
Legal Certainty of Physical Dominion by The Community Over Ex Eigendom Verponding Land

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Abstrak

Peranan tanah dalam pembangunan nasional semakin penting dalam memenuhi kebutuhan tempat tinggal serta kegiatan komersial, sehingga diperlukan jaminan hukum dengan perangkat hukum yang tertulis, lengkap, dan jelas. Dengan diundangkannya UUPA menghapus hak-hak atas tanah menurut hukum barat. Akan tetapi, masih ada tanah-tanah yang memiliki alas hak berupa *eigendom verponding* yang belum dilaksanakan konversi dan pemegang hak atas tanah/ahli warisnya tetap mengklaim kepemilikan tanah tersebut. Metode penelitian menggunakan yuridis normatif. Teknik pengumpulan data berupa studi dokumen dan wawancara dengan teknik yuridis kualitatif. Hasil penelitian memperlihatkan bahwasanya putusan PK No. 109/PK/Pdt/2022 yang memenangkan keluarga Muller menunjukkan ketidakpastian hukum karena tidak konsisten dengan regulasi yang mengatur tanah bekas hak barat yang seharusnya dikuasai oleh negara dan memberikan prioritas kepada masyarakat yang menguasainya secara fisik.

Kata Kunci : Kepastian Hukum, Penguasaan Fisik, *Eigendom Verponding*

Abstract

The role of land in national development is increasingly important to meet the needs for housing and commercial activities, requiring legal certainty through clear, comprehensive, and written legal instruments. The enactment of the Basic Agrarian Law (UUPA) abolished the concept of land rights under Western law. However, there are still lands with the legal basis of *eigendom verponding* that have not been converted, and the land rights holders or their heirs continue to claim ownership. The research method used in this study is normative juridical. Data collection techniques include document studies and interviews, with qualitative juridical. The result of the research discussion shows that the Supreme Court decision No. 109/PK/Pdt/2022, which favored the Muller family, indicates legal uncertainty as it is inconsistent with regulations governing former Western rights land, which should be controlled by the state and prioritize those who have physical dominion of the land.

Keywords: Legal Certainty, Physical Dominion, *Eigendom Verponding*

Preliminary

Humans as social beings are always experiencing changes in their lives. Both changes that have a small impact to have a wide impact in the community (Rahmawati, 2024). In line with the growing population and the increasing needs of humanity, land is considered a fundamental necessity for human life (Susanto, 2014). Land is a natural resource essential for fulfilling human needs, which must be preserved, maintained, and utilized in accordance with applicable agrarian laws (Zakie, 2017). Land plays a vital role in meeting various human needs,

serving as a place of residence and as an area for conducting commercial activities. To provide legal certainty in the field of land affairs, the first requirement is the availability of comprehensive and clearly written legal instruments. To address various concrete issues, land registration is necessary to facilitate landowners in providing evidence of land ownership, particularly for land acquired through Western rights (Deva & Saskara, 2021).

With the enactment of the Basic Agrarian Law, the unification of Indonesia's land law was achieved (Mujiburohman, 2021). Therefore, after the enactment of the Basic Agrarian Law (UUPA), no longer any terms for land rights based on Western law as regulated in the Civil Code (KUHP) (Santoso, 2017). Currently, only land rights as stipulated in Article 16 paragraph (1) of UUPA are recognized, namely Ownership Rights, Cultivation Rights, Building Use Rights, Use Rights, Lease Rights for Buildings, Land Clearing Rights, Forest Product Collection Rights, and others. Therefore, land rights previously subject to Western law must first be converted, as stated in Article 55 paragraph (1) of the UUPA (Sugianto, 2017).

It is estimated that there are 126 million parcels of land across Indonesia. Of these, 46 million parcels fall into the category of certified land, while the remainder are still uncertified. Among the certified parcels, only 30 million are known to meet the standards and measurement guidelines established by the National Land Agency (BPN) (Siahaan, 2022).

Currently, the need for learning media is very important in supporting the educational process (Sari, 2024). Rapid developments in the current era of globalization certainly provide plus (positive) value (Far Far & Salong, 2024). The development of information technology in the millennial era can make it easier for users to obtain information (Fitri & Suyanto, 2024). Specifically in land registration. Land registration is a primary duty of the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency (Kementerian ATR/BPN), aimed at providing a legal foundation in the field of land affairs. For a parcel of land that has been registered by its owner under a specific right, the Ministry of Agrarian Affairs and Spatial Planning/National Land Agency Office (ATR/BPN Office) will issue and publish a certificate of land rights in the name of the owner.

The purpose of land registration is to provide legal certainty and protection to land rights holders. This is because the result of land registration activities is the issuance of proof of ownership of land rights. This proof of ownership can be used to establish oneself as the rightful holder of the respective rights. Although the PP 24/1997 has been issued, its implementation has not yet succeeded in registering all areas in Indonesia (Ardani, 2019).

Land is a vulnerable object for disputes. The current issue is that many lands with ownership documents in the form of *eigendom verponding* have not been converted, and the

heirs, as the rightful landowners, claim ownership of the land despite not having physical control over it (Abdat, Amelia Akef; Winanti, 2021). This matter becomes complicated when the former *eigendom verponding* land has been possessed by another party for an extended period (Ahlanissa & Aidi, 2023).

One of the land conflicts related to *eigendom verponding* in Bandung City is the land dispute in Dago Elos. The holders of former *eigendom verponding* rights, Heri Hermawan Muller, Dodi Rustendi Muller, and Pipin Sandepi Muller, who claim to be legitimate descendants or heirs of George Hendrik Muller, a German citizen who lived in Bandung during the Dutch colonial period, filed a lawsuit against 331 residents of Dago Elos who occupy the land.

The heirs of the Muller family claim that a 6.3-hectare (ha) plot of land in Dago Elos has been granted to them. The land, classified as *eigendom verponding*, is evidenced by a land certificate inherited from the Dutch colonial era (Kautsar & Maulana, 2024). The legal proceedings in the Dago Elos case have reached the stage of a Reconsideration Decision (PK), with the Constitutional Court's ruling No. 109/PK/Pdt/2022, which ruled in favor of the Muller family. The decision declared that the defendants, 331 residents of Dago Elos, were deemed to have committed unlawful acts and must vacate the land (Abdurahman, 2023). The residents of Dago Elos have also submitted an application for land registration certification to the Head of the Bandung City Land Office since January 21, 2021. However, as of now, the application has not been responded to by the Head of the Bandung City Land Office (LBH Kota Bandung, n.d.).

Based on the aforementioned issues, this study aims to gain an understanding of the status of land with *eigendom verponding* evidence after the enactment of UUPA, as well as the legal protection for communities that have physically occupied *ex-eigendom verponding* land for more than 20 years, as reviewed under Government Regulation No. 24 of 1997 on Land Registration (PP 24/1997) juncto. Government Regulation No. 18 of 2021 on Management Rights, Land Rights, Housing Units, and Land Registration. (PP 18/2021).

Method

The research method used in this study employs a normative juridical approach, which is conducted by examining literature and secondary data as a basis, through an analysis of regulations related to the topic of discussion (Soekanto, 2006). This study employs a descriptive analytical research specification, which serves to describe or provide an overview of the object being studied through the data or samples collected, thereby obtaining a new perspective, reinforcing an existing one, or challenging it (Sugiyono, 2009). The research

stages employed include library research and field research, with data collection techniques conducted through document studies by collecting and analyzing secondary data related to the issues being studied. The library research is carried out to obtain primary legal materials, secondary legal materials, and tertiary legal materials, as well as interviews with the Head of the Bandung City Land Office. The data analysis method used is qualitative juridical analysis, where the data obtained from the research are grouped, selected, and organized through systematic interpretation by correlating one article with another within the same or different laws (Muhammad, 2004).

Results and Discussion

After the proclamation of Indonesia's independence, Article 33 Paragraph (3) of the 1945 Constitution states (UUD 1945) that all land and its natural resources belong to the state and are to be utilized for the welfare of the people. This fundamental concept reflects the state's right to control land with the aim of achieving public welfare. On September 24, 1960, the government successfully established the National Agrarian Law, which was enacted through the UUPA. The formation of the UUPA abolished legal dualism as an effort to maximize the prosperity of the people and to ensure equal treatment of the people under these regulations.

After the enactment of UUPA, only the land rights specified in the UUPA are recognized. To provide legal certainty, land rights established before the implementation of the UUPA must be converted into land rights under the UUPA. The purpose of this conversion includes aligning Western land rights with the new agrarian legal system and ensuring that the land is registered to obtain a land certificate in accordance with the provisions of the UUPA.

According to the provisions of the UUPA, *eigendom* rights can be converted into ownership rights. To implement this, Presidential Decree No. 32/1979 (Keppres 32 1979) in conjunction with Minister of Home Affairs Regulation No. 3/1979 (Permendagri 3/1979) was issued. These legal instruments aim to reaffirm the termination of land rights originating from the conversion of former Western land rights, as stipulated in the UUPA, to completely end the application of residual Western land rights in Indonesia. *Eigendom* rights, as a type of Western right, are converted into ownership rights and use rights under the provisions of this regulation.

The intended conversion applies to rights holders or Indonesian citizens with single citizenship as of September 24, 1960. Within six months from that date, they were required to report to the Head of the Land Office to affirm their citizenship status. Subsequently, the Head of the Land Office would record the original document as having been converted into ownership rights, with a maximum deadline of 20 years, ending on September 24, 1980.

If *eigendom* rights have exceeded six months and the owner has not reported to the Head of the Land Office or is unable to provide evidence of single Indonesian citizenship, the Head of the Land Office will record in the original deed that the rights are converted into building use rights with a duration of 20 years.

If, within six months after September 24, 1960, a religious or social institution holds *eigendom* rights over land used directly for religious or social activities, they are required to submit an application to the Minister of Agrarian Affairs through the Head of Agrarian Supervision. The purpose is to obtain confirmation that the *eigendom* rights are converted into ownership rights in accordance with the provisions of Article 49 of the UUPA.

If, before September 24, 1960, a party unable to meet the legal requirements had willingly transferred their joint rights to another party, even if this transfer had not been formally registered, the *eigendom* rights would be converted into ownership rights. This also applies if the *eigendom* rights are part of an inheritance that has not been divided or properly transferred to a new name, and if the registered heir does not meet the requirements to be the rightful owner of the land.

Before the expiration of *eigendom* rights, within six months after the enactment of the UUPA, the rights holders were required to register the land rights resulting from the conversion of Western rights at the Land Office. Through this registration, new rights would emerge in accordance with the provisions of the UUPA. The land rights from the conversion of Western rights would expire in line with the remaining duration of the *eigendom* rights but not exceeding 20 years, which is until September 24, 1980. If the rights were not registered within six months after the enactment of the UUPA, the land formerly under *eigendom* rights would become building use rights. If the land remained unregistered by September 24, 1980, it would automatically become state-controlled land.

The general explanation regarding state land is outlined in Article 2 Paragraph (2) of the UUPA, which states that it is not entirely owned but is land directly controlled by the state. This means that the state is not regarded as the landowner but as an organization representing the people, functioning as the governing body authorized to regulate, manage, and maintain the designation and use of the land. However, many disputes still arise because the parties involved fail to register the land, thereby opening opportunities for holders of former Western rights to reclaim the land through *eigendom verponding* ownership claims. One example is the land conflict in Bandung City, specifically the land dispute in Dago Elos.

The heirs of the Muller family filed a lawsuit, claiming that the land belonged to them as an inheritance. They stated that the land originated from *eigendom verponding* in the form of a land certificate inherited from the Dutch colonial era (Kautsar & Maulana, 2024). The land in question has been known by residents to be registered under the name NV Cement Tegel Pabrik & Materialen Handel Simoengan, not under the name George Hendrik Muller. This is evidenced by a certificate issued by the BPN on December 21, 2015, which recorded the land under the name NV Cement Tegel Pabrik & Materialen Handel Simoengan (Salsabila, Djukardi, & Pujiwati, 2024).

On August 24, 2017, the Panel of Judges at the Bandung District Court, in Decision No. 454/PDT.G/2016/PN BDG, ruled in favor of the Muller family's lawsuit and declared that the land in question was legally owned by the Muller family. The decision also required 331 residents who had been living on the land to vacate it.

After losing in the Bandung District Court, the Dago Elos residents filed an appeal. However, on February 5, 2018, the Muller family and PT Dago Inti Graha still prevailed. The ruling also stated that all land certificates held by the Dago Elos residents were legally invalid (Ripaldi, 2023).

After losing in the Bandung High Court, the residents filed a cassation appeal to the Supreme Court (MA). On October 29, 2019, the panel of judges granted the residents' appeal, overturning the two previous decisions and ruling in favor of the residents. However, in the subsequent PK decision No. 109/PK/Pdt/2022, ruled in favor of the Muller family's lawsuit (Ripaldi, 2023).

Based on the case described above, land ownership evidence in the form of *eigendom verponding* rights, presented more than 20 years after the enactment of the UUPA, should have been rejected and declared invalid by the court. According to the conversion regulations, the disputed land should have been classified as land directly controlled by the state, considering that neither the Muller family nor the 331 Dago Elos residents had taken legal steps to register the land since the enactment of the UUPA, nor had they approached the local Land Office Head within the conversion period for *eigendom rights*.

In this case, the 331 residents of Dago Elos can apply for land rights to the Head of the Bandung City Land Office, as the land is under state control and not for the conversion of *eigendom verponding* rights. Therefore, the 331 residents of Dago Elos, who physically occupy the land, have priority rights based on Article 5 of the Keppres 32 1979, which states that land derived from Western rights that has been occupied by the people will be prioritized for those who physically occupy it without violating applicable regulations. This is reinforced by Article

95 of the PP 18/2021, which allows the submission of a statement of physical possession to the local Land Office Head, verified by two witnesses, and accompanied by civil and criminal responsibility, declaring that the land is indeed owned by the concerned party, not by another party, and is directly controlled by the state. The possession must have been conducted in a proper and open manner by the related party as the rightful landholder, and the possession should not be subject to disputes with other parties.

Land registration must be carried out as it provides legal certainty, allowing the landowner to easily present evidence that they are the rightful owner of the land. Additionally, it enables anyone, such as potential buyers, creditors, and others, to access relevant information about a specific parcel of land (Mutiaara & Fauzi, 2024b)(Astuti et al., 2024).

Legal certainty, according to Utrecht, has two definitions: first, the existence of general rules that allow individuals to know which actions are permitted or not permitted (Syahrani, 1999). The tangible form of legal certainty is the consistency in every court decision for similar cases that have already been decided, not merely the articles in the laws (Marzuki, 2008).

Satjipto Rahardjo argues that legal protection must uphold the human rights of individuals harmed by others and protect society so that they can fully enjoy their rights (Rahardjo, 2000). According to Muchsin, there are two types of legal protection. The first is preventive legal protection, which aims to prevent violations, while the second is repressive legal protection, which addresses actions taken in response to events that have already occurred (Muchsin, 2003).

Control over land can be understood in both physical and legal terms. Legally, it refers to control based on rights that are protected by law and generally grant the holder the authority to lawfully exercise control. Physical control, on the other hand, refers to the reality where, although the landowner has the authority to control the land, the physical control is exercised by another party (Santoso, 2017).

In the case where a citizen physically occupies land formerly under *eigendom verponding* but has not converted the rights or submitted an application for land rights registration, and the land has been taken over by the state, the provisions in Article 5 of the Keppres 32/1979 apply. It states that if land originating from Western rights has been occupied by the people, priority will be given to those who physically occupy it, provided they do not violate the applicable regulations.

Conversion is the adjustment of Western land rights into the new agrarian legal system. The conversion of old rights into new rights essentially occurs by law. Some conversions take

place automatically, meaning no action is required from any authority that is quantitative or declaratory. For example, Article 1 of the Keppres No. 32/1979 states that the conversion period will end no later than September 24, 1980, when the rights to the land expire, and the land will automatically become land directly controlled by the state (Mutiani et al., 2024).

People who have physically controlled land from *ex eigendom verponding* for more than 20 years after the enactment of the UUPA can register their land at the Land Office, as stated in Article 95 of the PP 18/2021. This is proven by the testimony of two witnesses, along with civil and criminal responsibility, stating that the land truly belongs to the individual in question and is not customary land. The land is physically controlled, the possession is carried out in good faith and openly, and there are no other parties disputing the control of the land.

In this case, it can be said that the 331 residents of Dago Elos are the physical possessors of the disputed land, where the Post Office, Dago Terminal, and houses mostly occupied by residents for more than 30 years are located, with some having been passed down through generations for up to 50 years. The residents of Dago Elos have also fulfilled their legal obligation to pay land and building taxes, as evidenced by the Tax Notification Letter (SPPT PBB) (Salsabila et al., 2024). The Muller family, who claims ownership of 6.3 hectares of *eigendom verponding* land in Dago Elos, asserts that it is an inheritance from their grandfather, George Hendrik Muller, based on a deed issued by the Dutch Kingdom in 1918 in the name of George Hendrik Muller, who never physically controlled the land (Abdurohman, 2023).

The Muller family, together with PT. Dago Inti Graha, filed a lawsuit against the residents of Dago Elos regarding 6.3 ha of land. The Muller family claims that the land is an inheritance from their grandfather, based on *eigendom verponding*, according to a deed issued by the Dutch Kingdom in 1918 in the name of George Hendrik Muller. On August 24, 2017, the panel of judges granted the Muller family's lawsuit, ordering the 331 defendants residing on the 69,346 m² land in Dago Elos to vacate the land that they had long occupied (Maulidah et al., 2024).

The residents of Dago Elos, in their exception, stated that several certificates of Building Use Rights and Certificates of Ownership have been issued for approximately 22,000 m², and another approximately 10,000 m² has been occupied and developed into residential houses by 125 families. The land occupied by the 125 families in 2016 is in the process of being applied for ownership through adjudication. However, in consideration number 3, the judge stated that the certificates provided by the defendants could not prove ownership with original evidence, as the defendants only submitted photocopies of photocopies, which were deemed to lack valid formal proof (Salsabila et al., 2024).

The dispute over the *eigendom verponding* land in Dago Elos has gone through all available legal processes and can no longer be appealed or subject to any other legal efforts. In other words, the case has reached the stage of a final and binding judicial review. In the ruling of PK Case No. 109/PK/Pdt/2022, the judge ruled in favor of the Muller family and ordered the residents of Dago Elos to vacate the land. The ruling also instructed that anyone with a claim to the land must demolish any buildings on it, then transfer the land to PT. Dago Inti Graha, the fourth plaintiff, unconditionally, and if necessary, through forceful measures.

The residents of Dago Elos who physically occupy the land formerly held under *eigendom verponding* can receive legal protection. Preventive protection includes the legal recognition by the government of the *ex-eigendom verponding* land, which, 20 years after the enactment of the UUPA, has been directly controlled by the state, as well as land registration to acquire legal ownership rights based on Article 95, Paragraph (2). Repressive protection can be carried out by filing a lawsuit in court to defend land rights, such as the Supreme Court ruling No. 934.K/Pdt/2019, which was won by the residents of Dago Elos, along with law enforcement by judicial institutions to ensure justice and compensation if necessary (Firdaus et al., 2024)(Ilmy et al., 2024).

To create legal certainty regarding the *eigendom verponding* land dispute, the government established legal products such as Keppres 32/1979, PP 24/1997, and PP 18/2021, which aim to regulate the use, control, and ownership of land in Indonesia, one of which includes land registration activities. Land registration is regulated under PP No. 24/1997, while the registration of *ex-eigendom verponding* land that has been physically occupied by the community for 20 years is further regulated under PP 18/2021. To date, 60 years have passed since the enactment of the UUPA. For landowners who do not have proof of *ex-eigendom verponding* but physically occupy their residential land, land registration can be carried out by submitting a physical possession statement by the applicant, which must be known by two witnesses, with civil and criminal responsibility. The statement must declare that the land indeed belongs to the person concerned. The land is physically controlled, the control is exercised in good faith, and there are no other parties contesting it. This request for recognition of rights can be submitted to the Land Office.

Ibn Miskawaih as a philosopher carried the theory of *al-Insan al-Kamil*. He realized that human beings have a soul that is able to encourage to feel something or do an activity, regardless of spontaneity or through a certain consideration (Mutiarra & Fauzi, 2024a). Baldus argued that good faith is an action that is regarded as not enriching oneself at the expense of

others, emphasizing conscience and equity. This principle serves as the foundation of cumulative justice, which Baldus referred to as *the rule of rules in the life of conscience* (Gordley, 2000).

Article 24 paragraph (2) of the PP 24/1997 states that if complete evidence is no longer available, the registration of rights can be based on physical possession, provided that one of the conditions is good faith. To avoid multiple interpretations or legal ambiguity, experts argue that the act of physical possession must be carried out without deceit or fraud, openly, without harm to others, not solely for personal gain, and must be deemed appropriate according to the norms prevailing in society (Setyo Putri, 2017).

The fact is that, in an effort to provide preventive legal protection, LBH Kota Bandung stated that they submitted a land registration certification request to the Head of the Land Office of Bandung City on January 21, 2021. However, this request has not yet been responded to by the Head of the Land Office (LBH Kota Bandung, n.d.). Although the area is currently involved in a dispute, at the very least, the Head of the Land Office should act swiftly and responsively in issuing certificates for *ex-eigendom verponding* land in Dago Elos. This is inconsistent with the principle of security and currency embedded in land registration activities. The Head of the Land Office must act carefully and accurately and must register any changes to ensure that they remain consistent with the actual situation on the ground, thereby providing legal certainty. Considering that *ex-eigendom verponding* land that is physically occupied is highly vulnerable to disputes, despite the conversion period, it remains vulnerable because it does not have a certificate as proof of land registration. Therefore, immediate efforts must be made to register the land, especially *ex-eigendom verponding* land, as legal protection for landowners is in the form of a certificate of ownership.

The ruling in PK Decision Number 109/PK/Pdt/2022 is inconsistent with the prevailing positive law, as Article 1, Paragraph (1) of the Keppres 32/1997 states that land under rights of use, building rights, and rights to use, originating from the conversion of Western rights, would expire no later than September 24, 1980, as stated in the UUPA. This regulation is also found in Article 5 of the Keppres No. 32/1979, which states that if former Western rights land has been occupied by the people, priority will be given to those who physically control the land. In this case, the residents of Dago Elos have clearly occupied land that is now under state control and has become the residential area for many citizens. Based on these regulations, the residents of Dago Elos have priority rights over the land they occupy, as well as the priority to issue a certificate of ownership for the disputed land.

The ruling in PK Decision Number 109/PK/Pdt/2022 regarding the dispute over the *eigendom verponding* land in Dago Elos, which favored the Muller family, in fact revives colonial agrarian law, creating an imbalance in land control, where indigenous people often do not have the same access as foreign parties and large companies. Therefore, when the UUPA was established, the principle of nationalism was included as one of the key principles to eliminate the dualism of colonial agrarian law and replace it with a national land law system that applies to all Indonesian citizens. This ensures that land management becomes fairer and more aligned with national interests. By prioritizing national interests in land management, the principle of nationalism guarantees that land is managed productively by and for the benefit of Indonesian citizens. This is done so that land in Indonesia is not only used for personal gain or foreign interests but is directed toward development and a more equitable distribution for all people (Ilmy et al., 2024).

On the other hand, in the case of the *eigendom verponding* land dispute in Dago Elos, there is no legal certainty for the public. First, at the District Court level, the judge in fact declared the deed under the name of the Kingdom of the Netherlands, issued in 1918 in the name of George Hendrik Muller, with *verponding* numbers: 3740, 3741, and 3742, as legally valid. Second, in this decision, the panel of judges ruled that the residents of Dago Elos were acting unlawfully by occupying the disputed *eigendom verponding* land, whereas according to Article 95, Paragraph (1) of the PP 18/2021, written evidence of rights to Western land is declared invalid and the land is considered to be directly controlled by the state. Therefore, the ruling in PK Decision Number 109/PK/Pdt/2022 does not provide legal protection or legal certainty to the public, because the judge's decision is inconsistent with similar cases that have been previously decided, which has resulted in the land occupied by the residents of Dago Elos being threatened.

Conclusion

After the enactment of the UUPA, all previous land rights, including *eigendom* rights, must be converted in accordance with the UUPA to ensure legal certainty. *Eigendom* rights can be converted into ownership rights if registered within six months of the UUPA's enactment. If not, the rights will change to Building Use Rights, and if not registered by September 24, 1980, the land will become state-owned. Communities that have physically occupied *ex-eigendom verponding* land for more than 20 years can obtain preventive and repressive legal protection. Preventively, land registration under the PP 24/1997 and PP 18/2021 can be carried out using a physical possession statement verified by witnesses. Repressively, lawsuits can be filed to defend land rights, as demonstrated by the Dago Elos residents in PK Decision No.

934.K/Pdt/2019. However, PK Decision No. 109/PK/Pdt/2022 Review, which ruled in favor of the Muller family, reflects legal uncertainty as it contradicts regulations that should prioritize communities physically occupying the land.

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