



# ***Juridical Analysis of the Postponement of Execution of Inherited Land Due to Error in Objecto in Supreme Court Decision Number 204 K/Pdt/2019***

Ewis Debby Parhusip<sup>++ \*1</sup>, Muhammad Yamin<sup>2</sup>, Mulhadi<sup>3</sup>

<sup>1</sup>Law Studies, Magister Program, Universitas Sumatera Utara, Medan, Indonesia

<sup>2,3</sup> Law Studies, Lecturer, Universitas Sumatera Utara, Medan, Indonesia

## **Authors' contributions**

*This work was carried out in collaboration among all authors. All authors read and approved the final manuscript.*

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## **Abstract**

This study examines the juridical and non-juridical obstacles to the execution of court decisions in land inheritance disputes, focusing on *error in objecto* as highlighted in Supreme Court Decision Number 204 K/Pdt/2019. The case involved a geographical misidentification of the disputed object, which significantly delayed the execution process and hindered the enforcement of the court's ruling. Employing a normative juridical approach, this research utilizes statutory, case, and document analysis to explore the underlying issues. The findings reveal that the primary factors obstructing execution include *error in objecto*, objections from the judgment debtor, incompetence among law enforcement officers, lack of coordination and support from local government authorities, and the financial burden associated with the execution process. These challenges not only undermine the principle of legal certainty but also perpetuate substantive injustice for litigants. To address these

<sup>++</sup> Indonesia;

\*Corresponding author: Email: [ewisdebby1711@gmail.com](mailto:ewisdebby1711@gmail.com)

issues, the study proposes preventive measures such as optimizing local inspections (*descente*), leveraging geospatial technology, and enforcing stricter standards against ambiguous lawsuits (*obscuur libel*). Corrective measures include the use of judicial review, Supreme Court advisory opinions, and sanctions for negligent judicial officers. By implementing these recommendations, the judiciary can enhance the effectiveness and enforceability of its decisions, ensuring greater legal certainty and fairness in land dispute resolutions.

**Keywords:** *Error in Objecto, Execution of Inherited Land, Legal Certainty, Supreme Court Decision, Government*

## 1. Introduction

Land holds a paramount role in the lives of Indonesian society, both economically and socio-culturally. For indigenous communities, such as the Batak tribe, land functions not only as an economic resource but also as a symbol of honor, identity, and ancestral heritage passed down through generations (Bungaran, 2006). These values reinforce the importance of land within the structure of customary life, requiring adherence to customary law and cultural values in its management (Hilman, 2005).

With modernization and development pressures, land has become a highly valuable economic commodity, Hirano and Toda (2023). The increasing demand for land, juxtaposed against its limited availability, has sparked various conflicts, including illegal land acquisition, forgery of certificates, and ownership disputes (Wayan, 1991). Among these, inheritance disputes within extended families are particularly prevalent, especially in regions where customary law retains a strong influence. Such disputes often lead to familial rifts, as each party asserts their legitimate ownership claims.

The judiciary serves as a formal mechanism for resolving land disputes through court decisions that aim to provide justice and legal certainty. However, the effectiveness of such decisions is contingent on judicial accuracy, particularly regarding the identification of the disputed object. Errors in specifying the location or status of the object—termed *error in objecto*—can render decisions unenforceable, undermining both substantive justice and legal certainty (Yahya Harahap, 2008).

The Supreme Court Decision Number 204 K/Pdt/2019 exemplifies such challenges. The dispute involved Manat Sibarani as the plaintiff and Santaria Br. Sihite and others as the defendants. The plaintiff claimed ownership of ancestral inherited land located in Hutabagasan Village, Doloksanggul District, which the defendants allegedly transferred and sold without the consent of other heirs. While both the district court and appellate court ruled in favor of the plaintiff, a critical issue arose: the judgment erroneously specified the disputed land's location as Hutabagasan Village, whereas field verification revealed its actual location in Siborboron Village, Sijamapolang District.

This geographical discrepancy led to objections from the judgment debtor and the local community, stalling execution (Sriram, 2007). The judgment debtor argued that execution could not proceed due to inconsistencies between the judicial ruling and factual conditions on the ground. Consequently, this administrative error rendered the decision *non-executable* (Hilman, 1997), posing serious questions about judicial effectiveness in ensuring legal certainty and protecting the rights of litigating parties.

The issue of *error in objecto* highlights not only technical weaknesses in judicial decisions but also the need for enhanced professionalism among law enforcement officials, particularly judges. Administrative errors in identifying the disputed object's location significantly impact the execution process—a crucial phase ensuring that judicial decisions translate into real justice (Subekti, 1987).

Compounding the problem are non-judicial factors, such as resistance from judgment debtors, insufficient governmental support in clarifying the object's location, and prohibitive execution costs. Law enforcement officers' lack of competence exacerbates these challenges, leading to protracted and ineffective legal processes (Retno Wulan Sutantio & Iskandar Oeripkartawinata, 1997). As a result, the rights of the prevailing party remain unfulfilled, while the judgment debtor continues to feel aggrieved.

In this context, analyzing the obstacles to execution arising from *error in objecto* is crucial. A juridical analysis of Supreme Court Decision Number 204 K/Pdt/2019 can offer

deeper insights into the legal issues at play and propose solutions to prevent similar errors in the future. This study seeks to identify legal mechanisms to address execution barriers resulting from object misidentification while striving to ensure legal certainty and substantive justice.

## 2. Method

### 2.1 Type and Nature of Research

This research employs normative legal methods, also known as doctrinal legal research, focusing on positive law analysis, including statutes, legal doctrines, and court decisions relevant to the study (Hutchinson, 2012). It adopts a descriptive-analytical approach, systematically presenting and analyzing legal issues arising from Supreme Court Decision Number 204 K/Pdt/2019.

### 2.2 Research Approach

The study uses three complementary approaches:

1. **Statutory Approach:** Examining laws and regulations, including:
  - The 1945 Constitution of the Republic of Indonesia (Article 18B, Paragraph 2): This foundational legal document establishes the principles of Indonesia's governance and recognizes customary laws and rights.
  - The Civil Code (KUHPerdata): A codification of private law governing contractual relationships, property rights, and personal obligations in Indonesia, based on the Dutch civil law system.
  - Law Number 5 of 1960 on Basic Agrarian Principles (UUPA): The cornerstone of land law in Indonesia, emphasizing equitable land distribution and state control over natural resources.
  - Law Number 48 of 2009 on Judicial Power: This law delineates the authority and responsibilities of judicial institutions in Indonesia to uphold justice.
2. **Case Approach:** Analyzing Supreme Court Decision Number 204 K/Pdt/2019, focusing on the legal facts, judicial reasoning, and implications of *error in objecto*.
3. **Conceptual Approach:** Understanding concepts such as *error in objecto*, *non-executable judgments*, and extraordinary legal remedies.

### 2.3 Data Sources

- **Primary Legal Materials:** The 1945 Constitution, Civil Code, UUPA, and Supreme Court regulations.
- **Secondary Legal Materials:** Legal textbooks, journal articles, and expert opinions.
- **Tertiary Legal Materials:** Legal dictionaries and encyclopedias.

### 2.4 Data Analysis

Data are analyzed qualitatively through data organization, reduction, interpretation, and deductive reasoning to derive conclusions.

### 2.5 Data Validity

Triangulation of legal sources ensures data validity and reliability.

## 3. Result and Discussion

This section presents the findings and discussion regarding the factors contributing to the delay in the execution of inherited land disputes caused by *error in objecto* in Supreme Court Decision Number 204 K/Pdt/2019. The discussion is divided into three key subsections: juridical factors, non-juridical obstacles in practice, and legal remedies to address these issues.

### 3.1 Juridical Factors Hindering Execution

#### a. Misidentification of the Disputed Object (*Error in Objecto*)

The fundamental issue in Supreme Court Decision Number 204 K/Pdt/2019 lies in the *error in objecto*, a misidentification of the disputed land's location. The judgment erroneously stated that the disputed land was located in Hutabagasan Village, Doloksanggul District, whereas field verification revealed that the land was in Siborboron Village, Sijamapolang District.

This error is critical because it directly impedes execution. Under procedural civil law, execution must strictly align with the judgment's ruling (Handayani and Santoso, 2018). When the location specified in the judgment does not match the actual disputed object, execution becomes legally impossible, creating a legal impasse that renders the decision *non-executable* (Hakim, 2019).

#### b. Obscure Libel in the Lawsuit

The misidentification of the object reveals a flaw in the plaintiff's lawsuit. In procedural civil law, an unclear or ambiguous lawsuit is categorized as *obscure libel*. Such lawsuits should be declared inadmissible (*niet ontvankelijke verklaard*). However, in this case, the courts at both the first instance and appellate levels ignored the ambiguity concerning the disputed object's location and ruled in favor of the plaintiff.

The judges' failure to scrutinize the clarity of the disputed object represents a significant juridical factor obstructing execution. The resulting judgment, which conflicts with on-the-ground realities, undermines the principle of legal certainty that should guide judicial decisions (Siregar, 2019).

#### c. Limitations in Local Inspections (*Descente*)

Local inspections (*descente*) are mechanisms employed to ensure the accuracy of the disputed object in land disputes. However, in this case, the inspection process failed to clarify the exact location of the disputed land. This shortcoming led the judges to decide the case based on invalid premises.

Such limitations indicate a lack of diligence and professionalism within judicial proceedings. Local inspections are an essential tool to prevent *error in objecto* and ensure that judgments can be executed effectively and accurately.

### 3.2 Non-Juridical Factors Hindering Execution

#### a. Resistance from the Judgment Debtor and Local Communities

A key non-juridical factor in this case is the resistance from the judgment debtor and the local community against the execution process. The judgment debtor argued that the location stated in the ruling did not match the actual geographical facts. This claim was reinforced by village authorities, who confirmed that the disputed land was located in Siborboron Village, not Hutabagasan Village.

Such resistance led to disruptions during the execution process, preventing its smooth implementation. This situation highlights severe coordination issues between judicial authorities, government officials, and other relevant stakeholders.

#### b. Lack of Support from Government and Security Apparatus

The involvement of government and security personnel from irrelevant administrative regions further escalated local resistance. In this case, security forces assisting the bailiff were from Doloksanggul District, whereas the disputed land was in Sijamapolang District. Furthermore, the security forces did not carry formal assignment letters, which undermined their legitimacy in the eyes of the local community.

This lack of coordination diminished public trust in the execution process and worsened the situation on the ground. Village officials also objected to the execution, asserting that the land was outside their administrative jurisdiction.

#### c. Incompetence of Law Enforcement Officials

The incompetence of law enforcement officers, particularly bailiffs and court clerks, further exacerbated the problem. During execution, the bailiff merely read out the execution decree without taking concrete actions to enforce the judgment. Moreover, the absence of

the Chief Judge of the District Court, who is legally required to oversee the execution, violated civil procedural law.

This gave the impression that the execution process was merely a formality without tangible results, prompting the judgment debtor to reject its implementation (Gayo, 2020).

#### **d. Financial Constraints in Execution**

Execution processes often incur significant costs, which serve as an additional barrier for the applicant. In this case, the applicant faced financial difficulties in covering execution expenses, causing further delays. Although pro bono mechanisms (*pro deo*) exist to waive court fees, their implementation is often suboptimal at the district court level.

### **3.3 Legal Remedies to Address Execution Issues**

#### **a. Judicial Review**

Judicial review (*Peninjauan Kembali*) serves as an extraordinary legal remedy for parties aggrieved by judicial errors such as *error in objecto*. PK can be filed based on judicial oversight or new evidence (*novum*). In this case, PK can be pursued to amend the judgment's ruling regarding the disputed object's location, thereby facilitating execution in line with factual realities, Constitutional Court of Indonesia. (2024).

#### **b. Request for a Supreme Court Advisory Opinion (*Fatwa Mahkamah Agung*)**

A request for an advisory opinion from the Supreme Court can provide clearer legal interpretation regarding problematic execution processes. Such advisory opinions serve as legal guidance for district courts to carry out execution in accordance with the principles of legal certainty and justice.

#### **c. Third-Party Opposition (*Derden Verzet*)**

If third parties feel aggrieved by an improper execution, they can file third-party opposition (*derden verzet*). In this context, village officials or local communities who assert that the execution location is incorrect can seek legal protection through this mechanism.

#### **d. Filing a New Lawsuit with a Clear Object**

As a last resort, the applicant may file a new lawsuit with a clearly specified object of dispute. While this approach contradicts the principle of simple, quick, and low-cost judicial processes, a new lawsuit can provide a viable solution if all other legal remedies fail.

### **3.4 Implications for Legal Certainty and Justice**

#### **3.4.1 The Principle of Legal Certainty in Execution of Judgments**

Legal certainty is a fundamental principle of the judicial system, ensuring that every court decision is clear, enforceable, and provides a fair resolution for litigating parties. In Supreme Court Decision Number 204 K/Pdt/2019, this principle was undermined due to *error in objecto*. The misidentification of the disputed object's location created ambiguity that made effective execution impossible (Sembiring, 2024).

Legal certainty obligates judges to verify that the disputed object stipulated in the judgment corresponds to the actual geographic facts on the ground. Such errors highlight weaknesses in fact verification during proceedings, particularly in the local inspection process (*descende*). Inaccurate rulings not only harm the party awarded judgment but also create confusion among court officials tasked with executing the decision. Consequently, the plaintiff's rights remain unrealized, defeating the judiciary's ultimate objective of providing legal certainty (Daim, 2024).

#### **3.4.2 The Impact of *Error in Objecto* on Substantive Justice**

Substantive justice emphasizes achieving genuine fairness for all disputing parties. In this case, substantive justice was obstructed due to the fundamental error in determining the disputed object's location. An erroneous judgment renders execution impossible, denying the prevailing party—Manat Sibarani—the ability to enjoy their rightful claim over the inherited land (Harahap, 2020).

The error also creates perceived injustice for the judgment debtor, who objects to the execution based on an inaccurate ruling. This scenario not only fails to resolve the dispute but exacerbates inequity for both parties. Non-judicial factors, including resistance from the judgment debtor, lack of local government coordination, and unprofessional

execution procedures, further amplify this substantive injustice. Consequently, public trust in the judiciary erodes as the system fails to offer a concrete resolution to land disputes (Nurwiyanti, 2021).

#### **3.4.3 Weaknesses in the Local Inspection (*Descente*) Process**

The local inspection (*descente*) is a procedural tool in civil law aimed at clarifying the disputed object, including its location, boundaries, and status. In this case, the *descente* failed to provide adequate clarity on the disputed land's location. This weakness reveals a lack of diligence and professionalism in executing *descente*, undermining its role in preventing *error in objecto*.

Had the *descente* been conducted meticulously, errors in determining the disputed object's location could have been avoided. Judges bear the responsibility of ensuring the accuracy of facts before rendering a decision, particularly in land disputes that heavily rely on object clarity. The failure to validate facts during the *descente* highlights systemic flaws in field data collection and verification, which have fatal implications for judgment execution (Chandra, 2019).

#### **3.4.4 Legal Consequences of Non-Executable Judgments**

A non-executable judgment caused by *error in objecto* has significant legal consequences. First, it loses its enforceability, thereby failing to provide legal protection to the prevailing party. The enforceable character of a final and binding court judgment is one of its essential attributes.

Second, this situation creates a legal deadlock, depriving the plaintiff of their rights while subjecting the judgment debtor to flawed execution attempts. This outcome contradicts the principles of simple, fast, and low-cost judicial proceedings, as stipulated in Article 4 Paragraph (2) of Law Number 48 of 2009 on Judicial Power.

Third, a non-executable judgment can trigger new, more complex disputes, as aggrieved parties may pursue extraordinary legal remedies such as judicial review (*peninjauan kembali*) or file new lawsuits. These actions impose additional burdens of time, cost, and effort on litigants, prolonging the dispute resolution process (Hapsari, 2018).

#### **3.4.5 The Link Between Legal Certainty and Judicial Professionalism**

Legal certainty and justice can only be achieved if judicial officials—including judges, clerks, and bailiffs—perform their duties professionally and accountably. In this case, deficiencies in judicial professionalism are evident in several aspects:

1. Judges' lack of diligence in verifying and adjudicating the object of dispute accurately.
2. Bailiffs' failure to execute the judgment effectively, adhering to civil procedural rules.
3. The absence of the District Court Chief Judge during execution, undermining the legitimacy of the process.

Improving the capacity and professionalism of judicial officers through continuous training and internal oversight is crucial to preventing *error in objecto* and ensuring that judgments are enforceable and effective (Harahap, 2020).

#### **3.4.6 Preventive and Corrective Measures to Avoid *Error in Objecto***

This case highlights the need for preventive and corrective measures within the judiciary to avoid *error in objecto*.

##### **Preventive measures include:**

1. Optimizing the local inspection (*descente*) process with the involvement of relevant stakeholders to verify the object's clarity and status.
2. Employing geospatial technology and digital mapping to verify the location of disputed objects as part of court proceedings.
3. Enforcing strict standards against unclear or ambiguous lawsuits (*obscuur libel*), with courts required to reject such lawsuits outright.

##### **Corrective measures include:**

1. Judicial review as an extraordinary legal remedy to rectify judgments with fundamental errors.

2. Requesting Supreme Court advisory opinions (*fatwa*) to provide legal guidance on problematic execution processes.
3. Imposing strict sanctions on judicial officials who are negligent in executing their duties, both during proceedings and in the execution stage.

By implementing these measures, Indonesia's judiciary can become more responsive and accountable in resolving land disputes while preventing non-executable judgments due to errors in identifying disputed objects (Purnama, 2024).

#### 4. Conclusions And Recommendations

The analysis of Supreme Court Decision Number 204 K/Pdt/2019 underscores how interconnected juridical and non-juridical factors contribute to the delay in executing judgments in land dispute cases. Juridical issues include *error in objecto*, where the misidentification of the disputed object's location rendered the judgment non-executable. Additional shortcomings, such as the acceptance of ambiguous lawsuits (*obscuur libel*) and weaknesses in the descent process, further compromised the accuracy and enforceability of judicial decisions. On the other hand, non-juridical factors like resistance from local communities, lack of support from local government and security personnel, incompetence among law enforcement officials, and high execution costs exacerbated the challenges, making execution both difficult and prolonged.

To address these challenges and prevent similar occurrences, both preventive and corrective measures are essential. Preventive measures include optimizing the descent process through meticulous local inspections involving stakeholders such as land surveyors and local authorities. The use of geospatial technologies and digital mapping systems should be incorporated to ensure precise identification of disputed objects. Courts must also strictly enforce procedural rules by rejecting unclear or ambiguous lawsuits to prevent judicial decisions that are inherently unenforceable. These measures would enhance accuracy and uphold the principles of legal certainty during the litigation process.

Corrective measures focus on addressing past errors and strengthening the judicial system's accountability. Judicial review provides an extraordinary remedy to rectify judgments marred by *error in objecto*, while Supreme Court advisory opinions (*fatwa Mahkamah Agung*) can guide lower courts in executing problematic rulings. Sanctions for judicial officials who fail to adhere to their duties during case examination or execution are necessary to reinforce professionalism. Moreover, capacity-building initiatives for judicial officers, including judges, bailiffs, and court clerks, should be prioritized to ensure adherence to procedural standards and improve execution outcomes.

To enhance the overall efficacy of land dispute resolution, additional steps must be taken to improve institutional responsiveness and coordination. This includes fostering collaboration between judicial authorities, local governments, and security personnel during the execution process to reduce resistance and enhance legitimacy. The financial barriers to execution must also be addressed by optimizing pro bono mechanisms, such as waiving execution fees for disadvantaged litigants. Integrating geospatial technologies and digital mapping tools in judicial proceedings will further minimize human error and provide reliable data for land dispute cases. By implementing these recommendations, the judiciary can better uphold the principles of legal certainty and substantive **justice while fostering public trust in its ability to resolve disputes effectively**

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