

Resolution of Land Disputes Between the Government and the Community Related to Overlapping Land Rights

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Abstract: Land disputes between the government and the community, especially related to overlapping land rights, have become an important issue in land governance. This research aims to identify the causes of disputes and the forms of their resolution. The method used is a qualitative approach with an empirical legal research type through field studies at the Land Office and the City Spatial Planning Department in Semarang. Data were obtained through interviews and documentation, and then analyzed qualitatively in a descriptive manner. The results indicate that the main causes of disputes include inaccuracies in tracing land history, measurements conducted without involving legitimate owners, the absence of a legal basis for issuing usage rights, and PTSL procedures that do not comply with regulations. Resolutions are carried out through non-litigation pathways such as mediation and conciliation, as well as litigation avenues through the Administrative Court (PTUN). As a result of this case, the PTUN stated that it does not have jurisdiction to examine the matter because the core of the dispute concerns land ownership, which falls under the jurisdiction of general courts. This research emphasizes the importance of accurate validation of land data to prevent disputes in the future.

Keywords: Land Disputes, Overlapping, PTUN, Non-litigation, Litigation

1. Introduction

Land is a basic human need that cannot be separated from life, from the moment a person is born until they pass away. As the surface of the earth where humans live and develop, land becomes one of the most important resources for the continuity of human life. In Indonesia, the regulation regarding land in general is stated in Article 33 paragraph (3) of the 1945 Constitution, which states that, "The earth, water, and natural resources contained therein are controlled by the State and used to the greatest extent for the prosperity of the people." The meaning of "controlled by the State" in that article does not mean the state acts as the owner, but rather as the manager to ensure that land utilization can encompass broader interests. As a follow-up to the mandate of Article 33 paragraph (3) of the 1945 Constitution, Law Number 5 of 1960 on the Basic Agrarian Law was enacted, commonly known as UUPA (Cristina, 2019).

Provisions regarding land are regulated in Law Number 5 of 1960 concerning the Basic Agrarian Law. This law aims to reorganize the uneven agrarian structure to make it more equitable, resolve agrarian conflicts, and improve the welfare of the people through the implementation of agrarian reform (Pemerintah Republik Indonesia, 2004). Land disputes in Indonesia are a common issue that continues to increase every year, both in urban and rural areas. This shows that land plays a very important role in the lives of the Indonesian people, so its regulation is also part of the State Constitution.

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Received: Apr 30, 2025;
Revised: May 15, 2025;
Accepted: May 28, 2025;
Published: Jun 30, 2025;



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Land ownership certificates are given as proof of ownership to the titleholders. According to the Basic Agrarian Law (UUPA), land ownership is a right that is hereditary, the strongest, and the fullest that can be held by an individual over land. However, the terms "strongest" and "fullest" in the context of ownership do not mean that the right is absolute, unlimited, or inviolable like the eigendom right before the enactment of the UUPA.

On the contrary, the term is used to distinguish ownership from other types of land rights, such as the right to cultivate and the right to use. This distinction aims to assert that ownership is the strongest and most complete compared to other land rights. The holder of ownership rights has the freedom to manage their land as they wish, provided that such actions do not violate the law or the rights of others. In other words, although the landowner has the freedom to manage their land, it is not absolute (Anggita, 2024).

Meanwhile, the right to use land is a right that arises from an agreement granting the holder of the right to use the authority to utilize land that does not belong to them. However, this right does not include further management or construction on someone else's land. Like the right to build, the right to use can also originate from land controlled by the State, through a decision granting the right by an authorized official. Land owned with ownership rights by certain individuals can be granted usage rights based on an agreement with the landowner (Chendiyosi, 2021). In the Basic Agrarian Law, it is stated that this agreement must not be in the form of a lease agreement or a land cultivation agreement.

However, despite the existence of land certificates as proof of land ownership, land disputes still occur. Land disputes can take the form of misuse of ownership certificates, the existence of duplicate ownership certificates, and many other cases of land disputes.

The emergence of land disputes begins with complaints or reports from interested parties (individuals/entities) where the report contains the complainant's grievances related to land issues or matters that harm the complainant concerning the land (Aji et al., 2020). Regarding the variations of disputes, they are usually related to land inheritance, eviction without appropriate or fair compensation, issues related to land boundaries, overlapping land certificates, disputes over customary land, and so on.

Land disputes are regulated by law in accordance with the applicable legislation. One of the legal references is the Regulation of the Head of the National Land Agency of the Republic of Indonesia Number 3 of 2011, which explains that land disputes involve individuals, legal entities, or certain institutions that debate each other's rights over a piece of land (permen/BPN/3/2011, 2011). This dispute arises when two parties both claim ownership of the same land, often caused by various issues such as forged ownership documents or illegal land boundary adjustments.

Based on the level of complexity, land disputes are classified into three categories. First, minor disputes, which are cases that can be resolved through technical guidelines and comparison of documents belonging to the applicant or the complainant. Second, moderate disputes, which are conflicts that have touched on legal aspects but have not yet impacted social, political, or economic conditions on a large scale. Third, heavy disputes, which are disputes involving many parties and have high legal complexity, triggering social, security, and political issues (Sukmawati, 2022).

Various factors contribute to the emergence of land disputes. Generally, this issue is triggered by weak regulations, inconsistent application of rules, and the land agency's lack of responsiveness to the validity and availability of land. Many cases begin with incomplete or incorrect land data, a lack of resources to resolve conflicts, transactions conducted without clarity, and overlapping authority between agencies. In Indonesia, land disputes often relate to ownership status, the process of rights transfer, or control over land that was previously private. So that land utilization, especially for agricultural activities, can proceed fairly, transparently, and productively, the customary rights and existence of indigenous communities must be respected. On the other hand, land inventory data, including area, status, and management, must be recorded comprehensively and kept up to date, thereby supporting the development of harmonious and sustainable regional spatial planning (Murni & Sulaiman, 2022).

Land dispute resolution can be carried out through the role of the National Land Agency (BPN). In its implementation, land registration is part of the administrative duties of the National Land Agency (BPN) as a government agency responsible for regulating the issuance of land certificates submitted by the public. In addition, the BPN is also authorized to handle land disputes within the limits of its authority (Rochmani et al., 2020). If the dispute falls within the jurisdiction of the BPN, its resolution can be carried out through the mediation process, as regulated in the BPN Head Regulation Number 11 of 2016. This regulation serves as the basis for BPN to act as a mediator that helps the parties find a solution to the disputes that arise, without having to make decisions or impose outcomes. Furthermore, Article 23 letter (e) of the Presidential Regulation of the Republic of Indonesia Number 10 of 2006 states that the Deputy for Research and Handling of Disputes and Conflicts within the BPN is responsible for implementing alternative problem-solving methods, including land disputes and conflicts, through mediation, facilitation, and other forms of resolution (Sahnan, 2019).

In land dispute resolution, institutions such as ATR/BPN, local governments, and property developers play a strategic role both in preventing and triggering conflicts. ATR/BPN plays a role in ensuring the validity and clarity of land rights through certification and the provision of accurate land data. Inaccurate data or weak supervision can lead to double claims, which become a source of disputes. Local governments have the authority to regulate spatial planning and issue location permits, so if they are not in sync with BPN data or ignore community rights, it can exacerbate conflicts. Meanwhile, property developers can strengthen dispute prevention by ensuring that the land acquisition process is conducted legally and transparently. However, neglecting legal procedures or communal rights by developers could potentially trigger conflicts with residents. Therefore, synergy among the three parties is crucial to ensure justice and legal certainty in land management.

In addition to the role of the National Land Agency (BPN), land dispute resolution can also be pursued through litigation, namely by filing a lawsuit with the State Administrative Court (PTUN). This lawsuit is usually filed when the disputed object is related to an administrative decision, such as a decree or land certificate issued by the authorized government agency. In this case, the Administrative Court has the authority to assess and

determine whether the lawsuit is eligible for further processing or should be rejected, as well as to issue a ruling based on the predetermined legal analysis.

According to Adrian Sutedi, in the land registration system in Indonesia based on UUPA, a negative publication system is used, meaning that everything recorded in the land book and certificates serves as perfect proof of ownership as long as no other party proves otherwise. This system results in the state being unable to guarantee the accuracy of the data presented in the issuance of the certificates (Sutedi, 2023). The problem that often arises due to this land registration system is overlapping certificates, which means that on the same piece of land, two or more land certificates are issued legitimately or commonly.

One of the cases currently happening is the overlapping land ownership certificates between the Semarang City Government and the community, both of whom have authority over the land. This case began when a housing complex was built near the location of the land in dispute. The housing complex actually already has its own access road, but the route is winding and further away from the main road. To facilitate access, the housing developer informally or under the table requested permission from the landowner to use part of the land as a shortcut to the housing development. This permission is not accompanied by official documents or written agreements. Over time, the road that had been used underwent repairs and, because it was considered part of public facilities (*fasum*), the government conducted asset recording and certification processes for the road. Problems arise when the landowner intends to utilize their land again, but finds that there are two certificates for the same piece of land, leading to conflicts over ownership and land use (Penelitian, 2025).

Based on the facts above, the land has 2 (two) ownership rights, each of which has valid proof from the National Land Agency office in the form of use rights and ownership certificates. The emergence of 2 (two) land use certificates will create a new dispute in its management, specifically a dispute regarding who has more authority in the management and control of the land. The emergence of this dispute can be detrimental to the parties involved because the land with overlapping certificates becomes unproductive and cannot be utilized properly. Based on that explanation, the author is interested in conducting research on the Resolution of Land Disputes Between the Government and the Community Related to Overlapping Land Rights. From the background description above, the issues are formulated as follows, a. What are the factors that cause land disputes between the government and the community related to overlapping land rights? b. What is the mechanism for resolving land disputes between the government and the community regarding overlapping land rights?

2. Materials and Methods

This research uses a qualitative research approach with an empirical juridical research type. This research aims to find a resolution to land disputes between the government and the community regarding overlapping land rights. The location of this research is at the Semarang City Land Office and the Semarang City Spatial Planning Office, which gather both primary and secondary data. Primary data was obtained through direct interviews with the Spatial Planning, Land, and Building Dispute Handling section of the Semarang

City Land Office and the Semarang City Spatial Planning Office's Land section, which handles the registration of Regional Government assets, particularly land assets. Secondary data were obtained from books related to the research object in the form of reports, theses, dissertations, and other academic works. The data obtained is then analyzed based on a legal perspective and the conditions occurring in society. Data analysis is conducted through three stages: data reduction, data presentation, and conclusion drawing (Silalahi, 2017).

3. Results and Discussion

3.1. Factors that cause land rights disputes

Land cases have several terms in their understanding, namely based on Article 1 of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia No. 11 of 2016 concerning the Settlement of Land Cases, namely Disputes, Conflicts, and Land Cases. Land Dispute is a land-related disagreement between individuals, legal entities, or institutions that does not have wide-spread impact. Meanwhile, Land Conflict is a land dispute between individuals, groups, factions, organizations, legal entities, or institutions that has a tendency to or has already had a wide impact (Hipan et al., 2018). Next, Land Disputes are land conflicts that are handled and resolved through judicial institutions.

The disputed objects that fall under the jurisdiction of the Land Office are mentioned in Article 11 paragraph (3) of the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia No. 11 of 2016 concerning Land Case Resolution, including overlapping land ownership rights. Therefore, overlapping land disputes are disputes that fall under the authority of the ATR/BPN Ministry (Arba, 2021).

Overlapping or land disputes refer to the issuance of two certificates owned by two different owners on a single piece of land, either partially or entirely. Like the case that occurred in this study between Use Rights Certificate Number 00237/Ngesrep and Ownership Certificate Number 221/Jangli, located in Ngesrep Village, Banyumanik District, Semarang City, which has been indicated as overlapping by the Semarang City Land Office.

Factors that cause overlapping or duplication are as follows :

a. Lack of Diligence in Tracing Land History

One of the main factors in the dispute is the negligence of land officials in tracing the history of land ownership. In this case, the Head of the Semarang City Land Office issued Use Rights Certificate Number 00237/Ngesrep in the name of the Semarang City Government without thoroughly verifying the previous ownership status. However, the land had already been certified in the name of Koentjahja Widjaja since 1976 and 1977. The absence of thorough investigation constitutes a violation of Article 52 letters (c) and (d) of the Minister of Agrarian Affairs/Head of BPN Regulation No. 3 of 1997.

This negligence has serious consequences as it results in the issuance of two certificates for the same piece of land, which ultimately triggers a lawsuit in the Administrative Court. If from the beginning the land officials had clarified the physical and juridical data,

the issuance of a new certificate could have been prevented. In the context of the national land administration system, this reflects the weakness of the internal validation system in the land certification process.

b. Land Measurement Without Involving the Owner or Related Parties

The process of measuring and determining boundaries in the issuance of use rights certificates did not involve the legitimate owner of the adjacent land, Koentjahja Widjaja. This violates Article 17 paragraph (2) and Article 18 paragraph (1) of Government Regulation No. 24 of 1997, which mandates the involvement of the parties when boundary measurements are conducted. As a result, the established boundary does not align with the actual conditions and causes an overlap with the plaintiff's land.

Not only does this violate administrative procedures, but it also demonstrates the weakness of the principles of transparency and participation in land management. When the measurement is conducted unilaterally without involving the surrounding landowners, the potential for disputes is very high, especially if it involves high-value assets or is near public facilities such as roads and housing (Lalabata et al., 2024).

c. The Absence of Legal Basis in the Issuance of Use Rights

The use rights certificate was issued without a deed of grant of rights from the landowner to the government, as required by Article 53 paragraph (3) of Government Regulation No. 18 of 2021. The plaintiff states that they have never relinquished or transferred their land rights to anyone, yet a certificate was still issued in someone else's name on their land. This causes the disputed object to be declared legally defective.

The absence of this legal basis indicates that the procedure for granting land rights to government agencies was not carried out properly. Every grant of land use rights should go through a legitimate legal mechanism, with an authentic deed from the PPAT and written approval from the landowner. Ignoring this procedure constitutes a serious violation of the principle of legality in land administration (Salma & Adjie, 2023).

d. PTSL Procedures That Do Not Comply with Regulations

The right to use certificate was issued through the Complete Systematic Land Registration (PTSL) program, but without proper validation of the physical and juridical data. However, according to Articles 14 and 20 of ATR/BPN Regulation No. 6 of 2018, data collection by the Adjudication Committee must include written evidence, witness statements, and field inspections. In this case, data collection was carried out without involving parties who previously held certificates.

The PTSL procedure carried out in this manner actually opens up the possibility of duplicate certificates. Instead of streamlining land administration, the process actually increases the potential for conflict because certificates are issued for land that is already registered under someone else's name (Istiqamah, 2018). This shows that the PTSL program has not yet been fully balanced with oversight and the application of the principle of caution by land administration officials.

3.2. Forms of land dispute resolution between the government and the community regarding overlapping land rights

The Semarang City Land Office, in handling land issues, refers to the Regulation of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency of the Republic of Indonesia Number 11 of 2016 concerning Land Case Resolution. Based on the provisions of Article 2 paragraph (2), the handling of such cases aims to ensure legal certainty and achieve justice in terms of control, ownership, use, and utilization of land. In the context of this research, there is a suspected case of overlapping ownership, where a single plot of land is recorded to have two certificates under the names of two different owners.

In an effort to maintain legal certainty and orderly land administration, resolving land disputes between the government and the community becomes crucial, especially in cases of overlapping land rights. This issue not only affects landowners but also impacts social stability and public trust in land institutions (Kamal & Nurhayati, 2019). Referring to the dispute resolution theory by Dean G. Pruitt and Jeffrey Z. Rubin, resolution patterns can take various forms. The government, as the dominant party, sometimes adopts a contending approach, maintaining its position without leaving room for compromise.

Meanwhile, the community that feels their rights have been violated may show a yielding pattern by accepting the government's decision even though they feel disadvantaged. However, ideally, the resolution should lean towards a problem-solving approach, which involves seeking alternative solutions that satisfy both parties through mediation, document clarification, and field review. In some cases, a withdrawing or inaction attitude also arises when one party chooses to be passive or withdraws due to a lack of trust in the existing mechanisms (Boboy et al., 2020). Therefore, choosing the right resolution strategy is crucial to prevent land conflicts from dragging on and to uphold the principle of justice.

Therefore, various forms of resolution have been regulated and implemented as a step towards fair and comprehensive conflict management. Land dispute resolution can be categorized into two types: resolution through non-judicial channels (negotiation/deliberation or negotiation, conciliation, mediation, and arbitration) and judicial/litigation channels. If the negotiation efforts do not reach an agreement, the concerned party/disputing party can submit their case to the court (District Court or Administrative Court) (Dewi, 2022).

Here are the forms of resolution carried out through non-litigation channels.

a. Non-litigation,

(a) Negotiation, which is one of the first methods of resolution always undertaken when a dispute arises, where the disputing parties will meet without any intermediaries. (b) Mediation, which is a form of dispute resolution where the parties are assisted by a third party acting as a mediator who is neutral and does not favor either party. In land dispute cases, the Ministry of ATR/BPN acts as a mediator, which is part of its responsibility in issuing land title certificates. (c) Conciliation is a resolution through one or several individuals or bodies (conciliation commission) acting as mediators, called conciliators, by bringing together or providing facilities to the disputing parties to resolve their disputes peacefully.

- b. Arbitration is one of the dispute resolution methods assisted by an arbitrator agreed upon by the disputing parties for the purpose of resolving the dispute (Penelitian, 2025).

Litigation, Resolving land disputes through litigation means bringing the case to the formal judicial realm to be settled through legal processes in court. This path is taken when non-litigation efforts such as mediation or deliberation do not yield results. In this case, the aggrieved party files a lawsuit with the competent court, such as the District Court for civil cases, or the State Administrative Court (PTUN) if the dispute relates to land administration decisions, for example, the issuance of land certificates by the authorized officials. An overlapping land dispute occurred in Ngesrep Village, Banyumanik District, Semarang City. Where on the land with Certificate of Ownership Number 221/Jangli covering an area of $\pm 21,296$, recorded in the name of Koentjahja Widjaja, suddenly road filling, billboard installation, and iron barrier installation were carried out by others, and a Use Right Certificate Number 237/Ngesrep was issued in the name of the Semarang City government, it turned out that there was an overlapping or duplication. As for this land case, it is being resolved through litigation.

If the resolution from the ATR/BPN Office is not acceptable to the disputing parties, the land dispute can be resolved through the State Administrative Court (PTUN). PTUN has the authority to examine, decide, and resolve state administrative disputes at the first level as a result of the issuance of state administrative decisions by state administrative bodies or officials, both at the central and regional levels. Therefore, the authority responsible for issuing land rights certificates is ATR/BPN, which is a state administrative officer. Thus, if there is a dispute regarding the land rights certificate, the one entitled to examine and adjudicate is the Administrative Court, as this falls under absolute jurisdiction/authority (Penelitian, 2025). The resolution of disputes in the Administrative Court (PTUN) involves several stages, namely:

- c. Administrative research

Administrative Review is conducted by the Court Clerk's Office, which is the first stage to examine the incoming lawsuit that has been registered and assigned a case number, specifically after the Plaintiff or their representative completes the administration by paying the case deposit. Based on the decision, Koentjahja Widjaja's lawsuit was registered on December 19, 2022, and received Case Number 103/G/2022/PTUN.SMG. After that, an administrative verification and classification were conducted, determining that the object of the lawsuit was a state administrative decision in the form of a usage rights certificate in the name of the Semarang City Government.

- d. Dismissal process

After the Administrative Review, the Chairperson conducts the dismissal process, which involves examining whether the lawsuit filed by the plaintiff is worthy of proceeding or not. The Dismissal Examination is conducted briefly in a deliberation meeting by the chairperson, who may appoint a judge as a rapporteur. In the Dismissal Procedure, the Chief Judge is authorized to summon and hear the statements of the parties before determining the dismissal order if deemed necessary (Naufal Khoiriyah, 2022). In this case, the Dismissal Approval Order was issued on December 19, 2022, which means the lawsuit meets the formal requirements to be examined further.

The Chief Justice is authorized to decide with a decree accompanied by considerations that the lawsuit filed is declared inadmissible or unfounded, in cases where the main subject of the lawsuit clearly does not fall within the jurisdiction of the Court, the requirements of the lawsuit as referred to in Article 56 are not met by the plaintiff even though they have been informed and warned, the lawsuit is not based on valid reasons, what is demanded in the lawsuit has actually been fulfilled by the contested TUN Decision, the lawsuit is filed prematurely or has exceeded the time limit.

In the case of a petition that is clearly not grantable, there is a possibility of a dismissal being imposed on that part of the petition. This is never practiced because there is an opportunity to amend the lawsuit during the preparatory examination.

e. Preparation inspection

Before the main examination of the dispute begins, the Judge is required to conduct a preparatory examination to clarify any unclear claims. The purpose of the preparatory examination is to mature the case. Everything that will be done in the course of that examination is entrusted to the wisdom and discretion of the presiding judge. Therefore, in the preparatory examination, calling the plaintiff to perfect the lawsuit and/or the defendant to provide information/explanation about the contested decision does not always have to be heard separately, including the identification of the disputed object (Usage Right Certificate No. 00237/Ngesrep). The preparatory examination is conducted in the deliberation room during a closed session, not necessarily in the courtroom, and can even be held in the judge's chamber without robes.

f. Hearing

In court proceedings, there are regular and expedited procedures (Article 98 and 99 of Law No. 5 of 1986 in conjunction with Law No. 9 of 2004). The Chief Justice/Judge instructs the clerk to summon the parties for the court hearing with a registered letter. The period between the summons and the court date must not be less than six days, unless the dispute must be examined in an expedited manner. The summons to the parties concerned is considered valid if each has received the summons sent by registered mail. The summons to the defendant is accompanied by a copy of the lawsuit with a notice that the lawsuit can be answered in writing. If deemed necessary, the Judge is authorized to order both parties in dispute to appear in court themselves, even if they are already represented by an attorney.

In determining the court date, the Judge must consider the proximity of both parties' residences to the court location. In regular proceedings, the Court examines and decides administrative disputes with three Judges, whereas in expedited proceedings, it is with a Single Judge. The court convenes on the day specified in the summons. The judge determines what needs to be proven, the burden of proof along with the assessment of the proof, and for the validity of the proof, at least two pieces of evidence are required based on the judge's conviction. Article 107 of Law No. 5 of 1986 in conjunction with Law No. 9 of 2004 regulates provisions in the effort to find material truth. Unlike the evidentiary system in civil procedural law, by considering everything that happens during the

examination without relying on the facts and matters presented by the parties (Arzhi Jiwantara, 2019).

The trial in this case is conducted with a regular examination procedure, not a fast-track procedure. The Administrative Court uses the e-court system (electronic trial). The judge examines the evidence from both parties, hears witnesses and/or experts. The Defendant (Semarang City Land Office) and the Second Intervening Defendant (Semarang City Government) provided responses, including raising exceptions of absolute competence and statute of limitations. The judge considers whether the issuance of the use rights certificate has followed the procedure or is legally flawed.

g. Decision

After both parties have presented their conclusions, the Presiding Judge announces that the session is adjourned to give the Panel of Judges the opportunity to deliberate in a closed room to consider everything for the decision on the dispute. The decision in the deliberation of the council, led by the Chief Judge of the Council, is the result of a unanimous agreement, unless after earnest efforts a unanimous agreement cannot be reached, in which case the decision is taken by majority vote. If the deliberation of the council does not result in a decision, the deliberation is postponed until the next council meeting. If in the next assembly deliberation no majority vote can be reached, then the final decision will be determined by the Chief Judge of the Assembly.

The Court's decision can be rendered on the same day in an open court session or postponed to another day, which must be notified to both parties. The Court's decision must be pronounced in an open public session. If one or both parties are not present when the court's decision is pronounced, at the order of the Chief Judge, a copy of the decision shall be sent by registered mail to the concerned party. The failure to announce the verdict in an open court session renders the Court's decision invalid and without legal force. For parties who disagree with the PTUN decision, they can file an appeal to the Administrative High Court (PT.TUN) within 14 days after the PTUN decision is officially notified.

Based on legal considerations and facts presented in the trial, the State Administrative Court (PTUN) Semarang declared that it is not authorized to examine, adjudicate, and resolve the dispute over the lawsuit filed by Koentjahja Widjaja regarding Usage Right Certificate Number 00237/Ngesrep issued in the name of the Semarang City Government.

The court deemed that the object of the dispute is more of a land ownership dispute, rather than merely an administrative dispute, and therefore does not fall under the absolute jurisdiction of the Administrative Court. The ownership dispute should be resolved through the General Court, not through litigation in the Administrative Court. Based on that, the panel of judges declared the plaintiff's lawsuit inadmissible (Niet Ontvankelijk Verklaard).

This decision also stipulates that the Plaintiff is charged with paying court fees amounting to Rp 2,041,500. Although the plaintiff's lawsuit presented various arguments regarding overlapping certificates and alleged procedural violations by the Land Office, the judge deemed the case to involve substantive proof of ownership rights, which is not within the jurisdiction of the Administrative Court.

The land dispute that occurred in Ngesrep Village, Banyumanik District, Semarang City between Koentjahja Widjaja (holder of Ownership Certificate No. 221/Jangli) and the Semarang City Government (holder of Usage Certificate No. 237/Ngesrep) is a case of overlapping certificates that was initially pursued through non-litigation channels but did not yield results agreed upon by the parties. Therefore, the dispute was continued through litigation, namely by filing a lawsuit with the Semarang Administrative Court (PTUN)(Keadilan et al., 2022).

The litigation efforts undertaken by Koentjahja Widjaja through the Administrative Court (PTUN) were unsuccessful because the court declared it lacked jurisdiction to examine the substance of the ownership dispute. Therefore, the next resolution should be pursued through the General Court (District Court) as the forum authorized to decide on land ownership disputes. This decision emphasizes the importance of determining the proper jurisdiction before filing a lawsuit, especially in complex land disputes involving ownership rights.

4. Conclusions

The main factors causing the overlap of land rights between the government and the community are closely related to weaknesses in land administration implementation. The lack of diligence in tracing land ownership history, the exclusion of rightful owners during measurements, and the neglect of legal procedures that should be followed in the issuance of usage rights indicate that operational standards have not been consistently applied in the field. The resolution of land disputes between the government and the community regarding overlapping land rights is regulated in various forms, both through non-litigation and litigation channels. The dispute can initially be resolved through non-litigation approaches such as mediation or negotiation. However, when administrative resolution does not yield the agreed results, litigation through the State Administrative Court (PTUN) becomes the last legal option. In the case of Koentjahja Widjaja against the Semarang City Government, the Semarang Administrative Court declared itself incompetent (Niet Ontvankelijk Verklaard) because the core of the dispute involved land ownership rights, which fall under the jurisdiction of the general court, not the Administrative Court.

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