

Competency Standards for Law Enforcement Officials in Land Disputes Resolution Through General Court in Indonesia

by Ronny Adrie Maramis 1

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Competency Standards for Law Enforcement Officials in Land Disputes Resolution Through General Court in Indonesia

Rielly Lontoh¹, Ronny A. Maramis², J. Ronald Mawuntu³, Abdurrahman Konoras⁴
Sam Ratulangi University^{1,2,3,4}
Jl. Stadion Klabat No. 1, 95116, Indonesia
Correspondence Email: rielly.lontoh@yahoo.com
ORCID ID: 0000-0003-3425-3017

ABSTRACT

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The role of the judiciary, law enforcement officials in the resolution of disputes is important. The number of disputes is increased, many authorities in Indonesia produce multiple decisions with conflicting legal force making it difficult to execute. The purpose of the study was to find the standardization of competency of law enforcement officials, the relationship between the professional of law enforcement officials and legal certainty in the settlement of land disputes as mandated by Article 33 paragraph (3) of the 1945 Constitution and the Basic Agrarian Law Number 5/1960. Settlement of land disputes is achieved through the General Court and the Administrative Court. The existence of regulations regarding competency standards for law enforcement officials who handle land disputes for the sake of fair settlement of land disputes and legal certainty.

Keywords: Double Decisions, Land Conflicts, Law Enforcement, Reference Standards

JEL Classification Codes: K10, K19, K20

INTRODUCTION

Land is a blessing from God Almighty and is a basic human need in order to fulfill their needs, starting from a place to live or to carry out a business such as for trade, industry, agriculture, plantations, education, construction of other facilities and infrastructure (Suardi, 2005). The legal structure concerns law enforcement officers, legal substance includes statutory instruments and legal culture is a living law adopted in a society (Friedman, 1977). There are many disputes over land tenure or ownership, this arises due to several factors (Sumardjono, Ismail & Isharyanto, 2008), such as:

1. Incomplete regulations;
2. Non-compliance with regulations;
3. Land officials who are less responsive to the need and amount of available land;
4. Inaccurate and incomplete data;
5. Incorrect land data;
6. Limited human resources tasked with resolving land disputes;
7. False land transactions;



5. Acts of the right applicant or;
6. There is a settlement from other agencies, so that there is an overlap of authority.

The performance of the judiciary and law enforcement officials in dispute resolution plays an important role in reducing the number of land disputes. Decisions in the context of law enforcement are the instruments of control for the accuracy or lack of a legislation. The verdict is an input for the updating or refinement of legislation (Wibowo, 2018). Many institutions have authorities that have different powers in resolving land disputes. The number of disputes even continues to grow, decisions that have permanent legal force (*inkracht van gewijsde*) have no permanent legal force, so that disputed lands are ignored because legal decisions are difficult to execute and the legal status of land ownership is uncertain. One of the reasons why decisions in land disputes cannot be enforced is because of the product of multiple decisions with conflicting legal powers, the subject of land disputes has several ownerships from different owners, so there is no legal stipulation. Land disputes, actual ownership. In addition, because there is no single authority to resolve land disputes. Therefore, the role of law enforcement official in land dispute resolution and law enforcement is very important, what if law enforcement officials do not have adequate competency standards in the land sector, a fair and legal settlement of land disputes will be difficult to realize.

RESEARCH METHOD

This study used a normative juridical research method. The form of dispute resolution in general courts, competency standards of law enforcement officers and the relationship between professionalism and legal certainty in dispute resolution are the focus of discussion in this paper. The type of data that will be used in this research is secondary data. The technique of collecting primary legal materials and secondary legal materials, using document study techniques. The analysis used in this study used qualitative analytical methods, judging from its nature, this research is explanatory research.

RESULTS AND DISCUSSION

A. Competency Standards

The competency of law enforcement, both judges and lawyers, in resolving land disputes, both civil and criminal, is needed to speed up cases. The basic understanding of competence (competency) is the ability or skill. According to the Big Indonesian Dictionary, competence can be defined as the (authority) power to determine or decide something. The term competence has many meanings or meanings as stated by experts (Nurdin & Usman, 2003).

11. According to Law Number 13 of 2003 concerning Manpower, Work Competence is the work ability of each individual which includes aspects of knowledge, skills and work attitudes in accordance with established standards. In the National Work Competency Standards, it is explained that "Based on etymology, competence is defined as the



ability needed to do or carry out work based on knowledge, skills and work attitudes. It can be formulated that, Competence is defined as a person's ability that can be observed covering the knowledge, skills and work attitudes in completing a job or task in accordance with the established performance standards.

Therefore, a Competency Standard must have accurate measuring capabilities, and therefore Competency Standards must:

1. Focus on what is expected to do the job in the workplace.
2. Provide sufficient direction for training and assessment.
3. Show in the form of the expected final result.
4. In line with applicable relevant laws and regulations, related product and service standards and professional code of ethics (if any).

With the Competence and Certification will be obtained a "Work Qualification" that can be done by someone.

⁵⁶ B. Law Enforcement Officials

¹⁶ Law enforcement officials include the concept of law enforcement institutions and law enforcement officers (people). In a narrow sense, law enforcement officers are involved in the law enforcement process, starting from witnesses, police, legal advisors, prosecutors, judges, and prison guards. Each relevant apparatus and apparatus also include parties concerned with their duties or roles, namely those related to reporting or complaints, investigations, prosecutions, proofs, sentencing and imposing sanctions, as well as efforts to re-socialize the convicts. In the process of working law enforcement officials, there are three important elements that have influence:

- 1) Law Enforcement institutions along with various supporting facilities and infrastructure and institutional working mechanisms;
- 2) Work Culture related to the apparatus, including the welfare of the apparatus;
- 3) The Set of regulations that support both the performance of the institution and those that regulate the legal materials used as work standards, both the material law and the procedural law.

Systematic law enforcement performance must pay attention to these three aspects simultaneously, so that the process of law enforcement and justice itself can be realized internally. As a state of law that wants to maintain and realize social justice for all Indonesian people, law enforcement efforts are only one element of our overall problem. If the law itself does not reflect the sense of justice or values that live in society, then the law cannot be enforced.

⁵⁵ Although there are no provisions in the legislation regarding the definition of law enforcement agencies, the term "law enforcement" can be found in Article 5 paragraph (1) of Law Number 18 of 2003 concerning Advocates and its explanation which reads: "Advocates have the status of law enforcers, are free and independent which is guaranteed by the laws and regulations."



In addition to the phrase "law enforcement" as in the Law on Advocates, there are also other terms that are still related to the term "law enforcement" which can be found in separate regulations, including:

- a. Article 2 of Law Number 2 of 2002 concerning the Indonesian National Police:
"The function of the police is one of the functions of the state government in the field of maintaining security and public order, law enforcement, protection, shelter, and service to the community."
- b. Article 101 paragraph (6) Law Number 8 of 1995 concerning the Capital Market and its elucidation states: What is meant by "other law enforcement officers" in this paragraph include law enforcement officers from the Indonesian National Police, the Directorate General of Immigration, the Ministry of Justice, and the Attorney General's Office.
- c. Article 49 paragraph (2) letter i of Law Number 21 of 2011 concerning the Financial Services Authority and its explanation: What is meant by "other law enforcers" include prosecutors, police, and courts.

Therefore, although the laws and regulations in Indonesia do not provide a definition of law enforcement agencies, there are several officials and institutions that can be classified as law enforcement agencies in the laws and regulations above. There are no clear requirements for law enforcement agencies to be supervised by the law. However, judging from the reasons stated in Article 10 of Law Number 12/2011, the reason for "fulfilling social legal needs" can be the basis for the formation of law enforcement agencies.

C. Land Dispute Resolution in Indonesia

Land disputes are resolved in 3 (three) ways, namely:

1. Settlement by deliberation
The basis of consensus is implied in Pancasila which is the basis of Indonesian social life and the 1945 Constitution. This takes place outside the court, with or without the presence of a mediator.
2. Settlement through the Judiciary
Submitted to a civil or criminal general court, if the dispute relates to the ownership and or use of land illegally without valid permission from the owner or authorized person, or the Agency.
3. Settlement through arbitration and alternative Dispute Resolution.
This method is to resolve disputes out of court, through arbitration, which is informal, closed, cheaper, and more efficient.

From a practical juridical point of view, land problems that can be solved are:

- a. Civil land issues, such as problems arising from the sale and purchase and lease of land, the imposition of mortgage rights on land and inheritance;
- b. Land criminal issues, including land grabbing issues, cultivating land that is not done legally, land issues related to the presence of elements of fraud and theft;
- c. Land issues related to decisions of government agencies or officials, for example those related to overlapping land rules, the determination of land execution decisions that cannot be carried out (Hutagalung, 2005).



D. Forms of ⁵²nd Dispute Resolution in General Courts

The general court is one of the implementers of judicial power for the people seeking justice in general (Article 2 of Law No. 2 of 1986) (Sembiring, 2006).

1. Resolution of Civil Land Disputes

Resolution of land disputes in the General Court is always related to violations of civil law. In this case, civil provisions such as the Civil Code and other provisions outside, such as civil law, apply. Disputes in general courts are used by civil procedural law which aims ²⁰ maintain and defend material civil law (Saleh, 2002). Projodikoro (1982) stated that civil procedural law is a series ²⁰ regulations that contain how people must act before a court and how the court must act; each other to implement the rules of civil law.

According to the judiciary, the task of the judge is to maintain the civil law system (*burgerlijkrechtsorde*), to determine what is determined by law in a case (Soepomo, 2004). There are three types of civil lawsuits according to Syarief (2012):

1. Lawsuit Application or Voluntary Laws³it

An application or a voluntary claim is a civil matter submitted in the form ³ of an application signed by the applicant or their legal representative addressed to the chairman of the District Court.

2. Contentious Lawsuit

The case between the parties is called contentious jurisdiction, in the form of a contentious lawsuit or is called contentious jurisdiction.

3. Class Action (Class Action)

Class action in general is a synonym for class suit or representative action.

Disputes regarding rights are civil disputes; therefore ³¹ it is the authority of the general court. Legal remedies against the decision of the District Court are an appeal to the High Court, an appeal to the Supreme Court of the Republic of Indonesia, and extraordinary legal remedies, namely a review to the Supreme Court for both criminal and civil cases. According to jurisprudence, it is sufficient for a lawsuit to be addressed to those who actually control the disputed goods.

²² resolve land disputes in court, follow the civil procedural law system established by *Herzien Inlandsch Reglemen* (HIR and *Recht²¹glement voor de Buitengewesten* (RBG). In connection with the terms used above, the Supreme Court of the Republic of Indonesia confirmed the consideration of the Bandung High Court, which stated: "In the Civil Procedure Code there is no definition of co-plaintiff, neither the plaintiff nor the defendant, but for the sake of completeness the parties must include only to submit and obey the court's decision (Subekti, 1989).

The legal basis for resolving land disputes in ²²urt is the same as the settlement of civil cases in general, namely based on the *Herzien Inlandsch Reglemen* (HIR and *Rechtreglement voor de Buitengewesten* (RBG) applicable in Indonesia (Syaharani, 1991). Due to the customary cases are usually civil cases, they are guided by the Civil



Procedure Code. Civil procedural law in principle includes three stages of action, namely the preliminary stage, the determination stage and the implementation stage. The preliminary stage is the preparation leading to the determination or implementation (Soepomo, 1993).

2. Resolution of Land Disputes Related to Administrative Problems (PTUN)

Land cases related to administrative issues such as mismanagement land registration, and there are procedures before the issuance of certificates. The same goes for dual certificates with two certificates in one place. This is resolved through the PTUN (State Administrative Court).

State Administrative Disputes are resolved in 2 ways, namely:

1. Through Administrative Efforts, which are taken by a person or legal entity if they are not satisfied with the decision of the State Administration, are taken by:

- a. administrative appeals
- b. Object

2. Through a lawsuit, by the subject or the litigating party there are 2 parties, namely:

- a. Plaintiff
- b. Defendant

3. Resolution of Disputes related to Land Crimes

Land disputes containing elements of a criminal act—including provisions of the Criminal Code and UUPA—are also brought to the ordinary courts. The procedural law that applies in this case is the Criminal Procedure Code (KUHAP). Crimes in land disputes are regulated many articles. Crimes in the form of land grabbing are regulated in Article 167 of the Criminal Code and Article 168 of the Criminal Code (Soerodibroto, 2019). Crimes in the form of forgery of land certificates are regulated in Articles 263, 264, 266 and 274 of the Criminal Code, respectively. This crime in the form of embezzlement of rights to immovable property such as land, houses and rice fields is commonly referred to as the crime of *stellionaat* which is regulated in Article 384 of the Criminal Code (Harsono, 1994). Other criminal provisions are also contained in Article 385 concerning the sale, exchange, unlawful imposition, Article 406 and Article 407 concerning the destruction and destruction of goods. Completion of the procedure will involve the prosecutor's office and the police. The criminal justice system can be described briefly as a system that aims to tackle crime, one of the community's efforts to control the occurrence of crime so that it is within the limits of tolerance it can accept (Reksodiputro, 1997).

The criminal justice system is essentially a system of criminal law enforcement power, which is manifested in the power to enforce criminal decisions (by law enforcement agencies). For types of criminal sanctions other than corporal punishment, such as fines, the implementation of court decisions, namely the executor or prosecutor plays a role in enforcing the implementation of these sanctions. Regarding the transfer of prisoners among countries, involving the Prosecutor's Office and Correctional Institutions.



¹ Employment Creation and Land Dispute Resolution Law

Omnibus Law is a law whose substance is to revise or simplify many laws. This concept developed in common law countries with Anglo Saxon legal systems such as the United States, England, Belgium and ³⁵Canada. The concept of omnibus law offers a way to resolve the problem of too many and overlapping regulations, which if resolved in the usual way, will take time and money. Not to mention that the process of designing and forming laws and regulations often creates deadlocks or is not in accordance with interests (Busroh, 2017).

With this Law which has been ratified and promulgated on November 2, 2020, it is hoped that there will be simplification and legal certainty so that there is no double standard. Then its derivatives have been issued in the ²⁶form of Government Regulations, among others relevant to this dissertation, namely PP Number 18 of 2021 concerning Management Rights, Land Rights, ³⁴F and Land Registration Units and Government Regulation Number 19 of 2021 concerning Implementation of Land Procurement for Development in the Public Interest. Both of which are officially valid from February 2, 2021.

²³ The concept of omnibus law can actually be a solution to simplify too many regulations, as Indonesia is currently experiencing. Apart from being too many in number, these regulations also overlap, so to fix one problem it is not enough to just revise one law. There are also several other basic problems, first, the unsynchronized planning of laws and regulations, both at the central and regional levels, with development planning and policies. Second, there is a tendency for laws and regulations to deviate from the content that should be regulated. Third, disobedience to the content material raises the issue of "hyper-regulation". Fourth, the effectiveness of laws and regulations is also often a problem that arises during implementation. The situation is exacerbated by the absence of procedures for monitoring and evaluating laws and regulations and the absence of a special institution that handles all aspects of the system of laws and regulations.

According to Anggono (2014), the types of legislation can be identified for the following reasons:

1. Every formation of legislation must have a clear legal basis;
2. Not all laws and regulations can be used as a legal basis, but only those of an equal or higher level;
3. Only regulations that are still in force may be used as a legal basis;
4. Regulations to be revoked may not be used as a legal basis;
5. There are certain content materials for each type of legislation that differ from each other between types of legislation.
6. Fulfillment of legal needs in society.

⁴⁸ The number of problems regarding the law, especially problems in the formation of laws and regulations, creates problems in achieving justice. As a pluralistic nation, Indonesia has many ethnic groups, races and religions. This makes it difficult to realize



the justice desired by a pluralistic nation like what happened in Indonesia, because the definition of fair is interpreted differently between interpretations by one ethnic group and another. The high national spirit in the UUPA separates legal subjects into Indonesian citizens (WNI) and foreign citizens (WNA). Where only Indonesian citizens have original land rights and Indonesian citizens may only have rights to those that are derived from the original ¹⁸ure of the land (Tauchid, 2009) so that the Agrarian Question (land question) is a matter of ⁶nan life and livelihood, because land is the origin and source of food for humans. The importance of the meaning of land for human life is because human life cannot be separated from the soil at all. Humans live on land and obtain food by utilizing the land.

The ultimate goal of the enactment of the omnibus-law is to encourage national economic growth. By using a method or concept of making regulations that combine several rules that are substantially different, into one regulation that functions as a legal umbrella.

¹
The draft ⁴⁷ of the Job Creation Law ignored the UUPA ^{as a} direct translation ^{of} the national agrarian law from Article 33 of the 1945 Constitution. The principle and methods of ⁴⁷ *reinvokering* which had been abolished in the 1960 BAL, were revived by deviating the State's Right to Control (HMN) over land. Seen in ^{the} article, it is as if the State acts as the owner of the land, so that it is given very broad authority through Management Rights (HPL)/Government Land Rights. The allocation of land by the Land Bank without restrictions on area and time encourages the exploitation of agrarian resources, prone to collusive and corrupt practices. Between bureaucrats and investors. The Land Bank also has the potential to become the government's version of a land speculator.

There are differences in public perception of agrarian reform in the land bank. The Agrarian Reform (RA) agenda is claimed to be part of fulfilling the aspirations answered by the Job Creation Law. Under the Job Creation Law, ^{the} government and companies have the authority to unilaterally determine the location of infrastructure development without the consent of the community. Automatically, the law will exacerbate evictions, inequality and agrarian conflicts because it accelerates and facilitates the process of land grabbing for land acquisition for infrastructure development, plantations, mining, energy, agribusiness, tourism, and forestry. The law also removes the protection mechanism for food agricultural land by amending the Law on Protection of Sustainable Food Agricultural Land. Omnibus-law becomes a new legal tool for the government, security forces and companies to criminalize the people, farmers and indigenous people. By eliminating constitutional rights and people's sovereignty.

¹²
E. Competency Standards for Law Enforcement Officials in Land Dispute Resolution ⁵³

1. Setting the Duties and Functions of the Police as Law Enforcers in Land Dispute Resolution



Law Number 2 of 2002 Police is a state instrument as follows: "The State Police of the Republic of Indonesia is a state instrument that plays a role in maintaining public security and order, enforcing the law, and providing protection, shelter, and services to community in the context of maintaining domestic security". The definition of police, comes from the ancient Greek term "*politeia*" which means the government of police or city then in the Big Indonesian Dictionary gives meaning to the word police as a government agency tasked with maintaining security and public order such as arresting people who violate the law or state employees in charge of security. To maintain security the main function of the Police is to stop something that should not happen and encourage someone to do better from now on. The function of enforcing the law the Police must be carried out hand in hand and in tandem with the functions of protection, guidance, and service to the community.

In the position of being processed by law, including handling the perpetrators, including land crimes, the police carry out their investigative duties by interpreting the law as a bridge between law and social goals. The problem that arises then is that discretion is used inappropriately and is not in accordance with the purpose of the law itself because there is no clear measure of the use of the discretion of the Police as investigators have a very important role in determining whether a criminal act can be continued for prosecution and further proceedings or not. Therefore, in terms of handling the crime of minor theft, a policy is highly expected by the investigators, because the ideals of law do not only emphasize legal certainty but also benefit and justice, especially Indonesian law which is based on Pancasila (National wisdom) and local wisdom so that the police must first seek to settle cases outside the court to both parties.

¹³
2. Duties and Authorities of the Prosecutor's Office in Land Dispute Resolution
In land disputes related to fraud, embezzlement which contains a criminal element, one of the competent parties is the prosecutor's office. Prosecutors are functional officials who are authorized by law to act as public prosecutors and implement court decisions that have permanent legal force and other powers based on the law.

²⁸
In this regard, Article 1 point 6 of Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHP) states that prosecutors are officials authorized by this Law to act as public prosecutors and carry out court decisions that have obtained legal force permanent. Public prosecutor is a prosecutor who is authorized by this Law to carry out prosecutions and implement judges' decisions. However, in the case of criminals who are sentenced to imprisonment and confinement, the guidance for prisoners is carried out by correctional institutions.

¹³
In criminal law, the prosecutor's office acts as a functional institution authorized by law to act as a public prosecutor and implement court decisions that have permanent legal force and other powers based on the law. Such a role requires a prosecutor not only to master the discipline of criminal law, but also the discipline of civil law and state administration. Prosecutors are not only required to master positive laws of a general



nature (*lex generalist*) but also specific ones (*lex specialist*), which have emerged recently (Pramudya & Widiatmoko, 2010).

3. Competence of Judges in Creating Legal Certainty in Land Disputes

Judges are the main key in land dispute resolution. Regarding the Decision, Competence in the field of land law must be prioritized in the settlement of land cases both in the General Court and in the Administrative Court, considering that there are quite a lot of technical regulations on land. As a state of law, the principle that the rule of law must be respected and maintained is appropriate. One of them is to recognize the principle of judicial independence and impartiality. As far as this principle goes, the benchmark can be seen from the independence of judicial bodies in carrying out their functions and authorities in enforcing the law in the judicial sector, as well as from the laws and regulations that provide juridical guarantees for the independence of judicial power.

F. The Relationship between Judge Professionalism and Legal Certainty in Land Dispute Resolution

1. Professional Standards of Judges in Land Disputes

Judges are creators of legal certainty in land dispute resolution. In deciding land disputes, judges must be truly professional and master the characteristics of land disputes so that no one is harmed. Legal certainty in land dispute resolution is very dependent on the professionalism of law enforcement in the land sector, namely the judge who makes the decision. The professionalism of judges is very important to create decisions that benefit the people as the goal of resolving disputes in the land sector. Although basically judges in making judge decisions are always faced with three aspects, which are legal certainty, justice and expediency, judges as the main actors in the judicial process are always required to sharpen the sensitivity of conscience, maintain integrity, moral intelligence and increase professionalism in upholding law and justice for the people at large (Thohari, 2004).

The Code of Ethics and Code of Conduct for Judges is implemented in 10 (ten) rules of conduct as follows:

1. Behave fairly;
2. Behave honestly;
3. Behave wisely;
4. Be Independent;
5. High integrity;
6. Responsible;
7. Uphold self-esteem;
8. Highly disciplined;
9. Be Humble;
10. Be Professional

2. Professionalism of Judges to Find Causes of Land Disputes and Dual Certificates

The judge's decision on land disputes should further ensure legal certainty of land ownership through certificates as the strongest evidence. As with the land certificate,



the owner feels safe, the emergence of cases of community replacement certificates increasingly doubts the strength of proof of land certificates. If there is a land dispute, the owner will use the documents in their hand to prove that the land belongs to him. The certificate really protects the right (subject) or land (object) or is only a strong physical evidence of land ownership. Land disputes relate to whether the parties have suffered losses due to unlawful acts such as land occupation and dual certificates. A plot of land with dual certificates emerged and became the bitter root of the existing Indonesian land law. Handling land cases requires professional judges who really understand the basic norms and characteristics of land issues.

3. Professionalism of Judges in Land Compensation Issues

One of the principles of land acquisition is to prevent speculation. Speculative acts are very detrimental to both the Owner and Government Agencies that require land. Speculation acts that view land more on its economic value are contrary to the concept of the relationship between humans and land which is formulated in Article 1 paragraph (2) of Law Number 5 of 1960, that land throughout the territory of the Republic of Indonesia is a gift from God Almighty to the entire Indonesian nation and is a national wealth. Thus, apart from having physical value, land also has spiritual value (Sumardjono, 2001).

The efforts to settle disputes over land ownership rights through the courts, to obtain a decision to determine who owns the actual certified land ownership rights from the land being litigated. The method of settlement or the form of choice of law for resolving disputes over land disputes can be done through the judiciary or outside the judiciary. Legal certainty in resolving disputes over overlapping certificates of Land Ownership at the Regency or City Land Office can be obtained if an agreement has been obtained from the disputing parties and there is a court decision that has permanent legal force. Court decisions with legal force must still be implemented even though there are non-litigation efforts through mediation.

CONCLUSIONS

A. Conclusion

1. Settlement of land disputes, there are two classifications, namely dispute resolution where land is the object of land actions and land is the object of criminal acts. The two categories are resolved in the General Court, while those relating to land ownership administration are resolved at the State Administrative Court (PTUN). The process of resolving land disputes in the General Court is disputes that occur due to unlawful acts or other civil actions related to land. Land dispute resolution in the General Court is also focused on the problem of criminal acts in the land sector such as falsification of land certificates, embezzlement of land rights, land grabbing, and false information about land ownership in certificates.
2. In the settlement of land disputes, there is no specificity related to the standardization of the profession and competence of law enforcement officers in the land sector. In particular, for regulations concerning land, which number in the hundreds, for technical arrangements in the form of PERMEN Agraria, PP, and



PERPRES, it requires competence for law enforcement officers to master them. This can be seen in every decision related to land dispute resolution using only general standards, both in the civil and criminal fields. The absence of standards regarding the competence of law enforcement officers in land cases affects the quality of case handling and the quality of Case decisions.

3. The professional relationship of law enforcement officers, especially judges as creators of legal certainty in land dispute resolution is very strong because of the enactment of Law Number 5 of 1961, which guarantees legal certainty. The competence of judges or law enforcement officers who do not master land law only looks at lawsuits or court facts so that many decisions do not create legal certainty, especially land cases that confront the people with entrepreneurs or the people with the authorities. The standard of competence of judges and other law enforcement officers in the land sector is already a demand related to the quality of decisions and legal certainty in decision⁵⁴ rooted in Article 33 paragraph 3 of the 1945 Constitution, namely decisions aimed at the welfare of the community.

B. Suggestion

1. Settlement of land disputes in the General Court must be handled by law enforcement officers who have qualifications and certification in the land sector. For this reason, special rules are needed regarding the qualifications and certification of law enforcement officers in handling land disputes so that the quality of decisions is in accordance with legal certainty in the land sector.
2. Special rules are needed regarding competent³² standards for land dispute resolution, either through joint regulations among the Indonesian National Police, the Indonesian Attorney General's Office and the Supreme Court, government regulations and related presidential regulations.
3. It is necessary to have a special institution that supervises both judges and law enforcement so that the quality of decisions does not deviate from the constitutional basis of land law which has been regulated in Law Number 5 of 1960.

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