

The Implications of a Ruling that is Insufficiently Motivated in Assessing Land Ownership by Communities on HGU Land

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Abstract. *This study is motivated by the gap between the judicial ideal, which obliges judges to provide adequate legal reasoning (motiveringsplicht), and the reality in appellate courts that often produce onvoldoende gemotiveerd (insufficiently reasoned) decisions. Weak judicial reasoning not only increases the risk of annulment by the Supreme Court but also worsens the legal standing of local communities in land disputes over Hak Guna Usaha (HGU). The research gap lies in the lack of studies linking appellate court decisions to the legal status of community landholders on HGU plots. This research employs a normative juridical approach with doctrinal analysis supported by secondary data from court rulings and agrarian law literature. The findings reveal that onvoldoende gemotiveerd decisions undermine the legitimacy of district courts, prolong agrarian disputes, and intensify the dualism between formal law and social reality. This study highlights the urgency of reforming judicial reasoning so that the layered court system can deliver substantive justice while ensuring legal certainty for affected communities.*

Keywords: Court; Cultivate; Decision; Land.

1. Introduction

Land constitutes one of the fundamental elements in the lives of Indonesian people. As an agrarian nation, the majority of its population depends on the control and utilization of land for their livelihood. Land is not merely viewed as a means of production, but also as a symbol of social status, cultural identity, and a source of economic power. For this reason, the regulation of land is placed within a constitutional framework through Article 33 paragraph (3) of the 1945 Constitution, which affirms that the earth, water, and natural resources contained therein are controlled by the state for the greatest prosperity of the people. To implement this constitutional mandate, the Basic Agrarian Law (UUPA) Number 5 of 1960 was enacted. The UUPA serves as the sole legal foundation for regulating land rights in Indonesia, replacing the plurality of colonial laws that existed previously. One of the rights regulated under the UUPA is the Right to Cultivate (HGU), which is the right to cultivate state-owned land for agricultural,

plantation, or fishery purposes within a specified period. From the perspective of positive law, HGU has strong legal legitimacy as it is formalized in a certificate issued by the National Land Agency (BPN). However, practice in the field often diverges from this ideal legal framework. It is not uncommon for communities to have occupied land within HGU areas for decades, whether through inheritance, informal transactions, or de facto possession without formal legal basis. When formal and factual rights overlap within the same parcel of land, agrarian conflicts inevitably arise. Leon emphasizes that agrarian conflicts in Indonesia often stem from structural inequalities in land ownership, where the rights of indigenous or local communities are marginalized by the granting of large-scale formal rights such as HGU.

Such disputes typically end up in court proceedings. Judges are expected to act as fair mediators by upholding legal certainty, justice, and benefit. Therefore, judges have a normative obligation to construct clear, logical, and comprehensive legal reasoning, as stipulated in Article 50 of Law Number 48 of 2009 concerning Judicial Power. Legal reasoning is not merely a formality but the essence of a judgment that determines its legitimacy and binding authority. In reality, however, not all court decisions meet this standard. In judicial practice, decisions categorized as *onvoldoende gemotiveerd* that is, judgments lacking sufficient legal reasoning are still found. Weak legal reasoning poses serious risks: decisions may be annulled by higher courts, undermine legal certainty, and diminish the authority of the judiciary (Atmaja, 2017). In other words, sound legal reasoning serves as the primary safeguard to ensure that a decision does not lose its moral and juridical authority. The impact of *onvoldoende gemotiveerd* judgments becomes even more apparent in agrarian disputes. The weak legal foundation of community land occupation complicates conflict resolution. In many cases, the National Land Agency (BPN) must intervene as a mediator to ease tensions, even though the primary responsibility should rest with the judiciary (Tinggi Pertanahan Nasional et al., 2021). This reality demonstrates that judicial decisions which emphasize only formal aspects without addressing substantive justice risk prolonging conflicts and causing harm to all parties involved.

Furthermore, the legal status of community land control over HGU areas remains problematic. A study in the Legal Recommendation Report explains that community occupation of former HGU land that is not supported by formal legal documents is recognized only as factual possession, not as legitimate ownership rights (Rianti. Ayu & Arief, 2025). This situation places communities in a legally vulnerable position, even though socially they may have long resided on and managed the land. Such legal uncertainty creates susceptibility for these communities, especially when facing corporations or the state. The disharmony between formal state law and social realities constitutes one of the root causes of agrarian conflicts in Indonesia. Overlapping claims between official land certificates and social ownership evidence, such as village statements, often become sources of dispute. When judges, in rendering their decisions, fail to consider these social conditions and focus solely on formal aspects, the resulting judgments are not only potentially *onvoldoende gemotiveerd* but also fail to deliver substantive justice (Pahrazi & Farma Rahayu, 2024).

Based on the above discussion, it is evident that the issue of *onvoldoende gemotiveerd* decisions in higher courts is not merely a technical matter; it carries broader implications for legal certainty, public trust in the judiciary, and the resolution of agrarian conflicts. Although several studies have examined HGU-related disputes and the position of communities within agrarian law, there remains a lack of research linking the quality of judicial reasoning to the legal status of community land occupation over HGU areas. This study seeks to fill that gap. Its objective is to analyze the implications of *onvoldoende gemotiveerd* decisions by high courts on district court rulings in HGU land disputes, as well as the legal status of community land occupation without formal legal basis within HGU areas. Through this focus, the study aims to contribute theoretically to the development of agrarian law and civil procedural law, and practically to assist judges and policymakers in strengthening the quality of legal reasoning to achieve substantive justice.

2. Research Methods

This study employs a normative legal research method with a juridical approach. The normative legal method is chosen because the focus of the study lies in analyzing the principles, norms, and legal doctrines related to the implications of *onvoldoende gemotiveerd* decisions by high courts in assessing community land occupation over HGU areas. To explore this issue, several approaches are utilized, namely the statutory approach, the conceptual approach, and the case approach. The primary data sources in this research include statutory regulations such as the Basic Agrarian Law (UUPA) of 1960, Law Number 48 of 2009 on Judicial Power, as well as relevant decisions of district and high courts concerning HGU land disputes. Meanwhile, secondary data sources consist of legal literature, including books, academic journals, and previous studies discussing agrarian conflicts, community land occupation, and theories of legal reasoning. Data processing is conducted through several stages: reduction, systematization, and analysis. Raw data in the form of statutory texts, court decisions, and journal articles are first selected based on relevance, then classified into specific categories such as normative foundations, academic perspectives, or judicial practices. Subsequently, the data are analyzed qualitatively to identify the relationship between theory and practice, leading to structured conclusions. The results of the analysis are then presented in the form of an academic manuscript ready for publication in a legal scholarly journal.

3. Results and Discussion

3.1. The Implications of High Court Decisions that Are *Onvoldoende gemotiveerd* for District Court Judgments

Onvoldoende gemotiveerd is a term used to describe judicial decisions that lack sufficient or adequate legal reasoning. In Indonesian judicial practice, this term is often used by the Supreme Court when annulling high court or district court judgments that are deficient in legal justification. A decision that fails to clearly connect facts, legal norms, and the operative part of the judgment risks being considered legally flawed and failing to meet the standards of substantive justice. The obligation of judges to provide legal reasoning is affirmed in Article 50 of Law Number 48 of 2009 on Judicial Power, which stipulates that every court decision must

contain the reasons and legal grounds for the ruling, including specific articles of the legislation used as its basis. This norm embodies the principle of *motiveringsplicht*, or the duty to provide reasoning in every judgment. Consequently, decisions that do not fulfill this requirement may be deemed legally defective (Ramadhan et al., 2025). Legal reasoning constitutes the core of a judicial decision. Without adequate reasoning, a ruling lacks genuine binding authority (Atmaja, 2017). Judicial reasoning must encompass relevant legal facts, legal norms, legal theories, and social facts (Isnantiana, 2017). The absence of any of these elements diminishes the quality of a decision and opens the possibility of correction by a higher court. The importance of consistent judicial reasoning is also evident in non-agrarian civil cases, such as contract disputes, where incomplete reasoning often results in prolonged litigation (Malik et al., 2023). This demonstrates that the obligation to provide legal reasoning is not confined to agrarian cases but applies universally across all fields of law. Therefore, understanding *onvoldoende gemotiveerd* is not merely a procedural technicality; it concerns the essence of justice and judicial accountability.

The district court (PN) serves as the court of first instance responsible for examining and adjudicating cases. In agrarian disputes, the district court functions as the primary forum for both communities and corporate HGU holders seeking legal certainty. Above it, the high court (PT) acts as an appellate body that reviews both the application of law and the assessment of facts by the district court. This hierarchical relationship is designed so that the high court functions as a corrective filter before a case proceeds to the cassation level. The relationship between district courts and high courts is thus hierarchical and corrective in nature. Ideally, the high court should rectify errors or deficiencies in the district court's reasoning. However, when the high court itself issues an *onvoldoende gemotiveerd* decision, its corrective role becomes ineffective. In such circumstances, the multi-tiered judicial system loses its purpose, as it instead generates new forms of legal uncertainty. In the context of HGU-related conflicts, weak judicial reasoning further complicates the already vulnerable position of local communities (Tinggi Pertanahan Nasional et al., 2021). When both the district and high courts fail to provide clear and consistent reasoning, communities face even greater challenges in obtaining justice. In theory, a multi-tiered judicial system expects the high court to enhance, rather than weaken, the quality of judgments. Moreover, the principle of judicial prudence, as practiced in the Constitutional Court, serves to prevent decisions that cannot be publicly justified (Esfandiari et al., 2025). If this principle were applied consistently at the high court level, the relationship between district and high courts would be healthier and more reliable. Conversely, a high court decision that is *onvoldoende gemotiveerd* signifies a failure to uphold this principle of prudence.

High court decisions that are *onvoldoende gemotiveerd* carry significant juridical implications. First, such judgments are highly susceptible to annulment by the Supreme Court through the cassation process, as they fail to meet the formal requirements of a valid decision. Second, they create legal uncertainty for the parties involved, particularly for communities facing corporate HGU holders. Third, this practice undermines public trust in the judiciary. The legal status of community land occupation over former HGU areas is already weak when based solely on factual possession (Rianti. Ayu & Arief, 2025). When a high court fails to provide clear

legal reasoning regarding the position of these communities, it further aggravates uncertainty over land rights. A decision that lacks adequate argumentation fails to fulfill the judicial function of providing legal certainty. Agrarian conflicts in Indonesia stem from the disharmony between the state's formal legal framework and the social realities of local communities (Pahrazi & Farma Rahayu, 2024). When high court judgments emphasize only formal aspects without elaborating substantive considerations, the impact extends beyond individual injustice it also weakens the legitimacy of agrarian law itself. In other words, *onvoldoende gemotiveerd* decisions have a dual impact: at the individual level, they harm the parties seeking justice, and at the systemic level, they erode public confidence in the judiciary. Moreover, a decision rendered without comprehensive reasoning can result in procedural injustice (Isnantiana, 2017). Thus, the juridical implications of *onvoldoende gemotiveerd* judgments demonstrate the fragility of legal protection for justice-seeking communities, particularly in disputes involving HGU lands.

Beyond juridical consequences, *onvoldoende gemotiveerd* high court decisions also have practical implications. Land disputes that should be resolved at the appellate level often drag on to the cassation stage. As a result, parties expend more time, effort, and financial resources. In agrarian conflicts, this situation can escalate social tensions, as communities feel their rights are inadequately protected. Effective dispute resolution requires strong and well-founded reasoning so that decisions can be justified and accepted by the parties involved. Without clear reasoning, a judgment becomes a mere legal formality, failing to ease conflicts. In HGU disputes, such conditions may lead to heightened horizontal conflicts between communities and corporate right holders. Another practical implication is the increasing case burden on the Supreme Court. High court decisions that lack sufficient reasoning are almost always challenged through cassation by aggrieved parties, resulting in case accumulation that ultimately hinders broader access to justice. Weak reasoning in civil judgments often causes losing parties to lose faith in the legal system (Malik et al., 2023). In the agrarian context, this is particularly dangerous, as communities may resort to non-judicial conflict resolution methods, potentially leading to further horizontal violence or unrest.

An *onvoldoende gemotiveerd* high court decision weakens the function of the district court as the court of first instance. Instead of correcting lower-court errors, the high court exacerbates legal vulnerabilities by issuing inadequately reasoned decisions. The juridical implications include the risk of annulment by the Supreme Court and a weakening of legal certainty. The practical implications, in turn, encompass the prolongation of agrarian disputes, an increased caseload at the Supreme Court, and the potential for escalating community-level conflicts. Therefore, improving the quality of judicial reasoning at the high court level is imperative to maintain the effectiveness of Indonesia's multi-tiered judicial system and to provide fairer legal protection for communities occupying HGU lands. This study thus emphasizes that *onvoldoende gemotiveerd* cannot be regarded merely as a technical procedural issue, but as a structural problem that directly affects the legitimacy of the judiciary and the protection of citizens' rights. This highlights the urgency of judicial reform, particularly in enhancing the reasoning capacity of judges in agrarian cases involving HGU lands.

3.2. The Legal Status of Community Land Occupation on HGU Land

as one of the land rights that grants individuals or legal entities the authority to cultivate land for agricultural, plantation, or fishery purposes within a specified period. HGU is granted for a maximum of 35 years, extendable for another 25 years, and may be renewed for subsequent periods. Thus, HGU constitutes a strong yet time-limited right, differing from ownership rights, which are hereditary and permanent. Within Indonesia's agrarian law system, HGU holds a formal legal position as a certified land right issued by the state through the National Land Agency (BPN). This affirms that HGU is a legally recognized formal right, providing its holder with strong juridical legitimacy to utilize the land in accordance with its designated purpose. Nevertheless, its strength is limited, as HGU cannot be inherited indefinitely and must revert to the state upon the expiration of its term. In practice, HGU is often used to facilitate large-scale investment, particularly in the plantation and industrial agriculture sectors. This creates potential conflicts because HGU designated lands frequently overlap with areas that have been occupied and managed by local communities for generations. Consequently, HGU serves not only as an economic instrument but also as a potential source of agrarian disputes between corporate right holders and local communities. Structural inequality in land ownership exacerbated by the allocation of HGU to large corporations remains one of the root causes of agrarian conflict in Indonesia (Ramadhan et al., 2025). Weak regulatory oversight of HGU implementation has further opened legal loopholes that are often exploited by HGU holders to expand their territories, thereby limiting community access to land.

The phenomenon of community land occupation over HGU land is a widespread reality in Indonesia. Communities frequently cultivate HGU land due to historical factors (ancestral inheritance), informal transactions, or economic necessity. Such occupation often persists across generations without formal legal recognition by the state, resulting in a dualism between factual control and formal juridical rights. Tensions arise because formal law recognizes only the HGU certificate as valid proof of ownership, whereas community social norms recognize physical occupation and historical land use as legitimate. As a result, communities are often labeled as "illegal cultivators," even though they have long inhabited and managed the land. This situation exposes a gap between national agrarian regulations and field realities. Communities occupying HGU land tend to be marginalized when facing corporate right holders because of their weak legal standing (Tinggi Pertanahan Nasional et al., 2021). In many cases, communities rely solely on informal evidence—such as village statements or records of cultivation history—which lack the same legal force as an HGU certificate. Therefore, community occupation of HGU land should not be viewed merely as a violation of formal law, but rather as a social response aimed at maintaining access to livelihood resources. This issue reflects the broader disharmony between the state's formal legal system and the social realities of local communities (Pahrazi & Farma Rahayu, 2024).

Formally, communities occupying land under Hak Guna Usaha (HGU) have weak legal standing. Positive law recognizes only HGU holders as the legitimate parties entitled to the land. Even when an HGU expires, the land reverts to the state rather than automatically to the communities who have cultivated it. This situation demonstrates the lack of adequate legal

protection for local cultivators (Rianti. Ayu & Arief, 2025). However, in judicial practice, factual occupation by communities is sometimes considered as evidence of a legitimate claim. In certain cases, judges incorporate social considerations to mitigate substantive injustice. Although community occupation lacks a formal legal basis, the factual possession of land still carries limited juridical value (Rianti. Ayu & Arief, 2025). This condition reveals a duality of legal status formally weak but factually recognized as subjects of land control. Such dualism generates legal uncertainty, which in turn becomes a root cause of prolonged agrarian conflict. Without formal recognition of community rights, people remain vulnerable to eviction and criminalization. In this context, many scholars emphasize the need for agrarian law reconstruction that is more responsive to social realities. Without progressive legal protection, communities cultivating HGU land will remain in a structurally vulnerable position. Judges, through comprehensive and socially grounded reasoning, can serve as agents of change in improving the legal position of local communities.

The ambiguity surrounding the legal status of communities on HGU land has serious implications for agrarian disputes. First, communities are frequently involved in conflicts with HGU holders, both in civil court proceedings and in physical confrontations on the ground. Second, the divergence between formal law and social law makes dispute resolution increasingly difficult. The role of the judiciary thus becomes crucial in evaluating evidence. Yet studies show that judges often prioritize formal evidence (such as HGU certificates) over social evidence (such as factual occupation). As a result, communities frequently lose in court, which further erodes public trust in the judiciary (Ramadhan et al., 2025). The social consequences of agrarian disputes are equally significant. Horizontal conflicts between communities and corporations, or even among different community groups, are common. This demonstrates that the ambiguity of community land status is not merely a legal issue but also one of social stability and security. Without reform in the legal framework and perspective of agrarian law, HGU-related land disputes will continue to recur (Pahrazi & Farma Rahayu, 2024). In such circumstances, comprehensive judicial reasoning is essential to prevent judgments from falling into the category of *onvoldoende gemotiveerd*. Well-reasoned judgments deliver substantive justice and help reduce the potential for recurring conflicts.

Communities cultivating HGU land consistently occupy a structurally disadvantaged position, often losing in court due to the weakness of their formal evidence (Tinggi Pertanahan Nasional et al., 2021). Their legal status is recognized only as factual possession, not as formal legal rights (Rianti. Ayu & Arief, 2025). Sound legal reasoning can prevent judicial decisions from becoming *onvoldoende gemotiveerd* while simultaneously strengthening the social legitimacy of those decisions (Atmaja, 2017). Therefore, progressive judicial reasoning is necessary to enhance the legal protection of agrarian communities. From the above discussion, it can be concluded that the legal status of communities occupying HGU land is formally weak, as positive law recognizes only certified HGU holders. Nonetheless, factually, these communities maintain legitimate claims over the land they have long managed. This dualism produces legal uncertainty and forms the root of recurring agrarian conflicts. The judiciary plays a pivotal role in balancing formal and social evidence. Judges, through comprehensive reasoning, can reinforce legal protection for communities without undermining legal certainty for HGU

holders. However, judicial practice shows that legal reasoning often remains inadequate, leaving communities marginalized within the legal process. This study thus underscores the need for a more socially responsive agrarian law paradigm. Legal reform and the enhancement of judicial reasoning quality are essential to bridge the gap between formal law and social reality. Only through such measures can substantive justice be realized in resolving HGU land disputes.

4. Conclusion

The *onvoldoende gemotiveerd* decisions issued by high courts have serious implications for the sustainability of the hierarchical judicial system. Instead of reinforcing the role of district courts as courts of first instance, judgments that lack adequate legal reasoning create new uncertainties, both juridically and practically. The implications are not limited to the increased likelihood of annulment by the Supreme Court but also include the erosion of public trust in the judiciary. In the context of agrarian disputes, this condition further worsens the position of communities occupying land within HGU areas, as their social evidence is often inadequately considered by judges. The legal status of such communities is demonstrably weak under Indonesia's positive legal system. Although they possess factual control over the land, their formal standing remains inferior to that of certified HGU holders. This results in a persistent dualism between formal law and social reality, which has the potential to trigger prolonged conflicts. This research acknowledges its limitations, particularly regarding the scope of literature reviewed and the range of case studies analyzed. Therefore, further studies are recommended to expand empirical examinations of judicial decisions involving HGU disputes and to explore comparative approaches from other jurisdictions. Through such efforts, judicial reasoning reform in agrarian cases can be better directed toward achieving a more equitable legal protection for local communities.

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