora, Masyarakat, Dan Budaya* 2, no. 1 (2022): 12–20, [https://doi.org/https://doi.org/10.33830/humaya\\_fhisip.v2i1.3057](https://doi.org/https://doi.org/10.33830/humaya_fhisip.v2i1.3057).



Within the General Court, based on Law No. 2 of 1986 as amended by Law No. 8 of 2004 and Law No. 49 of 2009, jurisdiction lies with district courts at the first level and high courts at the appellate level. Their absolute authority covers civil and criminal cases unless otherwise specified. In civil matters, this includes land rights disputes and related cases, such as disputes over land security rights.

The State Administrative Court, based on Law No. 5 of 1986 as amended by Law No. 9 of 2004 and Law No. 51 of 2009, operates through state administrative courts at the first level and high state administrative courts at the appellate level with absolute competence over state administrative disputes, including the validity of land ownership certificates.

Courts, as part of the judicial system, may not reject cases, meaning all disputes brought before them must be examined and decided, including land disputes.<sup>32</sup> The problem arises when, in civil cases such as unlawful acts or breach of contract, the district court declares the defendant's actions unlawful and the land certificate in their name invalid, but does not expressly void the certificate or order the Land Office to cancel it.<sup>33</sup> In such cases, the plaintiff must pursue a separate action in the PTUN against the Land Office as the authorized administrative body.

This dual process means that while district courts handle land ownership disputes under civil law, the PTUN simultaneously holds authority over administrative disputes concerning certificates. As a result, parallel or separate proceedings often produce conflicting decisions, undermining effective legal certainty and frustrating justice seekers.

### **3. Functionalization of Effective and Efficient Judicial Institutions Through Koneksitas Courts in Land Dispute Resolution**

The implementation of justice that guarantees legal certainty, fairness, and benefits cannot be realized effectively if conflicting decisions arise between courts or if land disputes must first be resolved in district courts before being examined by the state administrative courts. This issue has been reflected in several Supreme Court decisions, such as Decision No. 88 K/TUN/1993 (September 7, 1994), No. 22 K/TUN/1998 (July 27, 2001), and No. 16 K/TUN/2000 (February 28, 2001), which essentially stated that even when a dispute falls within the absolute jurisdiction of the state administrative court, if it involves land ownership rights, it must first be brought before the district court as a civil matter.

To avoid protracted procedures, overlapping jurisdictions, and the risk of contradictory rulings, a breakthrough in the form of a connected judicial administration system is needed.<sup>34</sup> Such a system would allow land disputes to be resolved with greater legal certainty, justice, and efficiency. One potential solution is the establishment of a Koneksitas Court, a mechanism that

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<sup>32</sup> Panji Utama Silva, Rene Descartes, and Debby Dwita Sari Daulay, "Cancellation of Land Certificate Based on The Court Decision in Indonesian Legal System," *International Journal of Multicultural and Multireligious Understanding* 16, no. 5 (2019): 471–78, <https://doi.org/http://dx.doi.org/10.18415/ijmmu.v6i5.1114>.

<sup>33</sup> Ayu Maulidina Larasati and Aprila Niravita, "Understanding of The Decision of Court As A Basis of Cancellation of Land Rights," *Proceedings of the 3rd International Conference on Indonesian Legal Studies* 01 (2021): 1–9, <https://doi.org/http://dx.doi.org/10.4108/eai.1-7-2020.2303618>.

<sup>34</sup> Rahmanisa Purnamasari Faujura and Muhammad Agus Salim, "Penggunaan Klausul Pemilihan Forum Penyelesaian Sengketa Pasar Modal Yang Efektif Dalam Rangka Mendukung Pembangunan Ekonomi Nasional," *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 7, no. 1 (2018): 97–112, <https://doi.org/https://dx.doi.org/10.33331/rechtsvinding.v7i1.218>.

integrates the authority of district courts and state administrative courts.<sup>35</sup> This model, already recognized in handling disputes between state institutions, ensures that no authority conflicts remain unexamined simply because the disputing institutions lack a constitutional basis.

Compared to creating a new permanent special court for land matters, the Koneksitas Court offers a more practical and efficient alternative. Establishing a new judicial body would require significant and continuous investment in human resources, facilities, legislation, supervisory mechanisms, and infrastructure, all of which demand a substantial budget.<sup>36</sup> Such an approach would contradict the current spirit of governmental budget efficiency.

The idea of establishing a Koneksitas Court, which combines the competence of district courts and state administrative courts for resolving land disputes, represents an important step in judicial reform aimed at realizing legal certainty, justice, and benefits as the core objectives of law. This idea rests on several key considerations:

- 1) The administration of justice must focus on enforcing the law and resolving land disputes effectively and efficiently.
- 2) The organization of judicial institutions must be rational, so as to fulfill the very purpose of their establishment.
- 3) Judicial decisions must be legally certain, fair, and beneficial, supported by a judicial structure that functions effectively and efficiently without producing conflicting rulings.

The implementation of koneksitas between district courts and state administrative courts in land disputes requires careful attention to the following aspects:

- 1) The object of the land dispute concerns disputes over ownership rights in the field of civil law which is the absolute competence of the district court, accompanied by disputes over evidence of ownership in the form of decisions of state administrative bodies or officials (*beschikking*) which is the absolute competence of the state administrative court.
- 2) The koneksitas of the district court and the state administrative court that has the authority to adjudicate is relatively the district court and the state administrative court whose jurisdiction covers the disputed land and the official or state administrative body that issues the decision regarding ownership rights to the disputed land.
- 3) The human resources that carry out the trial at this koneksitas court, in casu the panel of judges, the clerk and the bailiff, are ad hoc based on a joint decision by the Head of the District Court and the Head of the State Administrative Court whose jurisdiction covers the disputed land and the state administrative body or official (*beschikking*) that issues the decision on ownership rights to the disputed land.
- 4) Formation of procedural law, including courts that have the authority to examine and try applications for legal remedies.
- 5) Implementation of execution of koneksitas court decisions.

The development of the judicial system, including the realization of koneksitas justice in land disputes, depends on the formation of material and procedural laws and is inseparable from political dynamics.<sup>37</sup> Thus, the breakthrough requires not only academic studies and operational mechanisms but also strong political will. With a new government committed to law enforcement, there is hope for reform that ensures legal certainty in resolving land disputes.

<sup>35</sup> Fauzi Syam et al., "Why Should the Role of the House of Representatives in Monitoring and Review Local Regulations Be Strengthened?," *Journal of Indonesian Legal Studies* 9, no. 1 (May 8, 2024): 417–56, <https://doi.org/10.15294/JILS.VOL9I1.4578>.

<sup>36</sup> Fitria et al., "Administrative Law and the Efficiency of Local Government Budgeting," *As-Siyasi: Journal of Constitutional Law* 5, no. 1 (2025): 147–61, <https://doi.org/https://doi.org/10.24042/as-siyasi.v5i1.27598>.

<sup>37</sup> Eko Nuriyatman, Arrie Budhiartie, and Latifah Amir, "Peran Hukum Dalam Pengelolaan Dan Perlindungan Lahan Gambut," *USM Law Review* 8, no. 2 (2025): 753–76, <https://doi.org/https://doi.org/10.26623/julr.v8i2.11857>.

The Koneksitas Court seeks to harmonize the authority of the District Court and the State Administrative Court, enabling coordination without undermining each other's functions. This promotes more effective, efficient, and organized case handling while guaranteeing justice. Its application in land disputes reflects the need for adaptability in dealing with Indonesia's complex agrarian issues, which often involve overlapping civil, administrative, and even criminal dimensions such as falsification of documents or organized land grabbing.

Such conditions demand a comprehensive approach beyond the capacity of a single court. The koneksitas model bridges the absolute competence of different courts, prevents contradictory rulings, simplifies dispute resolution, and strengthens institutional synergy in enforcing agrarian law.

The experience of military criminal justice, which combines civil and military jurisdictions when both are involved in a crime, demonstrates that coordination between courts can resolve cases more efficiently and fairly. This precedent supports the need for a special forum in land disputes, where property rights (civil) and administrative legality (TUN) are often intertwined. A Land Koneksitas Court would prevent duplication of processes and conflicting decisions.

Its implementation could serve as a catalyst for structural reform in Indonesia's justice system. Weak coordination has long caused agrarian disputes to drag on, producing confusing or unenforceable rulings. By merging civil and administrative examinations into one forum, decisions would gain both efficiency and legitimacy. This mechanism also enables judges to consider all relevant legal aspects comprehensively, free from the limits of sectoral jurisdiction, thereby strengthening substantive justice. In the long run, this model could become a prototype for broader judicial reform in other areas facing similar jurisdictional fragmentation.

Building on the above discussion, Indonesia's proposed Koneksitas Court—which integrates civil, criminal, and administrative jurisdiction within a single tribunal—can be usefully compared with analogous models elsewhere. Indonesian scholars such as Koeswahyono and Maharani argue that agrarian disputes are only the “tip of the iceberg” of deeper structural conflicts between state, capital, and law, and therefore require an integrated mechanism to avoid overlapping jurisdictions between general courts and PTUN, reduce procedural complexity, and improve access to justice. This vision aligns with academic proposals for a Special Agrarian Court (e.g., Wiyanto et al.) that stress the importance of specialist judges and jurisdictional clarity in resolving agrarian conflicts across criminal, civil, and administrative domains. Similarly, Tamsil et al. highlight that specialized courts provide more effective adjudication of land and resource disputes than conventional forums.<sup>38</sup>

Internationally, comparative literature offers further insights. For example, Japan and Germany have demonstrated through court-annexed pre-litigation mediation that culturally adapted specialist mechanisms can expedite dispute resolution and strengthen public confidence in the judiciary.<sup>39</sup> These experiences suggest that an Indonesian Koneksitas Court could draw on both domestic proposals for agrarian specialization and global models of judicial integration to deliver more coherent, efficient, and trusted resolution of land disputes.

### **C. Conclusion**

The proposed design for court governance in land dispute resolution is the establishment of a Koneksitas Court, which bridges the absolute competences of the district court and the state administrative court. This model ensures both legal certainty of civil rights to land and the legality of ownership evidence (land certificates), while embodying the principle of effective and efficient justice.

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<sup>38</sup> *Op., Cit.* Tamsil et al., “Special Court Model in Settlement of Tenure Conflicts and Agrarian Resources.”

<sup>39</sup> Katja Funken, “Comparative Dispute Management: Court-Connected Mediation in Japan and Germany,” *German Law Journal* 3, no. 2 (2019): 1–15, <https://doi.org/https://doi.org/10.1017/S2071832200014759>.

## D. Suggestion

This article proposes a procedural framework for establishing a judicial forum that integrates the jurisdictions of the District Court for civil matters and the State Administrative Court for administrative matters into a unified mechanism. The forum would be presided over by an ad hoc judicial panel consisting of judges, clerks, and bailiffs appointed through a joint decision of the Chief Judges of both courts in the relevant jurisdiction. Legal reform would require a special procedural law on the *koneksitas* court and amendments to existing judicial statutes to enable cross-jurisdictional adjudication.

The model emphasizes collaboration within existing institutions rather than creating a new agrarian court, making it a cost-efficient alternative. Judicial training would focus on capacity building for disputes involving civil, administrative, and criminal dimensions, while also strengthening knowledge of customary law and digital evidence. Monitoring and evaluation would be conducted through the Supreme Court's reporting system and periodic assessments of consistency, effectiveness, and public satisfaction.

Challenges such as jurisdictional overlap, institutional resistance, and divergent legal practices would be addressed through regulatory amendments, pilot projects in high-conflict agrarian areas, and public legal education. In this way, the *koneksitas* court is envisioned as a progressive institutional solution that ensures legal certainty, substantive justice, and procedural efficiency in land dispute resolution in Indonesia.

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