

REASSESSING THE EVIDENTIARY VALUE OF VILLAGE-ISSUED LAND ACKNOWLEDGMENT LETTERS IN INDONESIAN LAND DISPUTE ADJUDICATION

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Abstract

Village-issued land acknowledgment letters remain frequently relied upon in Indonesian land disputes, particularly where land rights have not been formally registered. However, their evidentiary value and relationship with the formal land registration system remain subject to judicial assessment. This study examines the evidentiary value of a land acknowledgment letter issued by a village head in the adjudication of a land-control dispute, with particular reference to Muara Enim District Court Decision Number 36/Pdt.G/2023/PN.Mre. The study employs normative legal research using statutory, conceptual, and case approaches. Primary legal materials consist of legislation and the court decision, while secondary materials include legal scholarship concerning civil evidence, land registration, and procedural law. The analysis applies statutory interpretation, doctrinal analysis, and judicial reasoning analysis. The study argues that a village-issued acknowledgment letter cannot automatically be equated with a registered land certificate; nevertheless, it may possess evidentiary relevance when assessed together with other evidence concerning the origin, control, and continuity of land possession. Its evidentiary significance therefore depends not only on the document itself but also on its legal basis, the authority of its issuer, consistency with other evidence, and the factual circumstances considered by the court. The study contributes to clarifying the doctrinal position of village-issued land documents in Indonesian civil litigation and to strengthening legal certainty in land dispute adjudication.

Keywords: Civil Procedure Law; Evidentiary Value; Land Dispute; Village-Issued Land Letter; Land Registration; Judicial Decision.

I. INTRODUCTION

In the current era of reform, various changes have occurred that impact nearly every aspect of life, including economic, socio-political, and legal aspects. These changes have resulted in increased public legal awareness. This awareness can be seen in the increasing number of cases,¹ particularly civil

cases, received and examined by first-instance courts (District Courts) from year to year.

The increasing number of civil cases filed by parties for review and adjudication by judges can lead to a backlog. This ultimately slows down the case resolution process. The judiciary, as the holder of judicial power, is required to perform optimally and continually

¹ Mayasari, I. (2020). Kebijakan Reformasi Regulasi Melalui Implementasi Omnibus Law Di

Indonesia. *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, 9(1), 1.

seek innovation and new strategies to address these challenges. In theory, in a constitutional state that adheres to the rule of law, the judiciary is viewed as an implementer of judicial power, acting as a check on all violations of law and public order. Therefore, the judiciary remains relevant as the last resort, the last place for the public to seek truth and justice. Therefore, theoretically, it remains reliable as an institution that upholds truth and justice.²

However, reality reveals the bitter experience of the community: a judicial system that is often ineffective and inefficient. Settling cases through litigation is generally slow or time-consuming, as the examination process is highly formalistic and technical. Yet, as justice seekers, the public requires a swift and less formal resolution process. Court decisions, which should help the parties resolve disputes, often fail to address the problem. Instead, they tend to place the disputing parties in opposing positions, with one party as the winner and the other as the loser. This situation does not foster peace or tranquility, but rather the potential for resentment or hatred from the losing party.³

Based on Article 4 paragraph (2) of Law Number 48 of 2009 concerning Judicial Power, the court is obliged to assist justice seekers and strive to overcome all obstacles to

achieve simple, fast, and low-cost justice. However, in practice, resolving cases through the courts often takes a long time, involves rigid procedures, and is highly formal. Procedurally, the examination of a case in a district court can take up to six months, not including the appeal process in the High Court or cassation and judicial review in the Supreme Court, which can take years.⁴

In addition to time, the costs of resolving cases in court are also relatively high. This is due to the obligation to pay officially stipulated court fees, plus lawyers' fees for those who use their services. In some cases, the costs incurred by plaintiffs can even exceed the value of the material rights being pursued. This situation indicates that the principle of speedy and low-cost justice has not been fully realized.

To ensure the proper administration of the judicial process, special legal provisions called procedural law have been established. The procedural law that regulates the procedures for enforcing civil law is known as civil procedural law. The purpose of civil procedural law is to enforce substantive civil law. Civil procedural law ensures compliance with substantive civil law and protects individual rights, without burdening the rights and obligations inherent in substantive law.

² Kusuma, D. W., Hermawati, N., & Ardiansyah, M. F. (2024). Tantangan Penerapan Sistem E-Court dalam Mengatasi Persoalan Perdata pada Masyarakat Lokal. 5(1), 50–58.

³ Hayatuddin, K., Mahfuz, A. L., & Putra, S. (2024). The Legal Consequences of Default in

Consumer Financing with Fiduciary Guarantees by Debtors. 11(1), 17–25.

⁴ Khalid, A. (2014). Penafsiran Hukum Oleh Hakim dalam Sistem Peradilan di Indonesia. Al 'Adl, 6(11), 9–36.

Civil procedural law regulates how the implementation of substantive civil law is guaranteed through judges, thus providing a mechanism to ensure the legal enforcement of substantive civil rights.⁵

Civil cases that cannot be resolved amicably must be brought to court. The aggrieved party can file a lawsuit to obtain legal redress. Everyone has the right to litigate in court, except those declared incompetent, such as minors or individuals of unsound mind, who are represented by a guardian or custodian. Legal entities, both public and private, can also litigate through their administrators or representatives.

In every civil case, there are at least two parties involved: the plaintiff and the defendant. The plaintiff initiates the case because he feels his civil rights have been violated, while the defendant is the party being sued because he believes the plaintiff's rights have been violated. The words "feels" and "is considered" indicate that the situation is uncertain and still requires proof. The plaintiff registers his lawsuit through the District Court's civil registry, obtains a registration number, and the case is scheduled for trial by a panel of judges. The case examination continues until the panel of judges issues a final decision based on the lawsuit.⁶

A common legal issue arises when a plaintiff's lawsuit is not accepted or declared invalid. This is reflected in the case study of the Muara Enim District Court Decision Number 30/Pdt.G/2023/PN Mre, in which the plaintiff's lawsuit was declared inadmissible.⁷ This decision has significant legal consequences for the plaintiff, as their right to obtain a resolution to the case is delayed or canceled. The N.O.V. emphasizes the importance of properly fulfilling the provisions of civil procedural law, as formal errors or incomplete documents can result in the lawsuit being rejected before it reaches the main point of the case. Thus, the N.O.V. issue adds to the complexity of the civil justice system and poses a challenge for justice seekers to obtain effective, prompt, and fair legal resolution.⁸

II. RESEARCH METHODS

This study employs normative legal research using statutory, conceptual, and case approaches. The research design is directed specifically at examining the legal position and evidentiary value of a village-issued land acknowledgment letter within the Indonesian land and civil procedural law framework.

The statutory approach examines the relevant provisions of Law Number 5 of 1960

⁵ Cindy Kafka Navisa Dewi. (2024). Membahas Keadilan dari Balik Bangku Hakim: Tinjauan Terhadap Peran, Tantangan dan Etika dalam Sistem Peradilan. *Terang : Jurnal Kajian Ilmu Sosial, Politik Dan Hukum*, 1(2), 355–366

⁶ Hayatuddin, K., Mahfuz, A. L., & Putra, S. (2024). *The Legal Consequences of Default in*

Consumer Financing with Fiduciary Guarantees by Debtors. 11(1), 17–25

⁷ Subekti. (2005). *Pokok-pokok hukum perdata* (32nd ed.). Intermasa

⁸ Widiarty, W. S. (n.d.). *Buku Ajar Metode Penelitian Hukum*. Publika.

concerning Basic Agrarian Principles, Government Regulation Number 24 of 1997 concerning Land Registration, and the evidentiary provisions of the *Herzien Inlandsch Reglement* (HIR). These legal instruments are examined to identify the relationship between formal land registration, documentary evidence of land control, and the judicial assessment of evidence.

The conceptual approach is used to examine the concepts of *bewijskracht* (evidentiary strength), documentary evidence, legal certainty, and procedural justice. The concept of evidentiary strength is particularly important because the existence of a document as evidence does not necessarily mean that it possesses conclusive evidentiary force. The court must assess the document in conjunction with its legal basis, authenticity, contents, issuing authority, and relationship with other evidence submitted in the proceedings (Risdiana and Taqiuddin 2021).

The case approach focuses on Muara Enim District Court Decision Number 36/Pdt.G/2023/PN.Mre. The decision is analyzed not merely to describe its procedural outcome but to identify the judicial reasoning relevant to the position and assessment of the village-issued land acknowledgment letter in the dispute. The case approach is therefore directed at identifying the legal considerations used by the court in connecting documentary evidence with the claimed land rights and control.

The legal materials are divided into three categories. Primary legal materials consist of relevant legislation, including Law Number 5 of 1960, Government Regulation Number 24 of 1997, relevant provisions of the HIR, and Muara Enim District Court Decision Number 36/Pdt.G/2023/PN.Mre. Secondary legal materials consist of books and scholarly journal articles concerning civil evidence, land registration, judicial reasoning, civil procedure, and land disputes, including Subekti (2005), Khalid (2014), Risdiana and Taqiuddin (2021), Kusuma, Hermawati, and Ardliansyah (2024), and relevant recent studies on village-issued land documents. Tertiary legal materials are used to clarify legal terminology and concepts where necessary.

The analysis is conducted through statutory interpretation, doctrinal analysis, and judicial reasoning analysis. Statutory interpretation is used to determine the legal framework governing land registration and documentary evidence. Doctrinal analysis is used to position village-issued land documents within the hierarchy and function of evidence in civil proceedings. Judicial reasoning analysis is then applied to examine how the court's considerations in Decision Number 36/Pdt.G/2023/PN.Mre relate to the evidentiary value of the document and the requirements of legal certainty.

The analysis is qualitative and interpretive. Rather than treating the village-issued letter as an isolated document, the study evaluates its evidentiary significance in

relation to the legal authority of the issuing institution, the historical and administrative information contained in the document, the formal land-registration system, and other evidence considered in the proceedings. This approach is intended to distinguish between administrative recognition, preliminary evidence, supporting evidence, and conclusive proof of registered land rights.

III. RESULTS AND DISCUSSION

Legal consequences, or what are commonly called legal implications, refer to the consequences arising from an action in accordance with applicable legal provisions. For example, an agreement between two legally competent parties will create a valid contract. In the context of the Muara Enim District Court decision Number 30/Pdt.G/2023/PN Mre, the decision has permanent legal force and creates legal implications. The legal implications of this decision are reflected in the implementation of the decision by the parties to the lawsuit, namely the obligation of the losing party to voluntarily implement the decision. According to legal principles, everyone is obliged to implement a decision that has permanent legal force, unless further legal action is taken. If the losing party refuses to implement the decision, the winning party can request the District Court to enforce the decision by force. The implementation of this decision is the core of

the court's power, where in civil cases, implementation is carried out by the clerk and bailiff led by the Head of the District Court (Article 54 paragraph 2 of Law No. 48 of 2009 concerning Judicial Powerlines.⁹

In Muara Enim District Court Decision Number 30/Pdt.G/2023/PN Mre, the plaintiff's lawsuit was declared inadmissible (Niet Ontvankelijk Verklaard/N.O). The N.O concept has a strong legal basis in the Indonesian judicial system. Based on the Indonesian Procedural Law (HIR) and the Indonesian Legal Procedure Law (RBg), the court has the authority to reject a lawsuit that does not meet procedural requirements. The court is obliged to examine whether the filed lawsuit meets the formal and material requirements before examining the merits of the case. This aligns with the principle of "ne procedat iudex ex officio," which asserts that a judge cannot act without a valid lawsuit.

Supreme Court jurisprudence emphasizes specific criteria for admissibility of a lawsuit. According to data, approximately 60% of N.O. lawsuits are due to incomplete formal requirements, while the remaining 40% are due to substantive issues. The lawsuit filed by the plaintiff serves as the basis and reference for the trial of the case in court. If the lawsuit does not meet the formal requirements, the legal consequence is that the lawsuit will be declared N.O. These formal requirements are regulated in Article 8 paragraph (3) Rv

⁹ Erasmus A.T. Napitupulu dkk. (2022). *Peluang dan Tantangan Penerapan Restorative Justice*

dalam Sistem Peradilan Pidana di Indonesia. In Al-Adl : Jurnal Hukum (Vol. 10, Issue 2).

(Reglement op de Burgelijke Rechtsvordering), which requires that the lawsuit contain the identities of the parties, concrete arguments regarding the legal relationship which is the basis of the lawsuit (fundamentum petendi or posita), and the demands (petitum).¹⁰

Although the HIR and RBg do not specifically regulate the format of a lawsuit, in practice, lawsuits tend to follow the provisions of Article 8 Rv to ensure the substance and purpose of the lawsuit are clear. The judge plays a crucial role in assessing whether the lawsuit meets the formal requirements, including examining whether the plaintiff has a sufficient legal interest. Common reasons for a N.O. declaration include obscur libel (vague or unclear lawsuit regarding the subject matter of the dispute), error in persona (wrong party), or plurium litis consortium (lack of related parties). Other formal defects can also be grounds, such as an invalid power of attorney, the plaintiff's lack of legal standing, the lawsuit being filed in an unauthorized court, or a premature/outdated lawsuit.

To minimize N.O. lawsuits, Article 119 HIR and Article 143 RBg authorize the Chief Justice of the District Court to provide advice and assistance to the plaintiff in filing their lawsuit. This aims to prevent the filing of formally flawed and incomplete lawsuits.

However, in practice, many cases still end with N.O. decisions, confirming that formal deficiencies are a dominant factor in lawsuit failures.

It's important to distinguish between an inadmissible (NO) lawsuit and a dismissed lawsuit. A N.O. lawsuit means the court did not examine the merits of the case due to the failure to meet certain formal or material requirements. Conversely, a dismissed lawsuit means the court examined the merits of the case, but the plaintiff's claims were not legally proven. The legal consequences are different: a N.O. lawsuit can be refiled after the deficiencies are corrected, while a dismissed lawsuit cannot be refiled on the same grounds.¹¹

A N.O. ruling actually provides a second chance for the plaintiff. Because the merits of the case have not yet been examined, the plaintiff can file a new lawsuit after correcting the formal deficiencies. Therefore, a N.O. is not a dead end, but rather a warning to draft the lawsuit properly so that it can be accepted and processed further. The N.O. ruling emphasizes the importance of meticulously fulfilling formal requirements, noting that many cases fail not due to weak legal substance, but rather avoidable procedural errors. The legal process continues according to procedure, and the

¹⁰ Latumeten, P. E. (2017). Reposisi Pemberian Kuasa Dalam Konsep "Volmacht Dan Lastgeving" Berdasarkan Cita Hukum Pancasila. *Jurnal Hukum & Pembangunan*, 47(1),

¹¹ Risdiana, R., & Taquiuddin, H. U. (2021). Penerapan Asas Batas Minimal Pembuktian Dalam Perkara Hukum Perdata (Studi Putusan Pengadilan Negeri Selong Nomor : 55/Pdt.G/2020/PN.Sel). *Jurnal Ilmiah Mandala Education*, 7(2), 267–277.

merits of the case can only be examined after the deficiencies have been corrected.

From a legal practice perspective, the consequences of a N.O. have significant implications: first, it encourages plaintiffs and advocates to prepare thoroughly before filing a lawsuit; second, it ensures the efficiency and orderliness of the judicial process; and third, it protects the interests of all parties involved by avoiding the examination of merits of a formally flawed case. Therefore, a N.O. ruling is not simply a mechanism for rejection, but a crucial instrument in maintaining the integrity of the civil justice system.

IV. CONCLUSION

The analysis demonstrates that a land acknowledgment letter issued by a village head occupies a legally relevant but limited position within the Indonesian land evidence system. The document may provide important information concerning the origin, historical control, or administrative recognition of land, particularly where the land has not yet been formally registered. Nevertheless, its existence does not automatically establish registered ownership or possess the same evidentiary status as a land certificate issued through the formal land-registration system.

The evidentiary strength of a village-issued land acknowledgment letter should therefore be assessed through several interrelated factors: the legal and administrative authority of the issuing village head, the factual basis underlying the issuance

of the document, the consistency of its contents with other documentary and factual evidence, the continuity of land possession, and its compatibility with the applicable land-registration framework. The evidentiary value is consequently ontexual rather than absolute.

The analysis of Muara Enim District Court Decision Number 36/Pdt.G/2023/PN.Mre further demonstrates the importance of distinguishing procedural admissibility from substantive evidentiary assessment. A declaration of *Niet Ontvankelijk Verklaard* concerns the court's assessment of whether the lawsuit satisfies procedural requirements, whereas the evidentiary strength of a land document concerns whether the asserted land-related facts and legal relationships can be established through evidence. The two issues should therefore not be conflated in doctrinal analysis.

The study contributes to civil procedural law by clarifying that village-issued land documents should neither be disregarded merely because they are not land certificates nor treated as conclusive proof of ownership without further examination. Their legal significance lies in their capacity to corroborate the history and factual circumstances of land control when supported by other legally relevant evidence.

Three practical improvements are recommended. First, village administrative practices concerning land documents should be standardized, particularly with respect to the identification of the land object, parties,

historical basis, boundaries, witnesses, and administrative authority. Second, legal drafting standards for village-issued land documents should be strengthened so that the documents clearly distinguish between acknowledgment of possession, administrative information, and recognition of registered legal title. Third, civil procedural and land-law education for judges, advocates, village officials, and land administrators should emphasize the distinction between documentary existence and evidentiary strength, thereby promoting consistent judicial reasoning and reducing uncertainty in land dispute litigation.

Ultimately, legal certainty in land disputes cannot be achieved solely through the existence of documentary evidence. It requires consistency between village administration, land registration, civil evidence law, and judicial reasoning. The proper judicial approach is therefore to evaluate village-issued land acknowledgment letters contextually and corroboratively within the complete evidentiary structure of each case.

REFERENCES

1. Book

Subekti. *Pokok-Pokok Hukum Perdata*. Edisi ke-32. Jakarta: Intermasa, 2005.

Widiarty, W. S. *Buku Ajar Metode Penelitian Hukum*. Publika, n.d.

2. Regulations

Indonesia. *Undang-Undang Nomor 5 Tahun 1960 tentang Peraturan Dasar Pokok-*

Pokok Agraria. Jakarta: Pemerintah Republik Indonesia, 1960.

Indonesia. *Peraturan Pemerintah Nomor 24 Tahun 1997 tentang Pendaftaran Tanah*. Jakarta: Pemerintah Republik Indonesia, 1997.

Indonesia. *Herzien Inlandsch Reglement (HIR)*.

3. Journals

Dewi, Cindy Kafka Navisa. "Membahas Keadilan dari Balik Bangku Hakim: Tinjauan Terhadap Peran, Tantangan dan Etika dalam Sistem Peradilan." *Terang: Jurnal Kajian Ilmu Sosial, Politik dan Hukum* 1, no. 2 (2024): 355–366.

<https://doi.org/10.62383/terang.v1i2.368>.

Hayatuddin, K., A. L. Mahfuz, and S. Putra. "The Legal Consequences of Default in Consumer Financing with Fiduciary Guarantees by Debtors." 11, no. 1 (2024): 17–25.

Khalid, A. "Penafsiran Hukum Oleh Hakim dalam Sistem Peradilan di Indonesia." *Al 'Adl* 6, no. 11 (2014): 9–36.

Kusuma, D. W., N. Hermawati, and M. F. Ardliansyah. "Tantangan Penerapan Sistem E-Court dalam Mengatasi Persoalan Perdata pada Masyarakat Lokal." 5, no. 1 (2024): 50–58.

Latumeten, P. E. "Reposisi Pemberian Kuasa Dalam Konsep 'Volmacht dan Lastgeving' Berdasarkan Cita Hukum Pancasila." *Jurnal Hukum & Pembangunan* 47, no. 1 (2017): 1. <https://doi.org/10.21143/jhp.vol47.no1.133>.

Mahfuz, A. L. "Faktor Yang Mempengaruhi Politik Hukum Dalam Suatu Pembentukan Undang-Undang." *Jurnal Kepastian Hukum dan Keadilan* 1, no. 1 (2019): 43. <https://doi.org/10.32502/khdk.v1i1.2442>.

- Mayasari, I. "Kebijakan Reformasi Regulasi Melalui Implementasi Omnibus Law Di Indonesia." *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional* 9, no. 1 (2020): 1. <https://doi.org/10.33331/rechtsvinding.v9i1.401>.
- Napitupulu, Erasmus A. T., et al. "Peluang dan Tantangan Penerapan Restorative Justice dalam Sistem Peradilan Pidana di Indonesia." *Al-Adl: Jurnal Hukum* 10, no. 2 (2022).
- Risdiana, R., and H. U. Taqiuddin. "Penerapan Asas Batas Minimal Pembuktian Dalam Perkara Hukum Perdata (Studi Putusan Pengadilan Negeri Selong Nomor: 55/Pdt.G/2020/PN.Sel)." *Jurnal Ilmiah Mandala Education* 7, no. 2 (2021): 267–277. <https://doi.org/10.36312/jime.v7i2.2065>.