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# Disparity in Judicial Considerations: A Comparative Analysis of District Court and Appellate Court Decisions in Yard Land Disputes (Case No. 4/Pdt.G/2019/PN.KDR and Case No. 553/PDT/2019/PT.SBY)

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**ABSTRACT:** This study examines the legal considerations of the Kediri District Court in Case No. 4/Pdt.G/2019/PN.Kdr and the East Java High Court in Case No. 553/PDT/2019/PT.SBY. The research aims to analyze the judicial reasoning applied in both decisions. The study employs normative or doctrinal legal research using the library research method. The statutory approach (Statute Approach) is utilized, and the research is descriptive. The findings indicate that the Kediri District Court's legal considerations were based on previous judicial decisions, including Kediri District Court Decision No. 6/Pdt.G/2001/PN.Kdr (August 6, 2021), Surabaya High Court Decision No. 918/Pdt/2001/PT.Sby (March 21, 2002), Supreme Court Decision No. 937 (May 4, 2005), and Supreme Court Judicial Review Decision No. 192PK/Pdt/2006 (March 23, 2007), recognizing the plaintiffs' ownership rights. Consequently, the Kediri District Court rejected the defendants' objections and partially granted the plaintiffs' claims. Conversely, the East Java High Court in Case No. 553/PDT/2019/PT.SBY held that court rulings are *Partij Akta* (binding only on litigants), meaning the defendants and co-defendants were not bound by the prior rulings. Thus, the High Court accepted the appeal, upheld the Kediri District Court's preliminary ruling, and annulled its substantive ruling.

Penelitian ini mengkaji pertimbangan hukum yang digunakan oleh Pengadilan Negeri Kediri dalam Perkara No. 4/Pdt.G/2019/PN.Kdr dan Pengadilan Tinggi Jawa Timur dalam Perkara No. 553/PDT/2019/PT.SBY. Tujuan penelitian ini adalah untuk menganalisis pertimbangan hukum yang diterapkan dalam kedua putusan tersebut. Penelitian ini merupakan penelitian hukum normatif atau doktrinal dengan metode *library research*. Pendekatan yang digunakan adalah pendekatan perundang-undangan (*Statute Approach*), dan penelitian ini bersifat deskriptif. Hasil penelitian menunjukkan bahwa pertimbangan hukum Pengadilan Negeri Kediri didasarkan pada putusan sebelumnya, termasuk Putusan Pengadilan Negeri Kediri No. 6/Pdt.G/2001/PN.Kdr (6 Agustus 2021), Putusan Pengadilan Tinggi Surabaya No. 918/Pdt/2001/PT.Sby (21 Maret 2002), Putusan Mahkamah Agung RI No. 937 (4 Mei 2005),

dan Putusan Peninjauan Kembali Mahkamah Agung RI No. 192PK/Pdt/2006 (23 Maret 2007), yang mengakui hak kepemilikan Para Penggugat. Oleh karena itu, Pengadilan Negeri Kediri menolak eksepsi Para Tergugat dan mengabulkan sebagian gugatan Para Penggugat. Sebaliknya, Pengadilan Tinggi Jawa Timur dalam Perkara No. 553/PDT/2019/PT.SBY berpendapat bahwa putusan pengadilan merupakan *Partij Akta* (hanya mengikat pihak yang berperkara), sehingga Para Tergugat dan Turut Tergugat tidak terikat oleh putusan sebelumnya. Oleh karena itu, Pengadilan Tinggi menerima permohonan banding, menguatkan putusan sela Pengadilan Negeri Kediri, serta membatalkan putusan pokok perkara.

**Keywords:** *District Court Decision, Appellate Court Decision, Yard Land Dispute*

## I. INTRODUCTION

Land disputes in Indonesia have long been a significant source of conflict, with multiple parties often asserting competing claims over the same property. (Dhiaulhaq & McCarthy, 2020; Nuhidayah et al., 2020; Permadi et al., 2024). Overlapping land claims typically exacerbate these disputes. (Purwanto & Helmi, 2024; Wirawan et al., 2019), deficiencies in land registration systems (Ginting, 2021; Sumanto, 2020), and varying interpretations of the legal principles governing land ownership and tenure (Erwiningsih, 2023; Fuad et al., 2023; Maisa & Muliadi, 2024). One illustrative example is the case registered under No. 4/Pdt.G/2019/PN.Kdr is involved in a contentious dispute over yard land in Rejomulyo Village, Kediri City. In this case, the Kediri District Court ruled in favour of the plaintiffs, affirming their ownership rights and dismissing the objections raised by the defendants. However, upon appeal, the East Java High Court (Case No. 553/PDT/2019/PT.SBY) reversed the decision, finding that the plaintiffs had failed to present sufficient legal evidence to substantiate their ownership claims. This stark divergence in judicial outcomes underscores the complexities of resolving land disputes in Indonesia.

To understand these discrepancies, it is essential to contextualize land disputes within Indonesia's broader legal framework, which encompasses both statutory and customary land tenure systems. Existing research suggests that land disputes often involve multi-layered legal and socio-economic issues, including tensions between customary and statutory land rights, state-led land acquisition programs, and pressures stemming from commercial development initiatives. (Pranadita, 2019). These disputes frequently extend beyond ownership rights to include conflicts over land use, tenure security, and governance arrangements, which may involve diverse stakeholders such as corporate developers, local government authorities, and Indigenous communities. (Sari, 2017). Therefore, a comparative analysis of judicial considerations across court levels can provide critical insights into the underlying legal, procedural, and policy dynamics at play in the adjudication of land disputes.

This research examines the judicial reasoning applied by the Kediri District Court and the East Java High Court in the cases above. Specifically, the study seeks to identify patterns, contradictions, or inconsistencies in judicial decision-making to understand their broader implications for Indonesia's legal framework governing land disputes. The research will also explore the potential for legal and procedural reforms to enhance transparency, equity, and efficiency in dispute resolution mechanisms. (Kelliher et al., 2019).

A central focus of this analysis is the interaction between positive law and customary law within judicial considerations. Although customary law has historically played a vital role in regulating land tenure and property rights among Indigenous communities, it is frequently marginalized in formal legal proceedings. (Saputra, 2024) This study will investigate the extent to which judicial decisions at different levels incorporate or overlook customary legal principles and assess their impact on legal certainty, access to justice, and the protection of land rights for Indigenous groups. By situating these findings within broader debates on legal pluralism and judicial equity, the research aims to contribute to a deeper understanding of the role of customary law in Indonesia's contemporary legal system. (Todmal, 2023).

Judicial decision-making is influenced by various factors, including statutory interpretation, evidentiary standards, and the quality of legal arguments presented by the litigants. Moreover, court rulings are not made in isolation but are shaped by broader legal precedents, state policies, and socioeconomic contexts. (Wahidi et al., 2023). This study will employ a multidisciplinary approach to analyze how these factors influence judicial considerations, offering a more holistic view of how court decisions reflect and reinforce societal norms, economic structures, and governance practices. (Amalia et al., 2018).

This research aims to contribute substantially to the discourse on land disputes in Indonesia by exposing judicial inconsistencies and offering practical recommendations for reform. Through a detailed examination of judicial considerations in key cases, the study seeks to promote greater legal certainty, procedural fairness, and the equitable protection of land rights, particularly for marginalized and vulnerable communities (Gibbs, 2018). By addressing these critical issues, the research aspires to enhance the effectiveness of dispute resolution mechanisms and foster a more just and inclusive legal system.

## **II. METHOD**

This study employs a normative or doctrinal legal approach, which focuses on examining legal norms as reflected in statutory regulations, judicial decisions, and customary practices. The research systematically analyzes legal principles and their application in judicial rulings, mainly through library research. This method involves a comprehensive review of legal theories, academic literature, and expert opinions relevant to the research questions. The study seeks to provide a deeper understanding of the legal considerations in land dispute cases by critically analyzing these sources.

The research adopts a statute-based approach, where statutory regulations are the primary reference for addressing legal issues. This approach centers on analyzing the legal framework governing land disputes, including relevant laws, regulations, and legal precedents. The objective is to explore how these legal instruments influence judicial reasoning and outcomes in the selected cases. (Faozan, 2023; Miftah, 2023).

### **Research Type**

This descriptive study aims to provide a comprehensive overview of the judicial decision-making process without formulating a prior hypothesis. The descriptive method is intended to present a clear and structured account of the legal considerations and outcomes in the examined land dispute cases. (Sipayung, 2023; Sunarti, 2023).

### **Data Collection**

This study's data collection relies on primary and secondary legal materials to comprehensively address the research objectives. Primary legal materials include statutory regulations and official court rulings directly related to the legal issues under investigation. This research examines two key judicial decisions: District Court of Kediri Decision No. 4/Pdt.G/2019/PN.Kdr and East Java High Court Decision No. 553/PDT/2019/PT.SBY. These decisions are central to analyzing judicial considerations and outcomes in the yard land dispute case. Alongside these primary sources, secondary legal materials provide additional context and analytical support. These secondary materials comprise legal literature, academic studies, and expert opinions on the legal principles and issues surrounding land disputes. Combining these sources allows for a thorough analysis of how legal norms and frameworks are interpreted and applied in judicial proceedings. By integrating both primary and secondary materials, the research aims to construct a detailed understanding of judicial reasoning and the broader legal implications of the case outcomes. This comprehensive approach ensures that the study captures the multi-dimensional nature of judicial decision-making in land disputes.

### **Data Analysis**

The study employs a qualitative analysis method, using descriptive qualitative techniques to interpret and present the data. The collected legal materials are systematically described and analyzed through textual elaboration. This involves thoroughly examining legal norms, case facts, and judicial reasoning. Emphasis is placed on critical analysis to identify patterns, inconsistencies, and broader implications within the legal framework governing land disputes. (Budianto, 2022; Faozan, 2023).

## **III. RESULT AND DISCUSSION**

The results of this study reveal critical variations in judicial reasoning and procedural considerations in handling Case No. 4/Pdt.G/2019/PN.Kdr by the Kediri District Court and Case No. 553/PDT/2019/PT.SBY by the East Java High Court. These differences provide valuable insights into procedural justice, evidentiary standards, and legal interpretation within Indonesia's judicial system, particularly regarding land disputes. The analysis reflects how courts at different levels apply legal norms through a normative legal approach, emphasizing statutory regulations, precedents, and procedural requirements.

### **Kediri District Court's Findings and Rationale**

The Kediri District Court, through its application of legal norms, ruled in favour of the plaintiffs by recognizing their ownership rights over the disputed land. The court's judgment was based on a comprehensive assessment of substantive and procedural elements. It relied heavily on prior legal rulings, including 1) District Court Decision No. 6/Pdt.G/2001/PN.Kdr, 2) East Java High Court Decision No. 918/Pdt/2001/PT.Sby, and 3) Supreme Court Decisions No. 937 K/Pdt/2003 and No. 192 PK/Pdt/2006.

These previous cases confirmed that the disputed property, identified as Persil No. 20 Kohir No. 423 D.I, had been partially sold to a third party (IAIN/STAIN) while leaving a residual plot of 2,579 m<sup>2</sup> under the plaintiffs' ownership. The District Court emphasized the importance of legal documentation, including land titles and official sale records, in establishing the plaintiffs' ownership rights. This aligns with the legal doctrine of *Konstatir*, where facts must be confirmed and validated by evidence.

Following this, the court proceeded to the *Kualifisir* stage by classifying the verified facts under the applicable statutory framework governing land ownership. The court determined that the defendant's occupation of the disputed property constituted *perbuatan melawan hukum* (unlawful action) due to their lack of legal title or valid documentation supporting their claims. In the constitute stage, the court issued a ruling that declared the plaintiffs' ownership valid, rejected the defendants' objections, and granted a conservatoire beslag (temporary seizure order) to secure the property and prevent further encroachment.

The District Court's reasoning highlights its reliance on the principle of legal certainty, where existing legal decisions and documentation are pivotal in resolving land disputes. This approach reflects a focus on maintaining consistency with prior rulings and ensuring that property rights are respected and enforceable through judicial processes.

### **East Java High Court's Findings and Rationale**

The East Java High Court's decision to overturn the District Court ruling was based on a stricter interpretation of procedural inclusion and evidentiary sufficiency. While the High Court agreed with the procedural aspects of the District Court's decision (e.g., rejecting the defendants' preliminary objections), it found the substantive ruling flawed. The appellate court emphasized that prior judicial decisions referenced by the plaintiffs could not be used as binding precedents against the defendants, as the defendants were not parties to those earlier cases.

The High Court applied the principle of *Partij Akta*, which holds that a court decision is only binding on the parties directly involved in the case. This procedural doctrine led the appellate judges to conclude that the plaintiffs had not established ownership rights in the current dispute. The court ruled that without direct evidence involving the current parties, the plaintiffs' claim could not be legally sustained. As a result, the High Court dismissed the plaintiffs' lawsuit, annulled the District Court's ruling, and ordered the plaintiffs to bear the legal costs.

This decision underscores the High Court's emphasis on procedural fairness, where all parties to a dispute must be allowed to present evidence and defend their claims. By prioritizing procedural legitimacy over documentation from prior cases, the High Court highlighted a key tension between procedural justice and legal certainty in land dispute resolution.

The disparities between the District Court and High Court decisions reflect broader challenges in Indonesia's judicial framework for land disputes. While both courts applied a normative legal approach, their interpretations of legal norms, procedural requirements, and evidentiary standards diverged significantly.

#### **1. Evidentiary Standards and Legal Documentation**

The District Court prioritized legal certainty by relying on documented ownership records and past rulings. This approach is consistent with Syamila's research (2024), which emphasizes the role of sale and purchase deeds as crucial evidence in land disputes. (Syamila, 2024). However, the High Court's decision suggests that such documentation must be supplemented by direct procedural inclusion of all parties involved in the current dispute.

## **2. Procedural Inclusion and Fairness**

The High Court's focus on procedural inclusion aligns with concerns highlighted by Prasanthi (2023), who notes that disadvantaged groups often face barriers in accessing fair legal processes. (Prasanthi, 2023). The appellate judges' emphasis on ensuring that defendants were procedurally included reflects a broader effort to promote procedural justice and prevent the exclusion of key stakeholders.

## **3. Impact of Legal Precedents**

The inconsistency in how the two courts applied legal precedents reflects findings by Ferdiles & Hardiansyah (2023), who identify regulatory ambiguities as a source of judicial variability. (Ferdiles & Hardiansyah, 2023). The District Court emphasized legal continuity, while the High Court adopted a more case-specific approach, underscoring the need for more explicit procedural guidelines to harmonize judicial reasoning.

## **4. Broader Legal and Policy Implications**

The High Court's ruling highlights concerns about the enforceability of judicial decisions in complex land disputes. Research by Lestarini (2016) and Wahanisa et al. (2021) suggests that judicial outcomes can be influenced by both legal norms and external pressures, including socio-economic and policy considerations (Lestarini, 2016; Wahanisa, 2019; Wahanisa et al., 2021). The High Court's strict procedural stance may be seen as a safeguard against perceived biases or irregularities in the lower court's application of precedent.

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The results indicate that judicial inconsistencies in land dispute resolution are driven by differing interpretations of procedural and substantive legal norms. Strengthening procedural standards, particularly regarding the inclusion of all parties and the admissibility of evidence, could help reduce these disparities. Enhancing the coordination between judicial levels and providing clearer legal frameworks for the recognition of property rights would improve both legal certainty and procedural fairness.

This study contributes to the broader discourse on legal pluralism and judicial equity in Indonesia by demonstrating how procedural and evidentiary factors shape judicial decision-making in land disputes. Addressing these structural challenges through targeted legal reforms could promote a more consistent and just resolution process for land disputes across the Indonesian court system.

## **DISCUSSION**

The findings of this study reveal substantial differences in the legal reasoning and outcomes between the Kediri District Court and the East Java High Court in resolving a yard

land dispute. These disparities reflect deeper structural and procedural issues within Indonesia's legal framework for land disputes. This section discusses how these results align with or differ from previous research, highlighting key factors that influence judicial decision-making and legal certainty in land cases.

#### **Legal Documentation and Its Role in Dispute Resolution**

The Kediri District Court's decision relied heavily on the validity of legal documentation, particularly property ownership records and previous court decisions. This aligns with Syamila (2024), who emphasizes the critical role of legal documents, such as sale and purchase deeds, in proving ownership and supporting litigants' claims. (Syamila, 2024)s. Legal documentation is not only used as transactional proof but also serves as a fundamental tool to substantiate land rights in court. However, the High Court took a stricter view, emphasizing procedural inclusion over document-based precedent, demonstrating how judicial interpretations can vary depending on evidentiary requirements and legal priorities.

#### **Public Interest and Social Resistance in Land Disputes**

The case did not directly involve public land acquisition, but parallels can be drawn to disputes where public interest and social dissatisfaction play a role. Wahanisa et al. (2021) discuss how disputes over land acquisition often arise from community distrust in opaque government processes (Wahanisa et al., 2021). Although transparency was not the central issue in the present case, the appellate court's emphasis on procedural fairness and proper inclusion of all stakeholders echoes concerns about ensuring equitable treatment for all parties. This suggests social dissatisfaction with judicial decisions may stem from perceptions of exclusion or unfair adjudication processes.

#### **Influence of External Factors and Power Dynamics**

Land disputes in Indonesia can be complicated by external influences, including elite intervention and corporate interests, as explored by Sulaiman & Satriawan (2021). While there is no direct evidence of such external interference in this case, the High Court's approach, which diverged significantly from the District Court's reliance on precedent, may reflect broader concerns about ensuring impartial judicial processes free from undue influence (Sulaiman & Satriawan, 2021). Understanding these dynamics helps explain why appellate courts may prioritize strict procedural adherence to mitigate perceptions of bias or favoritism.

#### **Recognition of Customary Land Rights**

In many cases involving Indigenous or customary land, courts face challenges in balancing statutory and customary law. Setyawan and Israhadi (2021) highlight that acknowledging customary institutions is crucial for ensuring justice in traditional land rights disputes. (Setyawan & Israhadi, 2021)While the present case does not explicitly involve customary law, the appellate decision's emphasis on procedural legitimacy reflects broader concerns



about how courts reconcile different sources of law, including local norms and statutory regulations, in land disputes.

### **Legal Pluralism and Policy Context**

The broader policy context also plays a role in shaping judicial decisions. Lestarini (2016) points to the influence of government policies and economic considerations on court rulings, particularly in cases involving competing interests between communities and investors. (Lestarini, 2016). The contrast between the District and High Court rulings may reflect differing judicial perspectives on balancing legal certainty with procedural fairness and policy goals. The High Court's ruling suggests a stronger focus on procedural correctness to maintain neutrality and ensure that judgments are limited to the involved parties.

### **Structural Inequities in Land Dispute Resolution**

The findings of this study also resonate with Prasanthi (2023), who emphasizes the vulnerability of disadvantaged groups in land disputes due to weak legal protections. (Prasanthi, 2023). The procedural exclusion noted by the High Court highlights how structural inequities in access to legal resources and representation can affect dispute outcomes. Ensuring that all relevant parties are included in litigation is vital for reducing these inequities and enhancing the credibility of court decisions.

### **Impact of Judicial Inconsistencies on Development and Governance**

Santiago (2017) states unresolved or escalating land disputes can hinder development and governance. (Santiago, 2017). Although the present case does not involve large-scale development projects, the High Court's annulment of the District Court's decision underscores how inconsistencies between judicial levels can undermine efforts to establish stable legal frameworks for land ownership. Judicial inconsistencies can erode trust in the legal system, which may affect economic activities and social stability.

### **Institutional Challenges in Land Dispute Prevention and Resolution**

Administrative institutions, particularly the National Land Agency (BPN), are crucial in preventing and resolving land disputes. Purnama (2024) notes that institutional inefficiencies and unclear land regulations often exacerbate disputes. (Purnama, 2024). This research supports that view by demonstrating how procedural gaps, particularly in the recognition and enforcement of previous decisions, contributed to differing judicial outcomes. Strengthening institutional capacity to maintain comprehensive and transparent land records could reduce disparities.

### **Challenges in Agrarian Law Implementation**

Ferdiles and Hardiansyah (2023) highlight challenges in implementing agrarian law, which often leads to inconsistent legal interpretations by courts. This research affirms that view

by illustrating how the Kediri District Court and East Java High Court applied the same legal framework differently. Clarifying the procedural and substantive requirements for proving ownership would help minimize such inconsistencies. (Ferdiles & Hardiansyah, 2023).

The discussion illustrates that the disparity in judicial considerations stems from differences in the courts' approaches to procedural inclusion, legal documentation, and evidentiary standards. Drawing from the literature, this study emphasizes the need for procedural reform to ensure greater consistency in judicial reasoning. Strengthening the coordination between judicial levels, providing clear guidelines for the recognition of evidence, and promoting the inclusion of all stakeholders in legal proceedings can enhance legal certainty and fairness in land disputes.

By situating the findings within the broader context of legal pluralism, administrative inefficiencies, and social resistance to land governance, this research contributes to ongoing efforts to improve Indonesia's land dispute resolution framework. Future studies could further explore the impact of these factors on judicial equity and propose targeted legal reforms to promote a more cohesive and just legal system.

#### IV. CONCLUSION

This study demonstrates significant disparities in judicial reasoning and procedural approaches between the Kediri District Court and the East Java High Court in resolving the land dispute under Case No. 4/Pdt.G/2019/PN.Kdr and Case No. 553/PDT/2019/PT.SBY. The Kediri District Court based its decision on legal documentation and judicial precedents, ruling in favour of the plaintiffs. The court determined that the plaintiffs had lawful ownership over the disputed land (Persil No. 20 Kohir No. 423 D.I), covering 2,579 m<sup>2</sup>, and declared the defendants' occupation of the property unlawful. By relying on prior rulings and property records, the court sought to provide legal certainty and enforce established property rights, reflecting a focus on maintaining consistency with previous legal interpretations.

In contrast, the East Java High Court prioritized procedural correctness and inclusion over-reliance on past rulings. The appellate court emphasized the *Partij Akta* principle, which holds that judicial decisions only bind the parties directly involved in the case. Since the defendants were not included in earlier judicial proceedings cited by the District Court, the High Court concluded that the plaintiffs failed to provide sufficient legal evidence in the current case. Consequently, the High Court overturned the District Court's decision, dismissed the plaintiffs' claims, and highlighted the procedural limitations of enforcing prior judgments on non-parties.

The findings of this research provide several important implications for Indonesia's legal framework governing land disputes. The reliance on legal documentation and precedents at the District Court level underscores the importance of clear land ownership records and consistent enforcement of legal rights. However, the procedural concerns raised by the High Court indicate a critical need for judicial reforms to enhance procedural inclusivity, ensuring that all relevant stakeholders are represented adequately in litigation processes.

One key advantage of this study is its emphasis on analyzing judicial considerations through a normative legal approach, contributing to a deeper understanding of how procedural and evidentiary standards shape court decisions. However, the study is limited by its focus on specific case and judicial levels, which may not fully capture broader systemic issues across all land disputes in Indonesia. Future research could expand on these findings by exploring how similar procedural inconsistencies manifest in other regions and cases. The practical application of this research lies in its potential to inform legal and policy reforms aimed at reducing judicial inconsistencies. Harmonizing procedural standards across judicial levels could enhance both legal certainty and procedural fairness, particularly in complex land disputes. Furthermore, the findings offer valuable insights for policymakers, legal practitioners, and stakeholders seeking to improve dispute resolution mechanisms and promote equitable access to justice for all parties involved in land conflicts.

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