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Special Court Model in Settlement of Tenure Conflicts and Agrarian Resources

Tamsil[1*], Indri Fogar Susilowati[2], Mahendra Wardhana[3], Dita Perwitasari[4]

[1234] *Department of Law Faculty of Social Sciences and Law, Universitas Negeri Surabaya, Surabaya, Indonesia*
[*] *Corresponding author. Email: tamsil@unesa.ac.id*

ABSTRACT

Conflicts over land tenure and agrarian resources that continue to increase and persist if a fair solution is not found, are not impossible to become a ticking time bomb. The refusal of some communities to bring conflicts over tenure and agrarian resources to court is suspected because the community or the disputing parties do not believe they will receive fair treatment against the authorities, the military, state companies or large-scale investors. Another reason is that judges tend to be formal in nature and treat conflicts over tenure and agrarian resources as ordinary cases, not extra-ordinary conflicts. The perspective of extra-ordinary case settlement can only be realized if there is a special agrarian court. The problem is, what is the design or model of a special court building in the resolution of responsive and equitable tenure conflicts and agrarian resources? This study uses normative-doctrinal legal research methods, by examining library materials or secondary data in the form of primary legal materials and secondary legal materials. Primary legal materials are legal materials that are authoritative and binding in the form of norms, principles, rules, or statutory regulations. While secondary legal materials are in the form of supporting materials that provide explanations for primary legal materials which can be in the form of literature, journals, scientific articles, and other legal materials related to this research. The approach used is a legal, conceptual, historical and comparative approach. Data analysis was carried out qualitatively by using data analysis method using deductive logic.

Keywords: *Conflict, Tenurial, Agrarian Resource, Extra-Ordinary, Court*

1. INTRODUCTION

Conflicts over land (tenurial) and agrarian resources that continue to increase and prolong if a responsive and fair solution is not found, is not impossible to become a ticking time bomb. The Consortium for Agrarian Reform (KPA) noted that land tenure conflicts did not stop even during the COVID-19 pandemic. Throughout 2020, KPA recorded 241 agrarian conflict eruptions in 359 villages/villages, involving 135,337 families in an area of 624,272 lands, 711 hectares. The eruption of agrarian conflicts occurred in almost all sectors. KPA shows that in the plantation sector 122 conflicts, forestry 41 conflicts, infrastructure development 30 conflicts, property 20 conflicts, mining sector 12 conflicts, military facilities 11 conflicts, coastal areas and small islands 3 conflicts and agribusiness 2 conflict eruptions. [1]

Based on KPA's records, conflicts over tenure and agrarian resources occur in 30 provinces in Indonesia. The island of Sumatra still dominates the number of agrarian conflicts. 5 (five) big provinces with the most eruptions of agrarian conflicts, namely: (1) Riau 29 conflicts; (2) Jambi 21 conflicts; (3) North Sumatra 18 conflicts; (4) South Sumatra 17 conflicts; and (5) East Nusa Tenggara 16 conflicts. In Riau, 21 conflicts occurred in oil palm plantations, 6 conflicts occurred in industrial forest plantations (HTI), 2 conflicts occurred because of the construction of power plants. In Jambi Province, the number of conflict eruptions was 21 with details, plantations 11 incidents, industrial forest plantations 9 incidents, and the rest were national strategic projects. In North Sumatra, there were 18 conflict eruptions, consisting of 8 conflicting plantations, 4 industrial forest plantations 4 conflict eruptions, 1 conflict eruption property, 1 conflict food estate, and 1 conflict military facility.

There are 3 (three) crucial issues of tenure conflict experienced by the community, namely: (1) certainty of proof of land rights, (2) monopoly over land tenure, and (3) the exclusion of local communities from land tenure conflict areas. Agrarian conflicts can also occur in people who live for generations in land areas, are evicted and criminalized for using land to meet their needs. An

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important principle in regulating land tenure is that people who have managed land areas for generations not for commercial purposes should not be criminalized.[2]

The consortium for agrarian reform also noted that violence and abuse against local residents during January to December 2020, there have been at least 134 cases of criminalization (132 male and 2 female victims), 19 cases of abuse (15 male and 4 female victims), and 11 people died in areas of agrarian conflict.[1]

It is suspected that the Indonesian government has attempted to resolve various conflicts over tenure and agrarian resources. MPR RI Decree No.IX/MPR/2001 concerning Agrarian Reform and Natural Resource Management, in Article 5 clearly requires that the government:[3]

1. Review various laws and regulations relating to agrarian matters...;
2. Reorganizing the control, ownership, use, and utilization of land (land reform) in a just manner by paying attention to land ownership for the people;
3. Organizing land data collection through inventory and registration of control, ownership, use, and utilization of land in a comprehensive and systematic manner in the context of implementing land reform;
4. Resolving conflicts related to agrarian resources that have arisen so far and at the same time anticipating potential conflicts in the future;
5. Strengthening institutions and authorities in order to carry out the implementation of agrarian reform and resolve conflicts related to agrarian resources that occur;
6. Make serious efforts to finance the implementation of the agrarian reform program and the resolution of agrarian resource conflicts that occur.

Tenure conflicts and agrarian resources in Indonesia can usually be resolved through non-litigation or litigation (courts) channels. The main tasks of judicial institutions, both general courts and PTUN where land disputes or conflicts over tenure and agrarian resources are selected and resolved are to:[4]

1. Provide fair and humane treatment to justice seekers;
2. Provide good service and assistance needed for justice seekers;
3. Provide effective, efficient, complete and final settlement of cases so as to satisfy the parties and the community.

The refusal of some communities to bring conflicts over tenure and agrarian resources to court is suspected because the community or the disputing parties do not believe that they will be treated fairly against the government, military, state companies or large-scale investors. Another reason is that the judges in their decisions are legally formal and treat conflicts over tenure and agrarian resources as conventional cases, not extra-ordinary conflicts. The extra-ordinary perspective can only be realized in a special agrarian court.

The resolution of protracted conflicts over tenure and agrarian resources is actually not beneficial for all parties to the dispute. Conflict resolution quickly, systematically, simply, fairly and at low cost is very much needed. Meanwhile, the settlement through the existing judiciary has been seen as no longer simple, fast and low cost. Therefore, new breakthroughs are needed in resolving conflicts over tenure and agrarian resources. The breakthrough was the establishment of a land court as a special court.[2]

The problem is, what is the design or model of a court building specifically in resolving conflicts over tenure and agrarian resources that is responsive and just?

2. RESEARCH METHODOLOGY

This research is alegal research normative, in this study the study of legal materials is carried out in depth both on laws and regulations relating to land, legal norms, legal concepts and theories legalthat have relevance to the judiciary. Legal research is carried out to find solutions to legal issues that arise, namely tenurial conflicts and agrarian resources that often occur in Indonesia which have not provided a sense of justice for the people who have to deal with the power of capital and/or state instruments (the term is State - Corporations). The initial stage is to conduct an inventory and categorization of laws and regulations related to tenure conflicts and agrarian resources, which have not provided clarity on the resolution of conflicts over tenure and agrarian resources. Then identify cases related to conflicts over tenure and agrarian resources that have not been resolved in court or court decisions that do not provide a sense of justice for the community. Based on empirical data then analyzed and formulated a design or model of a special agrarian court which is expected to resolve conflicts over tenure and agrarian resources.

This research, in the legal context, uses a non-doctrinal legal research approach, which places the legal position as a process that is formed in the realm of social, political and economic experience, not only in the realm normative. The analysis is carried out qualitatively, both by prioritizing legal principles (such as the legal principles of legislation) and procedural requirements (mechanisms) of law as well as analyzing various social, economic and political factors in the process of

influencing procedural and substantive settlement of agrarian cases.[5]

Settlement of conflicts over tenure and agrarian resources through special agrarian courts is expected to be a solution to resolve agrarian conflicts in Indonesia..

3. RESULTS AND DISCUSSION

Criticisms addressed to conventional courts (PN and PTUN) that the courts are less responsive and unresponsive and still use a formal legal procedural law model approach, encourage the strong discourse of establishing a more responsive and fair land court. The basis for the criticism is as follows:

a. Courts are not responsive to defending and protecting the public interest and often neglecting public protection and respect for land tenure rights of indigenous and local communities;

b. Courts are often considered to be unfair or unfair. This criticism is based on the reason that the courts in providing opportunities and flexibility of service are only for large institutions and the rich.

Decisions of the general court or PTUN, for example, often do not solve problems, and even create new problems related to overlapping points of authority, so that they are unable to provide legal certainty and justice for the litigants. Such landmarks are partly due to the development of experience and the assumption that:

a. One party must win and the other party must lose (win-lose), especially the indigenous and local communities;

b. The state of losing and winning in litigation never brings peace, but breeds grudges and enmity and hatred;

c. The aquo court decisions are confusing, because one decision can contradict or contradict another decision, even though it decides on the same issue. [6]

The discourse of a special agrarian court model is actually not a new thing in the Indonesian justice system. During the pre-reformation period, there were two special courts, namely the economic court (Emergency Law No. 7 of 1955) and the juvenile court (Law No. 3 of 1997). Post-reform, more and more special courts have been established in the Indonesian justice system. These include the Tax Court (Law No. 14 of 2000), the Human Rights Court (Law No. 26 of 2000), the Corruption Court (Law No. 30 of 2002), the Industrial Relations Dispute Settlement Court (Law No. 2 of 2004). and the Fisheries Court (Law No. 31 of 2004). Even in the history of the special agrarian court, the Land reform Court (Law No. 21 of 1964) was applied.

At that time, the land reform court only tried civil, criminal, and administrative cases arising from the application of land reform regulations such as Law no. 2/1960, Law no. 56 Prp 1960, Law no. 5/1960, Law no. 38 Prp 1960, Law no. 51 Prp 1960 and Law no. 16/1964. In order to distinguish the judicial authority of the land reform court from the district court, a Joint Decree of the Presidium of the Cabinet, the coordinating minister for Law and Home Affairs/Chairman of the Supreme Court, the Minister of Agrarian Affairs and the Minister of Agriculture was issued on August 23, 1965 No. Aa/E/106/1965 and the Decree of the Supreme Court on June 12, 1967 No. 6/KM/845/MA.III/67. The land reform court consists of the central and regional levels, the place of which is determined by the minister of justice.

Based on the Decree of the Minister of Justice dated November 16, 1964 Number YB 1/2/9, 18 regional land reform courts were formed, which are land reform courts of the first instance, whose jurisdictions are spread throughout Indonesia, except West Irian. For appeal cases, the handling is delegated to the central land reform court.

The decision of the Central Land Reform Court cannot be appealed to the Supreme Court, except for legal purposes submitted by the Attorney General. In principle, land reform cases must be tried by a regional land reform court, at the location of the disputed land. However, if it is deemed necessary, the examination and decision of the case can be carried out at the place where the case occurred. Another prominent feature of the land reform courts is the unique arrangement in the history of the Indonesian judiciary. Namely the participation of representatives of farmer organizations as member judges. Each land reform court-both central and regional-consists of one or several assemblies, each unit consisting of: (1) a judge from the general court as chairman; (2) An official from the agrarian department as a member; (3). Three representatives of peasant mass organizations as members and must reflect the axis of Nationalism-Religion-Communism (Nasakom). Later, this element of the communist organization led to the abolition of the land reform court due to the transition from the old order to the new order.

In practice, the land reform trial did not run smoothly. This is caused by a number of factors, among others, because the jurisdiction of each regional land reform court is too wide. To deal with this deficiency, through Cabinet Presidium Decree dated March 15, 1967 Number 58/U/REP/3/1967, the number of land reform courts was increased to 150 or as many as district courts. In addition, in the practice of administering land reform justice itself, there are many vacancies in the rule of law so that it can trigger the emergence of new legal problems. For example, the definition of 'agricultural land' in the Land reform Act (UU No. 56 of 1960). To cover this legal loophole, on January 5, 1961, the Joint Instruction of the

Minister of Home Affairs and Regional Autonomy with the Minister of Agrarian Affairs No. Sekra 9/1/12,247 Another example, the lack of clarity in the explanation provided by Article 7 of Law no. 56 The PRP of 1960 has blurred the boundaries of the authority of the district court and the land reform court in adjudicating cases of pawning agricultural land. To cover this legal vacuum, on June 12, 1967, the Supreme Court issued a new decree which stipulates that only civil cases in the form of returning agricultural land mortgages that arise in the implementation of the land reform regulations are the jurisdiction of the land reform court.

Human resources for law enforcement are also a problem. It turns out that many related officials do not care about land reform regulations such as the implementation of the provisions of Law no. 56 Prp 1960, PP No. 224 of 1961, Law no. 2 of 1960. As a result, many land issues in the land reform court could not be resolved properly. Later, during the New Order, it was the same: Presidential Decree No. 13 of 1980 as well as the Repelita-Repelita that have been and or are being undertaken are ignored by the authorities.

Land disputes have multi-dimensional conflicts. People really need land for their source of life and continuation of their lives, because land is a very vital need in the life of the Indonesian people. While on the other hand, in general, both entrepreneurs and the state need land for large-scale economic business activities or for the public interest; so that there are often ongoing land disputes that lead to violent vertical and horizontal conflicts and have broad impacts. Tenure conflicts and agrarian resources that occurred between these parties could not be said to be caused by the scarcity of agrarian resources (including land) but rather caused by the massive expansion of capital which then faced the economic (subsystem) and cultural interests of the common people. So, in the context of developing large-scale economic enterprises, what happened next was that the lands cultivated by farmers or lands belonging to indigenous peoples were forcibly taken by entrepreneurs.

In the Nipah case, the conflict between the people who defended their land which was to be used as a reservoir by the government resulted in the death of 4 people and injuries to a number of other residents due to the blast of bullets from the army rifles which dispersed the action of the residents to boycott the land survey. The participation of indigenous peoples as groups that hold resistance is a new phenomenon in the history of agrarian disputes in Indonesia. This massive expansion was indeed possible because the New Order government opened up this opportunity and provided a number of facilities and legal grounds through the Foreign Investment Law, Government Regulation on Foreign Investment, Domestic Investment Law, Basic Mining Law, Basic Forestry Law, and others. The occurrence of agrarian disputes due to the exploitation of agrarian resources such as forests (timber) and mines, the State justified itself on the pretext of Article 33 of the 1945 Constitution and certain articles in the 1960 BAL, as the legal basis for carrying out the mission. Various cases in Kalimantan, Papua, Sumatra, Sulawesi, and others, are examples of how the state seeks income through the creation of fast and cheap production, namely direct exploitation of natural resources. A well-known example is the case of the Amungme-Irian tribal lands which were taken by PT Freeport in the context of exploiting gold and copper mines; Land of the Bentian Dayak tribe in East Kalimantan taken by PT Kahold Utama for Industrial Plantation Forest. In order to build production support infrastructure and other facilities, the authorities build various supporting facilities, such as roads, dams (dams), housing, sports locations, and others. Cases of land acquisition for road widening or construction, tourism sites, construction of large reservoirs, elite housing, golf courses, and others.

In the historical trajectory of tenure conflicts and agrarian resources in Indonesia, it is revealed that agrarian disputes and conflicts continue to occur and even increase rapidly, because conventional courts fail to handle and or resolve disputes that arise. Alternative comparisons from other countries and/or seeking a special court model with an extraordinary character must continue to be encouraged and discussed. One of them looks at the practice of special land courts in New South-Wales Australia.

The Australian state of New South-Wales has the Land and Environment Court of NSW. Established in 1980, this court is equivalent to the Superior Court and replaces the functions of other courts such as the Local Government Appeals Tribunal, the Land and Valuation Court, the Clean Waters Appeal Board and the Valuation Boards of Review. District courts exercising certain jurisdictions were also transferred to these new courts. The primary objective of the Land and Environmental Courts in NSW is to resolve cases fairly, quickly and inexpensively. To that end, the NSW Land and Environment Court is empowered to carry out court procedures or interpret any part of the statute, this body must make maximum use of its influence in order to achieve this primary objective. Special management is needed so that: [7]

1. A fair trial process takes place;
2. Efficient court activities;
3. utilization of administrative optimal and legal resources;
4. Timely trial at an affordable cost for all parties.

The basis for the establishment of this Land and Environment Court is the Land and Environment Court Act 1979 No. 204 (Law on Land and Environment Court No. 204 of 1979). In point 6 of the Law, it is stated that

the one who forms the court is a single judge. Land and Environmental Court Law No. 204 of 1979 states that all matters must be heard before a judge who forms the court. The composition of the judges in this court is one presiding judge appointed by the governor and several other judges with standard qualifications. The governor can appoint any person who has the qualifications to become a judge as regulated in point 8. In addition to appointing judges, the governor can also appoint people who have the qualifications to become court commissioners. The appointment of other judicial officers such as clerks and assistant clerks refers to the Public Services Act 1979. 521 Preston Brian J, Practice and Procedure in the Land and Environment Court of New South Wales. [7]

The composition of the chambers and/or jurisdiction of the land and environmental courts in the state of NSW, can be seen at a glance as follows:

A. Chamber 1:

Environmental Planning and Appeals Protection Chamber

In this chamber, cases of objections to planning, including rejection of building permits are heard. (IMB). This court has jurisdiction to hear and resolve cases related to environmental protection, pesticide issues, water management, conservation, use of hazardous chemicals and reforestation:

Environmental Protection Operations Act 1997, Pesticide Act 1999, Water Management Act 2000, the Biological Control Act of 1985, the Environmental Planning Assessment Act of 1979, the Heritage Act of 1977 relating to applications under the Environmental Planning and Assessment Act of 1979, the Endangered Species Conservation Act of 1995, the Act Environmentally Hazardous Chemicals 1985, Plant Origin Act 2003, Contaminated Soil Management Act 1997, and Reforestation and Plantation Act 1999.

B. Chamber 2 :

Local Government Chamber for Appeals and Objections to Establishment Permits Building (IMB)

In this room, the Perm case is being tried complaints, appeals and development complaints at the local government level, including objections to building permits.

This court has jurisdiction to hear and settle cases as regulated in point 18, which relates to: Local Government Law 1993, Road Law 1993, Water Management Law 2000, Water Management Act 1955, Local Governance (Flat Regulation) Act 1955, Strata Scheme (Freehold Development) Act 1973, Strata Scheme (Leasehold Development) Act 1986, Illawarra Lakes Authority Act 1987, Swimming Pool Act 1992, Hazardous Grass Act 1993, Inheritance Act 1977, Inheritance Act 1977, Strata Scheme (Freehold Development) Act 1973, Strata Scheme (Leasehold Development) Act 1986, Strata Scheme (Leasehold Development) Act Community Land Management 1989, Trees Act (Disputes Between Neighbors) of 2006.

C. Chamber 3 :

Chamber of Land Rights, Boundary Disputes, Aboriginal Indigenous Land Claims and Compensation

These courts convene in relation to land rights and compensation, including appeals for compensation objections, determination of property boundaries, encroachment, and Aboriginal land claims.

This court has jurisdiction to hear and resolve cases related to appeals and government activities related to state land, land acquisition, acquisition and appraisal, housing, neighbouring access, claims of aboriginal customary rights, compensation for mining areas: the State Land Law 1989 , the West Land Act of 1901, the Roads Act of 1993, the Land Appraisal Act of 1916, the Rookwood Neoropolis Act of 1901, the Real Property Act of 1900, the Building Disturbance Act of 1922, the Local Governance Act 1993, Neighbouring Land Access Act 2000, Lord Howe Island Act 1953, Growth Center (Land Acquisition) Act 1974, Mining Compensation Act 1961, Environmental Planning and Assessment Act 1979, Fisheries Management Act 1994, Aboriginal Land Rights Act 1983, Act Aboriginal Land Rights 1983, Water Management Act 2000.

D. Chamber 4:

Examination Chamber for Violations of the Environmental Planning and Protection Act

This court holds hearings relating to environmental planning and civil protection including filing of lawsuits against violations of the planning law (eg, building without a permit) or violation of the terms of a construction permit.

The trial process essentially questions the legal validity of permits issued by licensing authorities. This 4th chamber court, has jurisdiction to hear and settle cases related to inheritance rights, environmental planning, uranium mining, ozone protection, beach protection and others. Heritage Act 1977, Fishing Management Act 1994, Environmental Planning and Assessment Act 1979, Uranium Mining and Nuclear Facilities Act 1986, Ozone Protection Act 1989, Planning and Valuation Act Environment 1979, Environmentally Hazardous Chemicals Act 1985, Contaminated Soil Management Act 1997, Pesticide Act 1999, Pesticide Act 1999, Act 1997, Rural Fires Act 1997, Endangered Species Conservation Act 1995, Rural Land Protection Act 1998, Local Governance Act 1993, Prohibited Places Act 1943, Mine Accident Compensation Act 1961, Environment 1985, Law - Forestry and National Parks

Act 1998, Heritage Act 1977, Local Governance Act 1993, Law Miscellaneous (Planning) Act 1979, National Parks and Wildlife Act 1974, Native Plants Act 2003, Olympic Coordination Authority Act 1995, Ozone Protection Act 1989, Pesticide Act 1999 , Plantation and Reforestation Act 1999, Environmental Administration Protection Act 1991, Environmental Operations Protection Act 1997, Rural Fires Act 1997, Endangered Species Conservation Act 1995, Trees Act (Neighbourhood dispute) 2006, Uranium Mining and Nuclear Facility Act (bans) 1986 onwards.

E. Chamber 6:

Environmental Crime Appeals Chamber decided by the Local Court

Jurisdiction Court room 6 is to hear and settle appeals related to the Crimes Act (Appeals and Examination of Local Courts) of 2001.

In summary, the structure of authority and structure of the land and environment courts in the state NSW, is divided and regulated in 6 chamber jurisdictions with their respective powers as described above. In the composition and structure of the authority, it is implied arrangements related to the scope of authority and the material of the regulation. On that basis, it is attempted to correspond with the discourse of the special agrarian court model as an alternative to resolving conflicts over tenure and agrarian resources that continue to increase in Indonesia.

The model of the Special Agrarian Court, the discourse consists of and is related to the scope and material of the regulation. The scope of the special agrarian court consists of: (1) position and domicile; (2) the composition of the special agrarian court; (3) appointment and dismissal of judges; (4) the clerk of the court; (5) oaths and promises; (6) transparency and accountability. The regulatory materials consist of: (1) scope of authority; (2) general provisions; (3) The principle of a special agrarian court; (4) procedures for resolving land cases/agrarian conflicts.

The scope of the special agrarian court includes:

1. Position and domicile:

   a. Position:

      The Agrarian Court is a court specifically within the General Courts.

   b. Domicile:

      The special Agrarian Court at the First Level is domiciled in the capital of a district or city, and its legal area covers the territory of a district or city. The Agrarian Court at the Appeal Level is domiciled in the provincial capital, and its jurisdiction covers the province.

2. The composition of the special agrarian court:

   a. The composition of the special agrarian court at the district court consists of leaders, judges, and clerks;

   b. Special courts agrarian leadership consists of a chairman and a deputy chairman

   c. in check, hearing and deciding the case of land, the judge at the Special Agrarian Court consists of career judges and ad nonjudges.

3. Appointment and dismissal of judges: The

   a. appointment and dismissal of judges is carried out in accordance with the provisions of the legislation;

   b. To be appointed as ad hoc judges at the special agrarian court and ad hoc judges at the Supreme Court, they must meet the following requirements:

      - with a minimum education of a master in the field of agrarian law and or natural resources; and
      - experienced in the field of agrarian law and or natural resources for a minimum of 5 (five) years.

   c. The ad hoc judges of the special agrarian courts are appointed by Presidential Decree on the recommendation of the Chief Justice of the Supreme Court;

4. Registrar:

   a. In every district court that has a special agrarian court, a clerk of the agrarian court is formed, led by a young clerk.

   b. In carrying out their duties, the young clerks are assisted by several substitute clerks. The

   c. Registrar has the following duties:

      - administering the administration of the Land Court; and
      - make a list of all cases accepted in the case book. Oaths and promises.

5. Oaths and promises:

   a. Before taking office, the ad hoc judge of the Land Court is obliged to take an oath or promise according to his religion or belief.

   b. The sound of the oath or promise as referred to in paragraph (1) is as follows: “I solemnly swear/promise that in order to obtain my position, directly or indirectly, by using any name or method, I will not give or promise anything. to anyone.

I swear/promise that I, to do or not to do something in this position, will never receive directly or indirectly from anyone a promise or gift.

I swear/promise that I will be loyal to and will defend and practice Pancasila as the nation's view of life, the basis of the state and national ideology, the 1945 Constitution of the Republic of Indonesia and all other laws and regulations applicable to the Republic of Indonesia. Indonesia.

I swear/promise that I will always carry out my position honestly, thoroughly and without discrimination of people and will carry out my obligations as well as possible and fairly based on the applicable laws and regulations."

c. Ad hoc judges of special agrarian courts at district courts are sworn in or sworn in by the head of the district court or an appointed official.

6. Transparency and accountability:[8]

- The Special Agrarian Court is obliged to provide legal services to litigants in accordance with the principles of good and clean governance in a transparent and accountable manner. To support the implementation of court functions, the Agrarian Court built an online case management and administration system;
- Courts are obliged to publish periodic reports to the public regarding:
  a) Cases that are registered, examined and decided; and
  b) financial management and other administrative tasks.

The regulatory materials consist of:[8]

1. The scope of authority of

a) the Special Agrarian Court has the duty and authority to examine and decide cases or disputes in the field of agrarian and natural resources;

b) The legal area of the special Agrarian Court includes the district/city in the province concerned;

c) The Special Agrarian Court is a special court within the general court environment.

2. The principle of a special agrarian:

a) Court this Agrarian Court is implemented based on the principles: Justice is that every content material in this law must reflect proportional justice for every citizen, especially justice seekers in the agrarian field;

b) The benefit is that every content material in this law must be able to provide the maximum benefit for the life and welfare of the community.

c) Legal certainty is that every content material in this law must be able to create order in society through guarantees of legal certainty.

d) Responsiveness is that every material contained in this law must be able to accommodate the interests of justice seekers in the agrarian sector.

e) The material truth is that the material content in this law, in addition to promoting formal truth, is also material truth to achieve true justice.

3. Procedures for resolving land cases/agrarian conflicts:

a) The procedural law at the special agrarian court uses civil procedural law applicable to courts within the general court environment, except those specifically regulated by law;

b) Land lawsuits are submitted to the special agrarian court at the district court whose jurisdiction covers the location of the dispute;

c) A lawsuit involving more than 1 (one) plaintiff can be filed collectively by granting a special power of attorney;

d) The chairman of the district court within a maximum of 7 (seven) working days after receiving the lawsuit must have determined a panel of judges consisting of 1 (one) judge as chairman of the panel and 2 (two) ad hoc judges as members of the panel that examines and decides the case.;

e) To assist the task of the panel of judges, a substitute clerk is appointed;

f) Within a maximum period of 7 (seven) working days from the determination of the panel of judges, the chairman of the panel of judges must have conducted the first trial;

g) A summons to come to a hearing is valid if it is delivered by a summons to the parties at their residential address or if their place of residence is not known to be delivered at their last place of residence;

h) If the summoned party is not at his place of residence or the last place of residence, the summons shall be submitted through the head of the sub-district or village head whose legal area includes the place of residence of the summoned party or the last place of residence;

i) Receipt of summons by the summoned party himself or through another person shall be carried out with a receipt;

j) If the place of residence or the last place of residence is not known, the summons will be published:

1. at the announcement place in the building of the Land Court that examined it;
2. The panel of judges may summon witnesses or experts to be present at the trial to be asked for and hear their statements;
3. Everyone who is called to be a witness or expert is obliged to fulfil the summons and testify under oath;
4. The panel of judges is obliged to give a decision on the settlement of land cases within a maximum period of 180 (one hundred and eighty) working days from the time the case is registered at the Registrar's Office of the Land Court.

k) If the place of residence or the last place of residence is not known, a summons will be published

a) at the place of announcement in the building of the Land Court that examined it;

b) The panel of judges may summon witnesses or experts to be present at the trial to be asked for and hear their statements;

c) Everyone who is called to be a witness or expert is obliged to fulfil the summons and testify under oath;

d) The panel of judges is obliged to give a decision on the settlement of land cases within a maximum period of 180 (one hundred and eighty) working days from the time the case is registered with the clerk of the Land Court.

4. CONCLUSION

In the historical trajectory of conflicts over tenure and agrarian resources in Indonesia, it is revealed that agrarian disputes and conflicts continue to occur and even increase rapidly, because conventional courts fail to handle and or resolve disputes that arise. Therefore, it is deemed necessary to seek alternative comparisons from other countries and/or seek a special court model with an extraordinary character.

The structure and structure of the jurisdiction of the land and environmental courts in the state of NSW, is governed by 6 chamber jurisdictions with their respective powers as described above. In the composition and structure of the authority, it is implied arrangements related to the scope of authority and the material of the regulation.

On that basis, it is attempted to correspond with the discourse of the special agrarian court model as an alternative to resolving conflicts over tenure and agrarian resources that continue to increase in Indonesia.

In the model of the Special Agrarian Court, the discourse consists of and is related to the scope and material of the regulation. The scope of the special agrarian court consists of: (1) position and domicile; (2) the composition of the special agrarian court; (3) appointment and dismissal of judges; (4) the clerk of the court; (5) oaths and promises; (6) transparency and accountability. The regulatory materials consist of: (1) scope of authority; (2) general provisions; (3) The principle of a special agrarian court; (4) procedures for resolving land cases/agrarian conflicts.

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