

The Judge's Consideration on The Case of Rejection of The Lawsuit Related to Land Grabbing (Study of Decision No. 189/PDT. G/2020/PN PLK)

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Abstract. *Land disputes in Indonesia are still a complex and recurring legal issue, especially in cases of land grabbing that involve the act of controlling or using another party's land without legitimate rights. This problem often leads to judicial proceedings because it is related to property rights protected by the Basic Agrarian Law. However, many lawsuits were rejected because the plaintiff could not prove land ownership or did not meet the formal or material requirements as stipulated by the civil procedure law. This study aims to analyze the judge's consideration in rejecting the land grabbing lawsuit in Decision No. 189/PDT. G/2020/PN PLK and identify the legal variables that affect the decision. The method used is qualitative research with a normative juridical approach through literature study. The results of the study showed that the judge rejected the lawsuit by referring to Article 1365 of the Civil Code regarding unlawful acts and Article 1865 of the Civil Code regarding the principle of the burden of proof. The plaintiff was considered incapable of fulfilling the elements of unlawful acts and failed to present authentic evidence, such as land deeds and certificates, as the basis for ownership rights in accordance with the UUPA.*

Keywords: *Judge's Consideration; Soil Erosion; Verdict.*

1. Introduction

The problem of land disputes in Indonesia is still a complex and recurring legal issue. Land has strategic value because it is not only related to economic needs, but also social identity and community survival. One of the forms of conflict that often arises is *Soil Erosion*, which is the act of controlling or using another person's

land without legal rights. This problem often leads to court because it concerns property rights protected by the Basic Agrarian Law (UUPA). In practice, many land grabbing lawsuits are rejected by the courts because the plaintiff is unable to prove his ownership or does not meet the formal or material requirements. This is in line with the principle that the burden of proof in civil cases is on the postulating party, so the quality of evidence is very important (Mappasessu, 2023). Decision No. 189/Pdt.G/2020/PN Plk provides an interesting overview of how the judge decided the land grabbing case by rejecting the plaintiff's lawsuit. In this context, the presiding judge assessed that the claims and supporting documentation presented lacked sufficient weight to substantiate the occurrence of illicit conduct attributed to the respondent. This rejection shows the important role of judges' considerations in maintaining objectivity and justice. In addition, the ruling emphasizes that not all land grabbing claims can be granted immediately, but must be proven legally and in accordance with the law. Other research confirms that the judge's consideration in land cases does not only consider the juridical aspect, but also the sociological and philosophical aspects so that the verdict can be accepted fairly by the parties (Husna et al., 2024).

The urgency of analyzing this ruling lies in the fact that land disputes often involve the wider community and can create legal uncertainty. If judges do not provide clear and comprehensive considerations, then public trust in the judicial system will be disturbed. In previous research, it was found that *Legal Reasoning* strong judges are able to reduce the potential for bias and strengthen the legitimacy of the verdict in the eyes of the public (Laturette, 2021). Therefore, an in-depth analysis of the judge's consideration in rejecting this land seizure lawsuit is important, both as an academic study and as an evaluation material for the judiciary. In addition, this decision is also relevant to be studied because it can be a reference for similar cases in the future. In judicial practice, jurisprudence has an important role in shaping the consistency of the application of the law. Therefore, understanding the judge's reasons for rejecting the lawsuit will help the litigants to be more careful in drafting the lawsuit, preparing evidence, and filing legal arguments. Previous research on double-certified land disputes has shown that judges often reject lawsuits due to formal defects in the submission or weakness of proof of ownership (B & Thunder, 2025). Thus, Decision No. 189/Pdt.G/2020/PN Plk can be used as an important learning material regarding The significance of procedural and substantive elements in civil litigation.

The academic urgency of this research is to expand the understanding of how judges interpret agrarian law and civil procedure law in land grabbing cases. Previous similar research has highlighted more cases of land disputes that lead to lawsuits being granted, while studies on lawsuit rejections are still relatively limited. In fact, from the decision rejecting the lawsuit, an overview of the minimum standard of proof, the legal reasons used, and the consistency of the

judge in interpreting the applicable legal norms can be obtained. Therefore, this research can make a significant contribution to enriching the academic literature on the analysis of judges' considerations in land cases (Mongi et al., 2024; Rahmawati, 2023).

Based on the description above, The research problem in this study is formulated as follows. First, what is the judge's consideration in rejecting the land grabbing lawsuit based on Decision No. 189/Pdt.G/2020/PN Plk? This formulation aims to systematically find out the juridical and factual reasons underlying the judge's decision. Second, what research variables are relevant in the study of the judge's consideration of the rejection of the land grabbing lawsuit? This variable includes the aspect of proof, the legal basis used, and the interpretation of the judge in deciding the case. The objective of this research is to examine and elaborate on the judge's considerations in rejecting the land grabbing lawsuit in Decision No. 189/Pdt.G/2020/PN Plk in detail (Palangka Raya District Court, 2020). In addition, this study also aims to identify relevant legal variables in the analysis of judges' considerations, so that they can make practical contributions to society, legal practitioners, and policymakers. With this research, it is hoped that a deeper understanding of how judges use their authority proportionately in balancing aspects of legal certainty, justice, and utility (Atihuta et al., 2023).

2. Research Methods

This research employs a qualitative method using a normative juridical approach. This approach is selected because the study focuses on analyzing court rulings, which serve as secondary sources of law, so it is more appropriate to use a normative approach to explore the legal meaning behind the decision. Qualitative research allows researchers to delve deeply into the normative, interpretive, and argumentative aspects used by judges in decisions. With this approach, the analysis is not only limited to the text of the decision, but also relates it to applicable legal norms, legal doctrines, and the latest literature review. The study utilizes legal references categorized into foundational, supportive, and supplementary sources. Foundational sources encompass Verdict No. 189/Pdt.G/2020/PN Plk, the Civil Code, the Basic Agrarian Law (UUPA), and other pertinent statutory instruments. Supportive sources are drawn from domestic and global law journals, scholarly texts, and academic publications. Supplementary sources consist of legal lexicons and encyclopedic compilations employed to elucidate terminology. The method of data acquisition involves systematic review of literature and archival documentation, which is to systematically examine all legal materials related to the subject of research (Rahmawati, 2023).

Data analysis was carried out by qualitative descriptive method. The initial step involves examining the elements underlying the judicial rationale within the issued

ruling, including the reasons for the rejection of the lawsuit, the evidence submitted, and the legal norms used. The second stage is to compare the findings with the latest legal theory, regulation, and academic literature. The third stage is to interpret to draw conclusions regarding the consistency, relevance, and implications of the decision on the development of agrarian law and civil procedure law. This approach has proven effective for producing comprehensive analysis in similar research on land disputes (B & Thunder, 2025; Mongi et al., 2024). This method is seen as appropriate because it provides space to examine judges' considerations from various perspectives, both normative, doctrinal, and practical. Thus, The findings of this study are anticipated to offer value beyond scholarly discourse alone, but also practical in their application in the field. This study will help provide a more complete understanding of how judges build legal arguments in rejecting land grabbing lawsuits (Husna et al., 2024).

3. Results and Discussion

3.1. Analysis of the Judge's Considerations in Rejecting the Land Grabbing Lawsuit

3.1.1. Juridical Considerations of Judges Based on the Civil Code

The judge's juridical considerations in rejecting the land grabbing lawsuit in Decision No. 189/PDT. G/2020/PN PLK shows the strict application of the doctrine of unlawful acts as stipulated in Article 1365 of the Civil Code. As emphasized in the analysis of the available documents, the judge began his study by systematically examining the fulfillment of the four elements of unlawful acts, namely acts, mistakes (*Guilt*), losses, and The nexus between the defendant's conduct and the harm experienced by the claimant. In its implementation, the judge assesses whether the act postulated as "encroachment" meets the objective qualification as an act prohibited by law, whether there is an element of intentionality or negligence that can be categorized as a mistake, and whether the plaintiff has actually suffered real and concretely measurable losses. (Andriyawan et al., 2024) In his research, it is emphasized that *Unlawful Acts* which is regulated in the Civil Code Article 1365 is an act that occurs not because of a contractual relationship, but because of an act that is considered unlawful, so the judge's analysis must be comprehensive in assessing each of these elements. When one of the elements of unlawful acts is not met or the evidence is weak, the logic of establishing civil liability collapses and lawsuits can potentially be dismissed, as seen in the case under review where the judge judges judge that those fundamental elements are not conclusively proven.

Another crucial aspect in juridical considerations is the application of the principle of the burden of proof as stipulated in Article 1865 of the Civil Code stipulates that "any individual asserting a legal entitlement bears the responsibility to

demonstrate the validity of such entitlement or the occurrence being claimed." The fundamental principle of "*whoever postulates something must prove it*" is the main benchmark in assessing whether a plaintiff has met the minimum standard of proof required in the civil justice system. When a plaintiff files a lawsuit for encroachment, the primary burden to show the existence and basis of his rights lies with the plaintiff himself, not on the defendant to prove otherwise. In the context of Decision No. 189/PDT. G/2020/PN PLK, the judge seemed to strictly assess whether the plaintiff was able to present sufficient evidence so that the judge's belief that the conditions for the unlawful act were met. As analyzed in the document, if the plaintiff is unable to present sufficient evidence to meet the standards of Article 1865, the judge is authorized to dismiss the lawsuit based on failure to prove, which is a logical consequence of the application of the fundamental evidentiary rule in the civil procedure law.

3.1.2. Factual Considerations Based on the Evidence Submitted

The judge's evaluation of the strength of the evidence in this case shows the application of the evidentiary hierarchy regulated in Article 1866 of the Civil Code, particularly in differentiating the evidentiary strength between notarized instruments and privately executed documents. As emphasized in the analysis, authentic deeds issued by authorized officials have much stronger evidentiary power than deeds under hand, and in the agrarian context, the function of a certificate as a "proof of rights" according to Article 19 of the UUPA is highly decisive for the position of the parties. (Heydemans et al., 2022) emphasizing that land rights are an explanation of the history of the land, so documents that show legal ownership are crucial in proof. The judge in this decision was seen to test not only the availability of the certificate, but also the correspondence between the physical boundaries listed in the certificate and the actual circumstances at the location, complete registration history, and consistency with witness statements and confessions of the parties. When the certificate is not submitted or the status is problematic, the judge relies more on additional evidence such as sale and purchase deeds, proof of payment, measurement maps, and credible witness statements to build legal conviction.

The judge's consideration of the witness's testimony shows an in-depth evaluation of the credibility, consistency, and relevance of the testimony to the prosecution's postulate. In practice, the judge assesses the testimony of witnesses from the aspects of internal and external consistency, the interests of the witness in the case, and the integration with other evidence to build a coherent series of evidence. (Hakim et al., 2023) asserts that in legal actions, there must be clear legal responsibilities, so inconsistent or contradictory testimony may weaken the plaintiff's position. Analysis of the evidence of suspicion (*circumstantial evidence*) and the confessions of the parties also play an important role, where the judge

must assess whether the evidence of the presumption can establish a logical and single set of facts, or rather leave room for multiple interpretations that may raise doubt. Confessions at the trial have a high evidentiary weight if they are made under certain conditions without coercion, but the judge must still test the context and relevance to the main facts of the case. Weaknesses or incompleteness in this evidence are often a practical reason for judges to dismiss a lawsuit because the plaintiff's burden of proof is not adequately met.

3.1.3. The Basis of Agrarian Law in the Judge's Consideration

The integration of the principles of the UUPA in the judge's consideration shows the synchronization between agrarian law and civil law in assessing the validity of land ownership claims. As analyzed in the document, the judge positioned the consideration according to the principle of the UUPA which prioritizes the registration function to provide legal certainty and protection of land rights, but not as "*absolute proof*" without the possibility of objection if there is concrete evidence to the contrary. (Apdoni et al., 2025) emphasized that land grabbing is regulated in Article 385 of the Criminal Code with a maximum penalty of four years in prison, while the UUPA provides a legal basis for land rights through a comprehensive registration system. Article 19 of the UUPA and its implementing regulations require registration which includes measurement, land listing, and the issuance of a certificate of proof of rights, so that the certificate functions as a strong means of proof of juridical and physical data on the land. In practice, the judge will test the consistency of the plaintiff's claim against the basis of the UUPA, especially whether the right arises according to the provisions of registration and registration has been properly followed or is ignored, leaving legal uncertainty.

Implementation of the doctrines of transparency and bona fide intent within the framework of the land recordation mechanism, it is an important consideration for the judge in assessing the legitimacy of the ownership claimed by the parties. (Andri, 2024) explained that land is often the object of dispute because it holds significant relevance within societal dynamics, so that people try to get land even by transferring property rights illegally and illegality. The function of the certificate as proof of rights according to Article 19 of the UUPA is very decisive, where if the defendant holds a valid certificate and the registration is complete, the judge tends to give great weight to the land book data unless the plaintiff can present strong evidence that cancels or destroys the position of the certificate. The hierarchy of evidence in agrarian law places registered papers as dominant evidence, so the weaknesses of the plaintiff's documentary evidence such as relying only on deeds under hand without registration or corroborating field evidence are usually fatal for the lawsuit. The judge also considered aspects of the social function of land (Article 6 of the UUPA) and the right to control the state (Article 2 of the UUPA) as a normative background that requires prudence in

recognizing individual rights claims that have the potential to harm the public interest or are contrary to land use policies.

3.1.4. Ratio Decidendi and Judge's Legal Arguments

Legal logic constructs (*Legal Reasoning*) used by the judge in rejecting the lawsuit shows the application of a systematic and comprehensive interpretation method. (Rahman et al., 2022) emphasized that land grabbing cases are more effectively resolved through civil law because there is a mechanism that specifically regulates the issue of ownership, transfer of rights, and settlement of land disputes, so that the judge's arguments must combine procedural and substantive aspects. In formulating *ratio decidendi*, the judge formulated systematic legal arguments starting from fact verification, comparison of facts with material norms (Civil Code and UUPA), the application of civil procedure law related to evidence, to a proportionate assessment between legal certainty and substantive justice. In the event of a lawsuit rejection, the ratio of decisions is generally rooted in two main things, namely the plaintiff's failure to meet the elements of unlawful acts (Article 1365) and the failure to meet the burden of legal proof (Articles 1865-1866 of the Civil Code), with a logical premise that connects the two aspects coherently. (Az-zahra, 2025) emphasizing the importance of the principles of justice, legal certainty, and usefulness in court decisions, so that judges' arguments must reflect a balance between strict law enforcement and consideration of human and social values.

The evaluation of the consistency between the judge's considerations and the facts of the trial and the applicable law shows the judge's ability to integrate normative aspects with factual conditions proportionately. (Gayatrie, 2023) Clarified that the implementation of land recordation serves to ensure juridical assurance for holders of property entitlements, so the judge's consideration must be consistent with this principle. The use of the principle of judicial prudence in deciding complex land cases is reflected in the effort to balance two fundamental principles: the principle of publicity and certainty of land registration for the sake of agrarian order, and the principle of fair proof in civil cases which opens up space for alternative proof if there is strong evidence that shows defects in the registration documents. The judge's consideration of the aspect of legal certainty versus a sense of justice in the decision shows the ability of judicial wisdom in applying the law proportionately, where the decision is not only formally correct but also functions to maintain the certainty and regularity of land rights while providing a sense of justice for the parties to the dispute.

3.2. The Research Variables in the Study of Judges' Considerations

3.2.1. Evidentiary Variables in Land Grabbing Cases

The identification of the minimum standard of proof in land grabbing lawsuits shows the high complexity in the Indonesian civil justice system. Based on the analysis of Decision No. 189/PDT. G/2020/PN PLK, the minimum standard expected of the plaintiff includes strong documentary evidence in the form of authentic deeds and land certificates, accompanied by factual evidence such as witness statements and the results of local examinations that support each other to build the judge's confidence. The hierarchy of evidentiary power based on Article 1866 of the Civil Code places authentic deeds in the highest position, followed by witness evidence, conjectures, confessions, and oaths, with each having its own rules of quantity and quality in judicial practice. In the agrarian context, land certificates as proof of rights according to Article 19 of the UUPA have a special position that is almost equivalent to an authentic deed in the hierarchy of proof, so its existence or absence greatly determines the direction of the judge's decision. The role of *circumstantial evidence* becomes significant when direct evidence is not available or incomplete, where the judge must assess whether the set of indications can establish an adequate legal belief or leave reasonable doubt. The analysis shows that incompleteness or weakness of evidence, such as the absence of authentic deeds, incompleteness of registration, contradictions in witness statements, or the absence of local examinations, are often determinants of the rejection of the lawsuit because the plaintiff's burden of proof is not adequately met.

3.2.2. Basic Legal Variables Used by Judges

The identification of material legal norms that are the main reference in the decision shows the complex integration between the Civil Code and the UUPA in the Indonesian legal system. Article 1365 of the Civil Code on unlawful acts is the main material basis, while Articles 19 and 23 of the UUPA provide a special framework regarding land registration and the power of proof of certificates. The use of civil procedure law based on HIR/RBg in assessing the formality of the lawsuit includes procedural aspects such as the court's competence, the formality of the lawsuit letter, and the evidentiary procedures that must be strictly followed. Utilization of case law and normative legal theory as foundational support for complementary legal reasoning considerations shows the judge's ability to fill the gaps in norms and provide contextual interpretations of the concrete cases at hand. Synchronization between agrarian law and civil law in the judge's consideration requires constructive ability to integrate norms with different characteristics and approaches, where agrarian law emphasizes more on administrative aspects and certainty of registration, while civil law focuses more

on the relationship of rights and obligations between legal subjects and the settlement of civil disputes.

3.2.3. Variables of Interpretation and Legal Construction of Judges

The method of legal interpretation used by judges shows a combination of grammatical, systematic, and teleological approaches in applying norms to concrete facts. A grammatical approach is used to interpret the text of an explicit article, while a systematic method is applied to place norms within the framework of procedural and agrarian law in an integrated manner, and a teleological approach is used to assess whether the recognition of rights will have implications for the social function of the land and the broader public interest. The judge's ability to integrate normative aspects with factual conditions is reflected in the ability to build a bridge between *das sollen* (which should be according to law) and *das sein* (which exists in reality), so that the verdict is not only formally correct but also responsive to the need for substantive justice. The use of legal analogies and *a contrario argumentum* in consideration shows the ability of judicial creativity in dealing with cases that are not explicitly regulated in the law, but require a fair and proportionate legal settlement. The judge's consideration in balancing the aspects of legal certainty, justice, and usefulness (*rechtzekerheid*, *rechtsgelijkheid*, and *doelmatigheid*) shows the application of the three fundamental pillars of the legal system that must be maintained in a balanced manner in every court decision.

3.2.4. Impact Variables and Implications of the Decision

The analysis of the consistency of the decision with the general principles of civil procedural law and agrarian law shows the importance of maintaining the coherence of the legal system in the long term. The decision rejecting the lawsuit based on the plaintiff's inability to prove his rights adequately provides a clear signal about the importance of complete documentation and proper legal procedures in land ownership claims. The evaluation of the potential of the verdict as a Judicial reference for analogous matters going forward demonstrates that although Indonesia adheres to a *civil law* system that is not absolutely binding on *judicial precedent*, the consistency of the pattern of verdicts can provide predictability and legal certainty for justice-seeking communities. The impact of the decision on the protection of land ownership rights and the certainty of agrarian law is protective of the certainty of the rights that have been registered, but at the same time reminds of the need for access to administrative mechanisms such as improving registration and proving customary rights to prevent injustice. The effectiveness of the decision in preventing unfounded land disputes is reflected in the deterrent effect produced, where the decision signals to the public that land ownership claims without sufficient evidence will be difficult to accept

by the court, thus encouraging rights actors to complete authentic registration and documentation to avoid the risk of lawsuit rejection in the future.

4. Conclusion

Based on an in-depth analysis of Decision No. 189/PDT. G/2020/PN PLK, the judge's consideration in rejecting the land grabbing lawsuit shows a strict and systematic application of the principles of civil and agrarian law. The judge builds a comprehensive legal argument by integrating Article 1365 of the Civil Code concerning tortious liability, the evidentiary obligation principle enshrined in Provision 1865, and the stratification of admissible proof delineated in Provision 1866. The rejection of the lawsuit is based on two fundamental pillars, namely the plaintiff's failure to meet the elements of unlawful acts and the inability to meet the minimum standard of proof required by the civil procedure law. The evaluation of the evidence shows the importance of authentic deeds and land certificates as proof of rights according to the UUPA, where the weakness of documentation and the inconsistency of witness statements are the determining factors of rejection. The judge's construction of legal reasoning reflects a balance between legal certainty, justice, and utility by integrating grammatical, systematic, and teleological approaches in the interpretation of norms. This ruling has a significant impact on the protection of land ownership rights and creates a deterrent effect for claims that are not based on adequate legal basis. The synchronization between agrarian law and civil law in the judge's consideration shows the ability of judicial wisdom in applying norms proportionately, where the principle of publicity and certainty of land registration is strictly maintained while opening up alternative evidence space if there is strong evidence that undermines the position of the certificate. The consistency of the decision with the general principles of the Indonesian legal system strengthens the predictability and legal certainty for the community, while signaling the importance of the completeness of administrative procedures in land registration to avoid future disputes.

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