

Analysis of Judicial Reasoning in Illegal Land Disputes (a Study of Decision Number 123/Pdt.G/2022/PN Palu)

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Abstract

Land disputes are among the most common civil cases in Indonesia due to overlapping ownership, control, and utilization of land rights. One form of dispute involves the unauthorized use of privately owned land as a public cemetery, as reflected in Decision Number 123/Pdt.G/2022/PN Palu. This study aims to analyze the legal reasoning (*Ratio decidendi*) employed by the judges in resolving the dispute and to assess whether the decision conforms to the principle of legal certainty within Indonesian land law. This research applies a normative juridical method using statutory, conceptual, and case approaches. Primary legal materials include court decisions and statutory regulations, while secondary legal materials consist of legal literature and scientific journals. The findings indicate that the judges' legal reasoning was based on the plaintiff's ownership evidence, the fulfillment of the elements of unlawful acts under Article 1365 of the Indonesian Civil Code, and the assessment of documentary evidence and witness testimony. The decision provides legal protection for land ownership rights and reflects the principle of legal certainty because it is grounded in positive law and facts established during the trial. However, the implementation of the judgment continues to face social challenges since the disputed land has already been utilized as a cemetery.

Keywords

Judicial Reasoning, Land Dispute, Unlawful Act, Legal Certainty, *Ratio decidendi*



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INTRODUCTION

Land occupies a fundamental position in the lives of the Indonesian people. Beyond its economic value, land also performs an essential social function, as affirmed in Article 6 of Law Number 5 of 1960 concerning the Basic Agrarian Law (Undang-Undang Pokok Agraria/UUPA). Consequently, every act of land ownership, control, and utilization must be carried out based on lawful rights in order to prevent conflicts and legal disputes. One notable case worthy of legal examination is Decision Number 123/Pdt.G/2022/PN Palu. In this case, the disputed object consisted of approximately 300 square meters of land claimed by the plaintiff as his lawful property based on a Certificate of Land Possession and a documented history of land acquisition through a sale and purchase transaction. The plaintiff

argued that the defendants had unlawfully controlled and transferred the land for use as a public cemetery without his knowledge or consent. Through the statement of claim (*petitum*), the plaintiff requested the court to declare the defendants' actions as an unlawful act, invalidate all transactions concerning the disputed land, and order the evacuation and relocation of the graves situated on the disputed property. These factual circumstances formed the principal basis of the judicial examination conducted by the panel of judges.(Muhammad Rizaldi¹, Dian Aries Mujiburohman^{2*}, 2023)

The principal legal issue in this case extends beyond determining the rightful owner of the disputed land. More importantly, it concerns how the judges constructed their legal reasoning (*Ratio decidendi*) in assessing the admissible evidence, determining the existence of an unlawful act pursuant to Article 1365 of the Indonesian Civil Code, and providing legal protection for the plaintiff's ownership rights. Within Indonesian civil procedural law, judicial reasoning constitutes the most essential component of a court decision because it provides both the legal and logical justification explaining why a claim is either granted or rejected.(Putu Ari Sugiarto Bisma¹, Deli Bunga Saravistha², 2023)

The analysis of judicial *Ratio decidendi* is closely connected with the principle of legal certainty. Legal certainty requires that every judicial decision be based upon clear legal provisions, consistent application of legal norms, and objective evaluation of evidence so that it effectively safeguards the rights of the parties involved. In the context of land disputes, legal certainty serves as an indispensable instrument for guaranteeing the recognition of ownership rights while preventing unlawful occupation and control of land (Natsir^{1*} et al., 2026). Based on these considerations, this study focuses on two principal issues: first, how the judges formulated their legal reasoning in Decision Number 123/Pdt.G/2022/PN Palu; and second, whether such judicial reasoning is consistent with the principle of legal certainty within the Indonesian land law system.

METHODS

This study employs a normative legal research method aimed at examining positive legal norms, legal doctrines, and judicial decisions as the primary basis for analyzing judicial reasoning in illegal land disputes. The research adopts three approaches: the statutory approach, the conceptual approach, and the case approach. The statutory approach is conducted by examining the 1945 Constitution of the Republic of Indonesia, Law Number 5 of 1960 concerning the Basic Agrarian Principles (UUPA), Government Regulation Number 24 of 1997 concerning Land

Registration, Article 1365 of the Indonesian Civil Code regarding unlawful acts, and Law Number 48 of 2009 concerning Judicial Power. These legal instruments constitute the principal legal framework for assessing the legality of judicial reasoning in resolving land disputes (Christianto, 2022).

The conceptual approach is employed to examine legal doctrines relating to the theory of *Ratio decidendi*, the principle of legal certainty, and the doctrine of unlawful acts (*onrechtmatige daad*) as developed in legal scholarship. These theoretical perspectives serve as analytical tools for evaluating whether the judges' reasoning is consistent with established legal principles (Kasudarman, 2024). Meanwhile, the case approach focuses on a comprehensive analysis of Decision Number 123/Pdt.G/2022/PN Palu, which serves as the primary object of this research. The analysis is directed toward examining the legal considerations adopted by the panel of judges in resolving the dispute and determining whether the judgment reflects the principle of legal certainty within Indonesian land law..(Kornelius Benuf, 2020)

FINDINGS AND DISCUSSION

Analysis of Judicial Reasoning in the Illegal Land Dispute under Decision Number 123/Pdt.G/2022/PN Palu.

The Judge's Reasoning Basis (*Ratio decidendi*)

Ratio decidendi refers to the legal reasoning that forms the principal basis of a judicial decision. In civil litigation, it functions as the logical and juridical foundation explaining why a court accepts or rejects the claims presented by the parties. Judicial reasoning is derived not only from statutory provisions but also from factual findings established during trial through legally admissible evidence (SARI, 2026). In Decision Number 123/Pdt.G/2022/PN Palu, the panel of judges first identified the central issue of the dispute, namely the unauthorized use of land owned by the plaintiff as a cemetery without the consent of the lawful owner. The court was required to determine whether the plaintiff was the legitimate holder of the ownership rights over the disputed land and whether the defendants' conduct fulfilled the legal elements of an unlawful act as stipulated in Article 1365 of the Indonesian Civil Code.

The judges commenced their legal analysis by examining the legality of the plaintiff's ownership rights. The plaintiff submitted several documentary pieces of evidence, including a Certificate of Land Possession, documentation concerning the history of the land sale and purchase, a Certificate of Inheritance, and other supporting documents demonstrating a legal relationship between the plaintiff and the disputed land. In addition to documentary evidence, the court also considered witness testimony explaining the historical possession and transfer of ownership of the land to the plaintiff. Based on the evidence presented during trial, the panel of judges concluded that the defendants had used and transferred the disputed land for cemetery purposes without obtaining authorization from its lawful owner.

Such conduct was deemed to violate the plaintiff's proprietary rights and fulfilled all legal elements of an unlawful act under Article 1365 of the Indonesian Civil Code, namely the existence of an unlawful act, illegality, damages suffered by the plaintiff, and a causal relationship between the defendants' conduct and the resulting losses.

From the perspective of civil law doctrine, the concept of an unlawful act has significantly evolved since the landmark Dutch case *Lindenbaum v. Cohen* (1919). Following this decision, an unlawful act is no longer limited to violations of statutory law but also encompasses conduct that infringes upon another person's subjective rights, violates legal obligations, contravenes morality, or conflicts with the principles of propriety and social decency. Accordingly, the unauthorized use of another person's land without the owner's consent constitutes an infringement of subjective property rights and therefore satisfies the legal requirements of an unlawful act (Indah Sari, 2017). The panel of judges further considered that ownership rights over land receive explicit legal protection under Law Number 5 of 1960 concerning the Basic Agrarian Principles (UUPA). Article 20 of the UUPA stipulates that ownership rights constitute hereditary, strongest, and fullest rights that may be held by an individual over land. Consequently, any action that deprives or diminishes such rights without lawful justification constitutes a violation of Indonesia's national land law system.

The court also found that the defendants' actions had caused actual harm to the plaintiff because the disputed land could no longer be freely possessed or utilized due to the existence of graves constructed upon it. The losses suffered by the plaintiff were not merely economic in nature but also involved the deprivation of the plaintiff's authority to exercise control and enjoyment over his legally owned property. After considering all facts established during the proceedings, the panel of judges concluded that the plaintiff had successfully proven the legal basis of the claim. Consequently, the defendants' conduct was declared an unlawful act. This reasoning demonstrates that the judges applied the law systematically through four analytical stages: identifying the legal issues, evaluating the evidence, applying the relevant legal norms, and drawing legal conclusions based on the proven facts.

Conformity of the Judges' Legal Reasoning with the Principle of Legal Certainty

The principle of legal certainty constitutes one of the fundamental principles of a state governed by the rule of law. Legal certainty guarantees that every individual receives legal protection through the consistent application of clear, predictable, and enforceable legal rules. Within the context of land disputes, this principle plays a vital role in safeguarding ownership rights while preventing prolonged conflicts arising from overlapping claims or unlawful occupation of land (Istianto et al., 2026). In Decision Number 123/Pdt.G/2022/PN Palu, the panel of judges demonstrated the application of the principle of legal certainty through several important considerations. First, the judgment was explicitly based on the applicable positive law, particularly Article 1365 of the Indonesian Civil Code concerning unlawful acts and Law Number 5 of 1960 concerning the Basic Agrarian Principles (UUPA).

By relying on these statutory provisions, the court ensured that the dispute was resolved according to established legal norms rather than subjective considerations or personal discretion. This reflects the essential characteristic of legal certainty, namely that judicial decisions must be grounded in valid legal rules that are applicable to the facts of the case.

First, the panel of judges based its decision on the applicable positive law, particularly Article 1365 of the Indonesian Civil Code and Law Number 5 of 1960 concerning the Basic Agrarian Principles (UUPA). This demonstrates that the dispute was resolved on the basis of established legal norms rather than subjective considerations. Second, the judges conducted an objective evaluation of all evidence presented by both parties during the proceedings. Documentary evidence, witness testimony, and other supporting materials were assessed comprehensively in accordance with the principles governing civil procedural law. The judges did not merely rely upon the assertions of either party but carefully examined the evidentiary value of each document and testimony before determining the legal status of the disputed property. Such an objective assessment strengthens the legitimacy of the judgment and reinforces public confidence in the judicial process.

Third, the court provided legal protection to the party that successfully established lawful ownership over the disputed land. This protection reflects the objectives of land registration as stipulated in Article 19 of the Basic Agrarian Law (UUPA) and Government Regulation Number 24 of 1997 concerning Land Registration, both of which are intended to ensure legal certainty and legal protection for holders of land rights. By recognizing the plaintiff's ownership rights and declaring the defendants' conduct unlawful, the court reaffirmed the importance of protecting legally acquired property rights within Indonesia's national land law system. Despite the legal correctness of the judgment, its implementation presents significant practical challenges. The disputed land had already been used as a public cemetery, making the execution of the judgment highly sensitive. The relocation of graves is not merely a legal matter but also involves social, cultural, religious, and humanitarian considerations. Consequently, enforcement of the judgment requires careful coordination among the District Court, the National Land Agency (BPN), local government authorities, and community leaders to ensure that the execution is conducted in an orderly, humane, and socially acceptable manner while respecting the dignity of the deceased and the cultural values of the surrounding community.

From the perspective of Jan M. Otto's theory of legal certainty, the court's reasoning fulfills the essential elements of legal certainty. The applicable legal norms were consistently applied to the proven facts, the rights of the parties were determined based on valid evidence, and the judgment clearly established the legal status of the disputed land. Consequently, the decision not only resolved the dispute between the parties but also reinforced the protection of land ownership rights under the Indonesian legal system and contributed to the realization of legal certainty in land administration (Iftina Cahyanda Putri Aimee, Ginta Amelia Cahya & Rukhillah Nur Fahturosa, Martitah, n.d.).

CONCLUSION

Based on the findings of this study, it can be concluded that the judicial reasoning applied in Decision Number 123/Pdt.G/2022/PN Palu demonstrates a systematic and legally grounded approach in resolving an unlawful land dispute. The panel of judges based its *ratio decidendi* on a comprehensive examination of the legal facts established during the trial, supported by documentary evidence and credible witness testimony that sufficiently proved the plaintiff's lawful ownership of the disputed land. Consequently, the defendants' occupation and use of the land as a cemetery without the owner's consent were correctly classified as an unlawful act under Article 1365 of the Indonesian Civil Code. In addition, the judgment consistently applied the provisions of Law Number 5 of 1960 concerning the Basic Agrarian Principles, thereby reinforcing legal protection for registered land ownership rights. The decision also reflects the principle of legal certainty through its objective evaluation of evidence and consistent application of positive legal norms. However, although the judgment provides a clear legal resolution, its implementation may face practical and social challenges due to the existing use of the land as a public cemetery. Therefore, effective enforcement requires coordinated efforts among the judiciary, the National Land Agency, local government, and the community to ensure that legal certainty, justice, and social considerations are balanced in the execution of the court's decision.

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