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LEGAL ANALYSIS OF THE DISMISSAL OF AN OBSCUUR LIBEL CLAIM IN A GOOD- FAITH LAND DISPUTE (STUDY OF JUDGMENT NO. 82/Pdt.G/2025/PN CKR)

Zakiya Az Zikra Ismail

State University of Semarang, Semarang, Indonesia
azzikrazakiya@students.unnes.ac.id

□ Corresponding email: azzikrazakiya@students.unnes.ac.id

Abstract

This study was motivated by the dismissal of a civil lawsuit based on the grounds of obscuur libel in a land dispute in Bekasi Regency, which resulted in a third party acting in good faith, Mr. Yealdi, becoming a victim of wrongful execution. The Cikarang District Court Decision No. 82/Pdt.G/2025/PN Ckr dismissed the lawsuit on the grounds that it did not meet the formal clarity of the statement of facts and the prayer for relief, even though the plaintiff held a valid title deed and alleged a violation of land rights. The objective of this study is to analyze the legal validity of the application of obscuur libel from the perspectives of civil procedure law, agrarian law, and the principle of substantive justice, as well as to assess its implications for the protection of the rights of bona fide third parties. Using a legal-normative research method that

examines court decisions, legislation, and relevant legal literature, this study found that the rigid application of *obscuur libel* disregards the dimension of substantive justice and the principle of legal protection for rights holders acting in good faith, as mandated by the UUPA and the Constitution. Such procedural formalism has the potential to hinder access to justice and exacerbate inequalities in the resolution of agrarian disputes. As recommendations, the study proposes strengthening pre-trial mediation mechanisms, adjusting the interpretation of *obscuur libel* to be more responsive to substantive contexts, and developing judicial guidelines that consider socio-agrarian aspects in the adjudication of land cases.

Keywords

Obscuur Libel, Third Party in Good Faith, Substantive Justice, Land Disputes, Erroneous Execution.

A. Introduction

The State of Indonesia is affirmed as a state governed by the rule of law in the Preamble to the 1945 Constitution of the Republic of Indonesia. As a state governed by the rule of law, Indonesia's primary objective is to achieve the general welfare of all its people. To achieve this objective, legal protection and certainty are required regarding the objects that serve as the sources of the people's livelihood. This is affirmed in Article 33, paragraph (3) of the 1945 Constitution, which states that the earth, water, and natural resources contained therein are controlled by the state and utilized for the greatest possible prosperity of the people. One vital object that plays a crucial role in fulfilling the people's basic needs is land.¹

Land is a gift from God Almighty given to humankind to sustain life on earth. From birth until death, humans

¹ Annisa Oktaviani P. and Harjono, "The Evidentiary Weight of Letter C in Land Dispute Hearings (A Case Study of the Supreme Court Decision in Case No. 816 K/Pdt/2016)," *Verstek: Journal of Procedural Law* Vol. 7 No. 1 (2019), p. 1.

The dispute over the land subsequently escalated and became the subject of civil case No. 128/Pdt.G/1996/PN.Bks, which has become final and binding. The dispute began when Abdul Hamid intended to resell the land through a broker named Arif to Bambang Hariyanto. However, Bambang Hariyanto had only paid a down payment, while the remaining balance had not yet been settled. Nevertheless, the land title deed had already been handed over to Bambang Hariyanto, resulting in the transfer of title without the full fulfillment of payment obligations. Subsequently, Bambang Hariyanto, who had a debt-credit relationship with Kayat, handed over the certificate to Kayat as a form of debt settlement. Based on this transfer of the certificate, Kayat processed the subdivision of Freehold Title Certificate No. 325 into several certificates, namely Freehold Title Certificates Nos. 704, 705, 706, and 707, which were subsequently transferred into Kayat's name. One of the plots resulting from this division was subsequently transferred to the community, so that the land came under the control of parties who acquired rights to the land based on the certificates and in good faith.

On the other hand, the heir of Abdul Hamid, namely Hj. Mimi Jamilah, filed a civil lawsuit basing her ownership claim on a 1976 Deed of Sale. The lawsuit was granted through Judgment No. 128/Pdt.G/1996/PN.Bks, which has become final and binding. The lawsuit was granted by the court and led to an execution carried out by the Cikarang District Court as the delegated authority on January 30, 2025. The properties executed by the Cikarang District Court consisted of 27 plots of land totaling 3,100 m². However, in its implementation, the execution not only concerned the land that was directly the subject of the dispute but also involved land owned by third parties who had no direct legal connection to the dispute.

One of the parties affected by the execution was Yealdi, the holder of Freehold Certificate No. 12109 covering an area of 150 m². He acquired the land from his parents, the late Adam Karana, who had purchased the land lawfully and in good faith from the party in possession of the land based on the certificate. The land was acquired through a sale and purchase transaction from Kayat's heirs following Kayat's

death. The acquisition of the land was conducted openly and in cash, based on the existing legal grounds, and without any knowledge or bad faith regarding the existence of a dispute in the future. Thus, Yealdi should be regarded as a buyer in good faith who must be protected under agrarian law and the principle of protection for buyers in good faith. The Certificate of Ownership for the plot of land he controls is still registered in the name of his late father, Adam Karana, and Yealdi also controls the land based on a letter of inheritance and the Certificate of Ownership.

Although the land plot was not included in the subject of the dispute or the subject of the execution, the house standing on the land was still subject to execution and demolished, thereby causing significant losses to the rights holder. As a result of this incident, Yealdi, along with several other residents who were also victims of wrongful execution, subsequently filed a civil lawsuit against Hj. Mimi Jamilah as the defendant and the Bekasi Regency National Land Agency as a co-defendant, seeking compensation for the land, the building, and immaterial damages.

However, the Cikarang District Court, through Decision No. 82/Pdt.G/2025/PN Ckr, ruled that the lawsuit was inadmissible on the grounds of obscure libel. This decision raises serious legal issues because the dismissal of the lawsuit was based on formal grounds of civil procedure, even though the plaintiffs argued that there had been a violation of their legitimate land rights, which were acquired in good faith.

In the context of Indonesia as a nation governed by the rule of law, in accordance with the mandate of Article 1, paragraph (3) of the 1945 Constitution, the dismissal of Yealdi's lawsuit in Cikarang District Court Decision No. 82/Pdt.G/2025/PN Ckr on the grounds of obscure libel should not only emphasize legal certainty through formal civil procedural law, but must also take into account substantive justice as well as the protection of citizens' human rights to land that is lawful and acquired in good faith, which have been violated by wrongful land execution by the National Land Agency (BPN) and private parties such as Hj. Mimi Jamilah. The principle of the rule of law (*rechtsstaat*) requires a harmonious balance between procedural legality—such as

the clarity of the petition and the facts of the case—and the social function of land as regulated in the Basic Agrarian Law (UUPA) No. 5 of 1960, so that victims like Yealdi do not lose access to the constitutional protection guaranteed by Article 28H of the 1945 Constitution regarding the right to adequate housing.⁴ Furthermore, the concept of the Indonesian rule of law, rooted in Pancasila, rejects a rigid positivistic approach that disregards the value of social justice. Therefore, the “*obscur libel*” ruling should serve as an opportunity for judges to explore the substance of the tort claim under Article 1365 of the Civil Code, rather than acting as an absolute barrier.⁵ This approach is relevant given that land is not merely a commodity but a source of agrarian livelihood that the state must protect for the welfare of the common people. Ultimately, this imbalance has the potential to violate the mandate of agrarian reform aimed at fair land redistribution.⁶ The concept of access to justice within the context of the rule of law is crucial, especially for communities affected by land disputes, such as those experienced by Mr. Yealdi, who became a victim of wrongful land execution by the National Land Agency (BPN) and Hj. Mimi Jamilah. In this case, the obscure formalities of the complaint in Cikarang District Court Decision No. 82/Pdt.G/2025/PN Ckr hindered their right to a fair decision, even though they had presented arguments regarding the violation of legitimate land rights accompanied by evidence of a Certificate of Ownership (SHM) and clear good faith. This injustice within the civil bureaucracy undermines the guarantee of access to the courts for the underprivileged, who should be protected by the principle of the rule of law to achieve restorative justice in land conflicts,

⁴ Erlina B, Intan Nurina Seftiniara, and Salsabilla Adinda, “Judicial Considerations in Rendering an *Obscur Libel* Judgment on a Claim of Unlawful Acts in a Land Sale and Purchase Transaction (Study of Judgment No. 42/Pdt.G/2023/PN.Tjk),” *Innovative Journal* Vol. 5 No. 2 (2024), pp. 4–6.

⁵ Prof. Dr. Jimly Asshiddiqie, S.H., “The Concept of the Rule of Law in Indonesia,” *Journal of Constitutional Law* Vol. 4 No. 1 (2011), pp. 5–7.

⁶ Dr. Muwahid, S.H., M.Hum., *Fundamentals of Agrarian Law in Indonesia*, Surabaya (2016), pp. 199–202.

important for certainty, in the agrarian context, there must be an emphasis on substantive justice to ensure that customary rights and the rights of third parties are protected.¹¹

Figure 1. Field documentation of the land parcel observation



Source : Personal Documentation

Obscure Libel is defined as a vague or unclear complaint—one that fails to clearly state the legal basis, facts, parties' identities, subject matter of the dispute, or specific damages—preventing the judge from examining the merits of the case. In District Court of Cikarang Decision No. 82/Pdt.G/PN Ckr, the court dismissed Yealdi's complaint on

No. 2 (2025), pp. 661–663.

¹¹ DT Nouvendi SK and Listyowati Sumanto, "Reforming the Agrarian Dispute Resolution System by Establishing a Land Court," *Encyclopedia of Journal* Vol. 8 No. 1 (October 2025), pp. 5–7.

lack of clarity regarding the parties' identities in the lawsuit.¹⁴ Julisa Debora Raintung's research focuses more on the resolution of land title certificate disputes and land administration issues related to legal certainty regarding land ownership.¹⁵ Meanwhile, the research by Pra Multi Wahyu Aminuddin, Marthen Arie, and Muhammad Ilham Arisaputra addresses the issue of duplicate land title certificates from the perspective of Administrative Courts and the resolution of land administration disputes.¹⁶

Unlike those studies, this research offers a novel perspective because it not only examines the "obscuur libel" doctrine from the formal standpoint of civil procedural law but also links it to legal protection for bona fide third parties who become victims of wrongful land execution. This study specifically examines how the application of obscuur libel in the Cikarang District Court Decision No. 82/Pdt.G/2025/PN Ckr has the potential to hinder access to justice for holders of valid Certificates of Ownership, even though they have a clear basis of ownership and good faith. Furthermore, this study analyzes the application of obscuur libel from the perspective of substantive justice, the protection of land rights under the Land Law (UUPA), and the constitutional right to housing as guaranteed by the 1945 Constitution. Thus, this study connects civil procedure law, agrarian law, and the protection of third-party rights in the context of wrongful land execution—an area that has not been extensively addressed in previous research.

Previous research on *obscuur libel* has focused more on formal and procedural aspects of civil procedure law, such as the mismatch between the plea and the claim (*posita-petitum*) or an unclear subject matter, without linking it to the agrarian context in the Cikarang District Court Decision No.

¹⁴ Irham Parlindungan Siregar, "A Legal Study on Obscuur Libel Claims in Land Dispute Cases," University of Medan Area Repository (2013), pp. 32–35.

¹⁵ Julisa Debora Raintung, "Resolution of Disputes Over Land Ownership Certificates," *Lex Crimen* Vol. 14 No. 1 (2025), pp. 112–115.

¹⁶ Julisa Debora Raintung, "Resolution of Disputes Over Land Ownership Certificates," *Lex Crimen* Vol. 14 No. 1 (2025), pp. 112–115.

formalism does not deny access to justice for the underprivileged. The objective of this study is to examine the legal validity of the application of "*obscuur libel*" in agrarian disputes involving third parties acting in good faith. The methodological approach used is legal-normative, utilizing primary data in the form of the Cikarang District Court Decision No. 82/Pdt.G/2025/PN Ckr, and secondary data comprising Laws, Regulations, Books, and Journals on Agrarian Law and Civil Procedure Law.

B. Legal Analysis of the Application of Obscure Libel in Disputes

1. *The Concept of Obscure Libel in Indonesian Civil Procedure Law*

Obscure Libel is a term in Indonesian civil procedure law referring to a vague or unclear complaint, making it difficult for the judge to accurately understand the subject matter of the case. This term originates from Dutch, specifically "*obscuur*," meaning vague, and "*libel*," meaning complaint, thus literally describing a complaint that is unclear or ambiguous. In the doctrine of civil procedure law, "obscure libel" is understood as a complaint whose content is unclear, obscure (*onduidelijk*), or contains internal contradictions between one part and another. Such ambiguity may prevent the judge from obtaining a complete picture of the disputed legal events, both in terms of facts and legal grounds. The concept of obscure libel aligns with the provisions of Article 149 of the HIR, which implicitly requires that a complaint be drafted clearly and in detail, thereby enabling the case to be examined effectively.

Therefore, a complaint declared to be "*obscure libel*" is deemed to fail to meet formal requirements because its arguments are not systematically and consistently structured, whether regarding the parties' identities, the factual description or "posita," or the legal claims or "petitum" sought. This situation may arise, among other things, if the facts of the case do not explain the legal events in both substantive and procedural terms, if the relief sought is formulated ambiguously—such as merely seeking relief *ex aequo et bono* without clear details of the claim—or if the identities of the

The comparison between *obscuur libel* and the concept of "clear and specific pleading" in the common law system is fundamentally not very different; both relate to the clarity or precision of a complaint. A complaint is deemed an "*obscuur libel*" if the *posita* (factual basis) is unclear, disjointed, or inconsistent with the *petitum* (the relief sought by the plaintiff), thereby making it difficult for the defendant to file an exception or answer and hindering the judge in examining and adjudicating the case. This principle underscores the critical importance of the certainty of the subject matter of the dispute, the legal basis of the relationship, and the relief sought by the plaintiff. In the common law system, there is the concept of "clear and specific pleading." What is the concept of "clear and specific pleading"? It is a concept requiring the plaintiff to draft the complaint clearly, in detail, and specifically from the outset. The complaint must contain *the material facts* forming the basis of the claim, be structured logically and systematically, and clearly state the legal basis and the form of relief sought by the plaintiff. A vague or unclear complaint may result in the complaint being dismissed or ordered to be amended (*motion to dismiss* or *motion for a more definite statement*).

2. Application of Obscure Libel in the Yealdi Case: A Study of Cikarang District Court Decision No. 82/Pdt.G/2025/PN Ckr

In the Statement of Claim and through their Legal Counsel, it is essentially stated that the Plaintiff in this case is Yealdi, who is the heir of the late Adam Karana, who during his lifetime was the lawful owner of a plot of land and a building with a Certificate of Ownership (SHM) No. 12109, covering an area of 150 m², located in Kp. Bulu RT 01/11, Setia Mekar Village, Bekasi Regency. The deceased acquired the land through a sale and purchase transaction from Hidayat Pujasantosi, and until the time of this case, the land and building were controlled, occupied, and utilized by the Plaintiff as both a residence and a workshop business.

The Plaintiff states in the statement of claim that the

K/Sip/1979 on Obscure Libel (Obscure Libel).

In the decision, the judge ruled to accept the Defendant's motion to dismiss, reasoning that the Plaintiff's complaint contained fundamental procedural defects, and thus the judge deemed it inappropriate to proceed with a substantive review of the case. In his reasoning, the judge assessed that the complaint did not meet the requirements of clarity and specificity as demanded by civil procedure law. The statement of facts was deemed not to be systematically organized and failed to explain in detail the specific unlawful acts committed by each Defendant. The causal relationship between the alleged actions, the legal basis invoked, and the damages claimed was also considered not to be clearly and structurally explained, leading the court to deem the complaint vague or unclear (*Obscuur Libel*).

In addition, the Panel of Judges considered the lack of clarity regarding the subject matter of the dispute, particularly concerning the boundaries, location, and relationship between the property subject to execution under the previous judgment and the land claimed by the plaintiff as his own. According to the Panel of Judges' findings, the complaint did not provide a clear and convincing description to demonstrate that an error in the execution of the subject matter (*error in objecto*) had indeed occurred. This lack of clarity was deemed to have the potential to create uncertainty in the case proceedings if the case were to proceed to the evidentiary stage.

The Panel of Judges also determined that there are deficiencies in the form and legal structure of the filed complaint. The dispute in question should have been pursued through a more appropriate legal mechanism or by involving parties who have a legal interest but have not yet been joined in the case. Due to these deficiencies, the complaint was deemed not to meet the formal requirements for a complaint that is admissible and whose merits can be examined. Based on these considerations, before addressing the merits of the case, the Panel of Judges declared the plaintiff's complaint inadmissible (*Niet Ontvankelijke Verklaard/NO*).

The dismissal of a lawsuit on the grounds of a formal defect indicates a disparity between procedure and the protection of substantive rights. In cases of alleged wrongful

execution, an overly formalistic approach has the potential to limit access to justice, as the victim does not receive an examination of the substance of the rights violation they have experienced.

Table 1. Analysis of the Application of Lawsuit Requirements and Grounds for Dismissal of *Obscure Libel*

Formal Requirements for a Lawsuit (Article 149 HIR)	Deficiencies Identified by the Panel of Judges	Counterarguments (Perspective of Substantive Justice)
Identity of the Parties (Article 8 RV)	Not explicitly mentioned as a deficiency. The defendant challenges the status of the Land Office as a co-defendant.	The Land Agency's status as a Co-Defendant is appropriate because it provides land data. This does not automatically render the lawsuit unclear.
Statement of Facts	- Not systematic - Lacks detail in explaining the tortious acts of each defendant - The causal relationship is unclear	- The Statement of Facts includes a chronology of the acquisition of rights, enforcement, and damages - The arguments regarding error in objecto and tort are adequately explained with supporting evidence (SHM, SKPT)
Petitum (Claim)	Does not include an alternative petition (<i>ex aequo et bono</i>). Does not explicitly request the court to declare tort.	The petition specifically requesting compensation for material and immaterial damages is clear. The absence of the phrase "declare PMH" does not render the fundamental claim unclear.
Subject of the Dispute	The boundaries, location, and relationship between the object of the old judgment's execution and the plaintiff's land are unclear and unconvincing.	The subject of the dispute is the act (wrongful execution) and the resulting damages, not merely the physical boundaries. The SKPT indicates that the plaintiff's land lies outside the execution map.

Source: District Court Decision No. 82/Pdt.G/PN Ckr

Based on the table above, it can be seen that the Panel

of Judges' assessment of the lawsuit places greater emphasis on formal aspects, particularly regarding the clarity of the statement of facts, the relief sought, and the subject matter of the dispute. However, when viewed from the perspective of substantive justice, the arguments presented by the Plaintiff actually contain sufficient details regarding the chronology of events, the basis of ownership, and the damages suffered. This difference in perspective highlights a tension between procedural approaches and the protection of substantive rights in the resolution of agrarian disputes.

3. Formal Justice and Substantive Justice in Agrarian Law

In Indonesian Agrarian Law, the formulation of legislation aims to ensure legal certainty and justice for all Indonesian citizens. However, in practice, there is often a tension between formal justice—which refers to administrative procedures—and substantive justice—which emphasizes the protection of actual rights in society. To understand this tension, it is necessary to first clarify the difference between formal justice and substantive justice.

In the national agrarian legal system, which is based on Law No. 5 of 1960 and Government Regulation No. 24 of 1997—as emphasized in Article 19 of Law No. 5 of 1960 on the Basic Principles (UUPA), which governs the administration of land registration to ensure legal certainty, the transfer of land rights must not only be valid under civil law but must also meet administrative requirements, namely the issuance of a deed by a Land Deed Officer (PPAT) and registration at the land office. The certificate issued subsequently serves as strong evidence of ownership of land rights.²¹ These provisions indicate that the Indonesian land law system places great emphasis on formal and administrative aspects with the aim of ensuring legal certainty.

In the case under analysis, the Plaintiff has held the Certificate of Ownership and has controlled and occupied the

²¹ Daniel Natanael Lumban Toruan and Benny Djaja, "Substantive Justice in Agrarian Disputes: An Analysis of the Sleman Ruling from the Perspective of Maqāṣid al-Sharī'ah," *Tasyri': Journal of Islamic Law*, Vol. 4 No. 2 (July 2025), p. 668

Yealdi Land Dispute Case

Comparison Aspects	Formal (Procedural) Justice	Substantive Justice
Primary Legal Basis	Article 149 of the HIR; the “obscur libel” doctrine (e.g., Supreme Court Decision No. 1149 K/Sip/1979)	Article 28H of the 1945 Constitution; UUPA No. 5/1960; Article 1365 of the Civil Code (PMH)
Focus of Assessment	Clarity, completeness, and formal structure of the complaint (statement of facts and relief sought)	Substantive truth, protection of real rights to land, and good faith of third parties
Application in the Judgment	Yealdi’s complaint was dismissed as it was deemed an “obscur libel” (a formal defect)	The substance of the complaint (wrongful execution, tort) and proof of ownership (SHM No. 12109) were not examined
Impact on Third Parties	Impedes access to justice and perpetuates legal uncertainty for victims of wrongful execution	It should provide legal protection and compensation to third parties acting in good faith

Source: District Court Decision No. 82/Pdt.G/PN Ckr

The table above illustrates a fundamental difference between the formal justice approach and the substantive justice approach in resolving agrarian disputes. The formal approach emphasizes procedural order, whereas the substantive approach focuses on the protection of actual rights. In the analyzed case, the dominance of the formal approach actually resulted in the substance of the rights violations experienced by the bona fide third party not being examined.

C. Legal Protection for Third Parties Acting in Good Faith in Land Disputes

1. *The Legal Status of Third Parties Acting in Good Faith According to the UUPA and Case Law*

In the practice of land disputes in Indonesia, situations frequently arise where a third party acquires rights to land

that Indonesia is a state founded upon the law. Therefore, legal protection is not merely a fundamental principle and consequence within a state governed by the rule of law. The state is responsible for guaranteeing and protecting the rights of its citizens.²³

To provide such legal certainty and protection, the Indonesian legal system has also developed standard criteria regarding bona fide purchasers through regulations and case law. Case law governing bona fide purchasers is, among other things, set forth in Supreme Court Circular Letter (SEMA) No. 4 of 2016, which provides guidelines on the criteria for bona fide purchasers in land sale and purchase transactions. Furthermore, legal protection for a buyer in good faith is also affirmed in various Supreme Court decisions, one of which is Decision No. 1267 K/Pdt/2012, which essentially affirms that a buyer in good faith must be granted protection.

Normatively, regulations regarding good-faith buyers can also be found in various statutory provisions. Article 1338(3) of the Civil Code states that every agreement must be performed in good faith. Furthermore, Article 531 of the Civil Code explains that a good-faith buyer is a party who acquires an item without knowing of any defects or deficiencies in that item. In the context of land law, Government Regulation No. 24 of 1997 also recognizes the concept of good faith, particularly regarding physical possession of land. In line with these provisions, the Supreme Court has consistently affirmed in its various rulings that a buyer acting in good faith must be granted legal protection as a form of assurance of justice.²⁴

In the context of the case under analysis, it is important to assess whether the land rights held by the Plaintiff were

²³ Opan Satria Mandala, Suarjana, and Syarifuddin, "Legal Analysis of Legal Protection for Good-Faith Land Buyers Regarding the Court's Cancellation of Certificates," *Jurnal Fundamental Justice*, Vol. 2, No. 2 (September 2021), p. 75.

²⁴ Anggreany Arief, Asma Asma, Muh. Zulkifli Muhdar, and Indrahayu M. Umar Gazali, "A Review of Legal Protection for Good-Faith Buyers in Land Ownership Disputes," *Yustitiabelen*, Vol. 11, No. 2 (July 2025), pp. 91–92.

acquired lawfully and in good faith. This is crucial because the legal standing and protection of third parties in land disputes are largely determined by these two elements.

Based on the factual findings, the Plaintiff acquired the land rights through a valid sale and purchase transaction from the previous owner, as evidenced by the ownership of Certificate of Ownership No. 12109. Furthermore, the certificate remains active, is not encumbered by any liens, and is not subject to attachment or litigation, as evidenced by the Land Registration Certificate (SKPT) issued by the National Land Agency of Bekasi Regency. Thus, from a formal legal standpoint, the Plaintiff's rights to the land have met the requirements of land-related laws and regulations, particularly as stipulated in the Basic Agrarian Law and Government Regulation No. 24 of 1997 on Land Registration.

Furthermore, from the perspective of good faith, there is no indication that the Plaintiff was aware of any legal defects or disputes attached to the land acquired at the time the transaction was conducted. The Plaintiff has also demonstrably possessed and utilized the land for an extended period as a residence and for business purposes, indicating physical possession carried out openly, continuously, and without objection from any other party. This situation aligns with the concept of a buyer acting in good faith as reflected in Article 1338(3) of the Civil Code, which affirms that every agreement must be performed in good faith, as well as Article 531 of the Civil Code, which, in principle, protects a party who acquires a thing without knowing of any legal defects therein.

Furthermore, the Supreme Court, through Supreme Court Circular Letter No. 4 of 2016, also provides guidelines regarding the criteria for a buyer in good faith, including that the acquisition of rights is carried out through lawful procedures, the buyer is unaware of any disputes, and the buyer conducts a reasonable investigation into the object being purchased. In this context, the Plaintiff's circumstances—possessing an official certificate, acquiring the land through a sale and purchase transaction, and having no prior involvement in the dispute—indicate that the Plaintiff meets the qualifications as a buyer in good faith who is

entitled to legal protection.

Given the fulfillment of the elements of lawful acquisition of rights and the presence of good faith, the Plaintiff can, in principle, be classified as a third party acting in good faith who should receive legal protection. However, in the analyzed decision, the Panel of Judges did not proceed to the merits of the case and instead declared the lawsuit inadmissible (*Niet Ontvankelijke Verklaard*) on the grounds of a formal defect known as *Obscuur Libel*.

This situation highlights a tension between a formalistic legal approach and the need to provide protection for substantive rights. In this case, although substantively the Plaintiff has a strong basis for ownership and meets the criteria as a buyer acting in good faith, legal protection for the Plaintiff remains unfulfilled due to procedural obstacles. This raises the implication that the rigid application of the principle of formality has the potential to disregard substantive justice, particularly in cases involving the protection of bona fide third parties in land disputes.

In addition to being examined from the perspectives of civil law and land administration, this case also requires analysis from a constitutional law perspective, particularly regarding the protection of the right to housing. This right is part of the human rights guaranteed under Article 28H(1) of the 1945 Constitution, which affirms that every person has the right to a prosperous life, both physically and spiritually, including the right to housing and a decent living environment²⁵. In human rights doctrine, the right to housing is viewed as a fundamental right that must be protected by the state, particularly in situations that could potentially result in the forced loss of citizens' homes.

In the context of this case, the eviction action that resulted in the demolition of the Plaintiff's home not only impacts the loss of land ownership rights but also directly deprives the Plaintiff of their right to housing and their means of livelihood.

²⁵ Ridha Wahyuni, "Protection of the Right to Housing for Residents Affected by Eviction in Urban Areas from a Human Rights Perspective," *Jurnal Yuridis*, Vol. 9, No. 1 (June 2022), p. 51.

Unaware of any legal defects or disputes	The SHM is active, not subject to dispute, and not encumbered by any liens (as per the BPN SKPT). Not involved in any prior legal proceedings (District Court of Bekasi Decision No. 128/Pdt.G/1996)	Fulfilled (Article 1338 paragraph (3) & Article 531 of the Civil Code)
Exercising actual, open, and continuous physical control	Has for years controlled, occupied, and utilized the land as a residence and for a repair shop business	Fulfilled (Article 24(2) of Government Regulation No. 24/1997; SEMA No. 4/2016)
Government action/court decision	Erroneous execution (error in objecto) by the Cikarang District Court and the National Land Agency (BPN) resulted in the land and house being demolished	The state failed to provide protection. It should have: (1) not dismissed the lawsuit on grounds of obscur libel, (2) protected the third party from wrongful execution

Source: District Court Decision No. 82/Pdt.G/PN Ckr

Based on the table, all elements of a buyer acting in good faith have been fulfilled by the Plaintiff, both in terms of the acquisition of rights, the legal status of the land, and physical possession. This indicates that, legally, the Plaintiff should have received legal protection. However, such protection did not materialize because the lawsuit was declared inadmissible on formal grounds.

2. Impact of Wrongful Execution on Third Parties: The Yealdi Case Study

In the case experienced by the Plaintiff, the land execution carried out by the Cikarang District Court not only targeted the land that was the subject of the dispute in the previous decision, namely Decision No. 128/Pdt.G/1996/PN.Bks, but also impacted land owned by a third party that was not legally included in the execution. This raises serious issues

million rupiah). Meanwhile, the value of the building is estimated at Rp300,000,000 (three hundred million rupiah), resulting in total material damages claimed by the Plaintiff amounting to Rp900,000,000 (nine hundred million rupiah).

In addition to material damages, the Plaintiff has also suffered non-material damages that cannot be precisely quantified in monetary terms. These damages consist of psychological distress, emotional turmoil, and emotional suffering experienced by the Plaintiff as a result of the loss of the residence and business owned by the Plaintiff. On this basis, the Plaintiff is seeking non-material damages in the amount of Rp3,000,000,000 (three billion rupiah) as compensation for the suffering experienced by the Plaintiff.

The damages suffered by the Plaintiff are fundamentally the result of acts alleged to constitute an Unlawful Act (PMH), as provided for in Article 1365 of the Civil Code, which states that any act that violates the law and causes harm to another person obligates the party whose fault caused such harm to compensate for the damages. In this context, the execution that extended beyond the property specified in the judgment to encompass the Plaintiff's land can be classified as a tort, as it caused both material and immaterial damages to the party whose land was not included in the property subject to the judgment.

Thus, the damages suffered by the Plaintiff not only reflect economic consequences but also indicate a violation of the Plaintiff's legal rights that should have been protected, thereby imposing a duty on the responsible party to provide compensation.

The state's liability in this case cannot be separated from the role of state officials involved in the execution process, the Cikarang District Court as the judgment enforcer, and the Bekasi Regency Land Agency as the authority responsible for providing land data. Within the framework of the rule of law, the state is not only obligated to formally enforce court decisions but also to ensure that their implementation does not violate citizens' rights, including the right to land ownership and the right to housing as part of human rights.²⁸

²⁸ Ridha Wahyuni, "Protection of the Right to Housing for Residents Affected by

	resulting from wrongful execution	
Legal Basis for the Lawsuit	Article 1365 of the Civil Code regarding Unlawful Acts (PMH)	Any unlawful act that causes damage obligates the liable party to compensate for the damage

Source: Judgment No. 82/Pdt.G/PN Ckr

The table above details the losses suffered by the Plaintiff, both material and immaterial. The significant amount of these losses indicates that the impact of the wrongful execution is not merely economic but also extends to psychological and social aspects. Therefore, these losses should serve as a key basis for consideration in the examination of the merits of the case.

3. Recommendations for Reforming Procedures and Mechanisms for Resolving Disputes

Reform of the procedures and mechanisms for resolving agrarian disputes is an urgent necessity to prevent the recurrence of errors in the execution process that could potentially harm third parties. The issues revealed in the analyzed cases indicate that the agrarian dispute resolution system has not yet fully been able to guarantee legal certainty and substantive justice, particularly for parties not directly involved in the dispute but who are tangibly affected by the enforcement of court decisions.

First, the strengthening of agrarian mediation at the pre-trial stage must be optimally implemented as a preventive instrument in dispute resolution. Mediation should not merely be viewed as a substantive mechanism capable of accommodating the interests of all stakeholders, including third parties.

Second, the application of the concept of “obscur libel” in civil judicial practice must be applied proportionally so as not to hinder the achievement of substantive justice. An approach that places excessive emphasis on formal aspects when assessing the clarity of a claim risks overlooking the substantive issues raised by the parties.

in Cikarang District Court Decision No. 82/Pdt.G/2025/PN Ckr has disregarded the principle of substantive justice and legal protection for third parties acting in good faith in land disputes. Although formal aspects of civil procedure are important for legal certainty, dismissing a lawsuit solely based on formal obscurity risks denying access to justice for the underprivileged. Therefore, an adjustment in the legal interpretation of “obscuur libel” is needed to be more responsive to the agrarian context, along with the strengthening of non-litigation mechanisms and judicial guidelines for resolving land disputes. Thus, the law can function as a tool to achieve substantive justice in accordance with the mandate of the Land Law (UUPA) and the Constitution.

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