



LEGAL PROTECTION AGAINST LAND BUYER IN GOOD INDENCE IN LAND OWNERSHIP

**Muhammad Firman Akbar,
Joko Sri Widodo,
H. Dhody AR Widjaatmaja,
Yuhelson**

Jayabaya University , Jakarta
Akbarfirman@gmail.com

Article history:	Abstract:
Received: January 6 th 2023 Accepted: February 8 th 2023 Published: March 8 th 2023	Legal protection for a good faith land buyer in a land dispute is absolutely given as long as the buyer has done the things that have been stipulated in the laws and regulations before buying and selling land. The method used in this research is normative legal research which is carried out as an effort to obtain the necessary data related to the problem. The results of the study state that the law provides for buyers who carry out sales and purchases that meet the clear and cash requirements in the transition, namely buying and selling before the PPAT or the village head. The buyer must conduct research on the land he is going to buy and the buyer must be careful before buying and selling land.

Keywords: Legal protection, laws and regulations, land

INTRODUCTION

Disputes that occur in the buying and selling process land Still become cases dominating the Civil Chamber Supreme Court of the Republic of Indonesia. Most _ case the arise Because exists disputes that occurred between _ owner origin as well as a willing purchaser ok . No seldom buy-sell process This appear Because exists committed seller _ bad or transition a right exercised by someone who does not entitled . Condition This forced the judge to can decide involving matters _ application principle *nemo plus iuris transferre (ad allium) potest quam ipse habet* that protects owner origin with principle *bona fides* from buyer have faith ok .

System publication adherent land _ principle publication negative tend positive has open possibility for feeling parties _ own right on a plot land For fight for right his . Condition This raises consequence that certificate proof ownership on a plot land No can apply as the only one proof absolute . Certificate the only can apply as proof strong authenticity . _ this _ in a manner firm disclosed in provision Article 19 paragraph (1) UUPA, Article 23 paragraph (2) and Article 32 paragraph (2) Regulations Government Number 24 of 1997 concerning Land Registration . For can determine ownership from land to be object dispute the so Then analysis based on validity condition material and formal from the buying and selling process .

The rise lawsuits that arise on ownership resulting land _ from the buying and selling process that does not legitimate Then become attention special from Supreme Court . Through a Circular Letter Supreme Court

Number 7 of 2012 and Circular Letter Supreme Court Number 5 of 2014 and Circular Letter Supreme Court Number 4 of 2016 concerning Formulation of Legal Meeting Results Plenary Chamber of the Supreme Court as Guidelines Implementation Task for Court , Supreme Court tried give certainty law with protect right from buyer have faith ok . as contained inside _ grain to IX Circular Letter Supreme Court No 7 of 2012, the Supreme Court stressed importance protection for buyer have faith Good though Then is known that seller is someone who doesn't entitled . Submission change loss only can submitted by the owner origin to sellers who don't entitled . Besides it , on the grain to VIII, protection is also given to Mortgage Holder _ have faith well should too protected although Then is known that mortgage holder _ No entitled . Protection law to buyer have faith Good the Then return emphasized in the Circular Letter Supreme Court Number 5 of 2014.

Two years intermittently , the Supreme Court through meeting plenary room civil return emit Circular Letter Supreme Court about protection to buyer have faith ok . This time , Circular _ Supreme Court Number 4 of 2016 is used For give improvement to explanation about buyer have faith ok . Improvement This done with give explanation to criteria buyer have faith Good as contained inside _ Article 1338 paragraph (3) of the Civil Code . Strengthening role institution Justice For protect buyer have faith well done _ with use Circular Letter Supreme Court it seems Still Not yet effective . Proven since year Circular Letter Supreme Court , SEMA renewal continues done For find ideal form of possible protection _ given to buyer have faith ok .



Based on a study conducted by *the Judicial Sector Support Program (JSSP)*, which is results cooperation study between Research and Advocacy Institutes For Independence Judiciary (LeIP) with *Center for International Legal Cooperation from Royal Netherlands Embassy* found a number of fact interesting about effort Supreme Court in give protection to buyer have faith ok . From the studies conducted to literature and decisions made by experts and academics _ the , found 49 decisions _ has win buyer have faith ok . As many as 9 out of 12 decisions consider buyer have faith Good Because carry out the buying and selling process before the PPAT. Then , 12 out of 14 decisions categorize buyer have faith Good Because obtain right through the auction process general . However 20 decisions _ rejected by the judge because buyer considered not enough careful in check object status buy and sell or object the Still in dispute .

RESEARCH METHODS

In study This Researcher use study juridical normative or the usual also known as term study law doctrinal . Type study juridical normative done with do study to sources law secondary nor studies library . Studies literature the become road For do search to regulations that are topic study . Draft of legal doctrine This Then will direct analysis on stages For look for correlation explicit nor implicit from rule existing laws _ with the principles , concepts and values adopted . Norm values or rule law public looked at become part from study law normative without leave logic law from facet viewing science _ law as object from study That alone . Application norms in law positive can understood when study done to *ratio decidendi* from A case showing _ argument law given by the judge as base the verdict .

Discussion room from study determined through choice the approach used by researchers . Type study selected normative _ in study This use choice more approach _ broad and open opportunity for utilization results findings from study empirical nor other research as material For deepen analysis carried out . Limits apply with use results consistent findings _ with research models normative . kindly more Specific chosen approach _ based on the explanation of Peter Mahmud Marzuki For used in study This includes : a. Approach Legislation (*Statute Approach*), b. Approach Conceptual (*Conceptual Approach*), c. Approach Analytical (*Analytical Approach*), d. Approach Case (*Case Approach*), e. Approach Historical (*Historical Approach*), f. Approach Philosophy (*Philosophical Approach*). Approach legislation used For search material law that becomes umbrella law for moderate issue _ discussed For Then done approach analysis to philosophy from rule the in a manner conceptual .

understanding philosophical from applicable regulations _ here's what then become material For do analysis to verdict that has been made by the court (*historical approach & case approach*). As for sources material classified law _ in 3 (three) types , namely : *First* : Primary Legal Materials . Sourced data _ from regulation legislation characteristic tie in a manner juridical or also known as term *authoritative* . Materials __ primary law consists from related legislation _ _ _ with study this . As for the ingredients primary law in study these , among others: 1). The 1945 Constitution of the Republic of Indonesia , 2) Law Number 5 of 1960 concerning Fundamental Basic Rules Agrarian Affairs , 3) Civil Code , 4) Regulations Government Number 10 of 1961 concerning Land Registration , 5) Regulations Government Number 40 of 1996 concerning Cultivation Rights, Building Use Rights and Land Use Rights , 6) Regulations Government Number 24 of 1997 concerning Land Registration , 7) Regulations Government Number 37 of 1998 concerning Regulation Official Maker Land Deed , 8) Circular Letter Supreme Court (SEMA) Number 7 of 2012 concerning Formulation of Legal Meeting Results Plenary Chamber of the Supreme Court as Guidelines Implementation Task for Court . 8.) Circular Letter Supreme Court (SEMA) Number 5 of 2014 concerning Enactment Summary of Meeting Results Plenary of the Supreme Court Chamber of 2014 as Guidelines Implementation Task for Court . 9.) Circular Letter Supreme Court (SEMA) Number 4 of 2016 concerning Implementation Summary of Meeting Results Plenary of the Supreme Court Chamber of 2016 as Guidelines Implementation Task for Court . Material . *Second* , Secondary Law . In study This material law secondary give explanation and instructions to material law secondary covers dictionary law , literature , papers , books , journals law , outcome research , works scientific For strengthen and support results related research _ with study this . *Third* ; Tertiary Legal Materials . Material law tertiary is material supporting law _ material primary and secondary law with give understanding and understanding on material law other , in study This material law tertiary researchers _ use is dictionary obtained law _ from library . Study This use object Decision Supreme Court Number 500 PK/ Pdt /2018, which is dispute ownership land between owner origin with buyers and those who do not entitled sell Because seller This use letter power selling stated _ false by the verdict of criminal judges who have strength law stay . Decision case this is also given different decisions by judges at different levels *judex facti* with *judex juris* cassation and review back .

FINDINGS AND DISCUSSION

1. Judge's Interpretation Against Faith Both Parties _ In Process of Selling Buy Land Using a



Fake Power of Attorney In Case Review Number 500 PK / Pdt /2018 .

Formula problem first studied _ in study This is about how the judge interprets faith both parties _ in the selling process buy ground . as known , in sell buy land there are two parties that is seller or owner land or representative person owner land For sell land and buyers ground . In the practice arise problem if it turns out in the selling process buy That There is demands from other parties who feel they also have right on land being traded it . Here it is sometimes appear term owner origin , if that sells land earlier No owner .

According to researchers , use Theory Interpretation is correct theory ___ For answer formula problem First in study this . Moreover in something dispute ownership land use _ track settlement through court civil No Can released from understanding that inspection case civil That its nature look for truth formal , no like case adhering criminal _ to search truth material . With information witnesses and testimony defendant plus with judge's conviction , already Enough for criminal judges For state somebody proven do something follow criminal .

though You're welcome look for truth formal , the judge can different opinion in drop decision or something case civil related dispute ground . Someone's holding on firm with proof For look for truth formal , however there is also an inner judge framework look for truth formal also uses proof material Because No there is a clear line between look for truth form and truth material . For important judges in make something decision must load sufficient reasons and considerations _ based on the testimony and facts revealed at trial so that decision the satisfy a sense of justice .

On September 3 2018 the Supreme Court examined and tried case civil review return Number 500 PK/ Pdt /2018 has been drop decision in application review back , the amar the verdict as following :

Judging :

1. Grant application review return from Applicant Review I Directors of PT Hotel Indonesia Natour (D/H. Directors of PT Hotel Indonesia Internasional), Petitioner Review II Board of Directors Pd. Pembangunan Sarana Jaya (D/H. Directors Ptb-Dki Jakarta), Petitioner Review III Head of the National Land Agency (D/H. State Minister for Agrarian Affairs) cq . Head of the North Jakarta Region National Land Office , and the Petitioners Review IV 1. Soenanto , 2. Rusmardi Roesli , 3. Mulyasih Jamtomo , 4. Chan Siu Tjoe , said ;
2. Cancel Decision Supreme Court Number 282 K/ Pdt /2015 dated 7 April 2015 which canceled Decision Jakarta High Court Number 274/PDT/2014/PT DKI. dated June 30 , 2014

which strengthens Decision Central Jakarta District Court Number 514/ Pdt.G /2011/PN Jkt Ut. October 8 , 2013;

Retrial :

In compensation :

In Exception :

- Accept exception Defendant VI, Defendant VII, Co Defendant I, Co Defendant III, Co Defendant IV and Co- Defendant Defendant V;

In tree case :

- stated plaintiffs ' lawsuit No can accepted ;

3. Punish the Respondents Reconsideration , for pay cost case in all level justice , deep level review return 2,500,000.00 (two million five hundred thousand rupiah);

In decision review return , the Supreme Court gave consideration law as following :

That reasons review return from Applicant Review I, II, III and IV can justified , because after researching with carefully memory review back I, II, III and IV and cons memory review return connected with consideration *Judex Juris* it turns out there is judge's oversight or real mistake _ with consideration as following :

That with decision criminal Number 581/ Pid.B /2003/PN Jkt. Ut. September 30, 2003 *juncto* Decision Jakarta High Court Number 53/PID/2003/PT DKI dated 15 June 2004 *juncto* Decision Supreme Court Number 2234 K/ Pid /2004 dated 23 May 2005 stating that Hanafi bin Mursid proven in a manner valid and convincing guilty do follow criminal Using Fake Letters namely Fake Power of Attorney For selling / receiving change make a loss object dispute to Applicant Reconsideration II which later Applicant Reconsideration II selling to Applicant Reconsideration I, no as well as immediately resulted transition object dispute to committed buyer _ Good become cancelled Because buyer have faith Good *in case* Good Applicant Review I, II, III and the buyer have faith Good other must protected , especially has born valid certificates _ on object dispute , where object dispute has controlled by the Petitioner Review I, IV has been a long time;

That losses incurred _ consequence forgery *aquo* must charged to perpetrator crime / forgery letter power , because That Decision Supreme Court Number 282 K/ Pdt /2015 dated 7 April 2015 must cancelled ;

Considering , that in case *aquo* object dispute has determined status by judgment Court that has strength law still until with level review return that is Decision Supreme Court Number 324 PK/ Pdt /2007 dated 20 February 2008, because That exception Defendants VI, VII, co Defendants I, III, IV and V that lawsuit *ne bis in idem* reasoned law For granted , so lawsuit must stated No can accepted (*net ontvankelijk verklaard*);



Considering , that based on the above considerations , the Supreme Court was of the opinion that there is Enough reason For grant application review return filed by the Petitioner Review I of the Directors of Pt Hotel Indonesia Natour (D/H. Directors of PT Hotel Indonesia Internasional), Petitioner Review II Board of Directors Pd. Pembangunan Sarana Jaya (D/H. Directors Ptb-Dki Jakarta), Petitioner Review III Head of the National Land Agency (D/H. State Minister for Agrarian Affairs) *cq.* Head of the North Jakarta Region National Land Office , and the Petitioners Review IV: Soenanto , Rusmardi Roesli , Mulyasih Jamtomo , Chan Siu Tjoe and cancel Decision Supreme Court Number 282 K/ Pdt /2015 dated 7 April 2015 which canceled Decision Jakarta High Court Number 274/PDT/2014/PT DKI. dated June 30 , 2014 which strengthens Decision Central Jakarta District Court Number 514/ Pdt.G /2011/PN Jkt Ut. October 8 , 2013.

Decision Review Number 500 PK/ Pdt / 2018 dated 3 September 2018 cancel decision cassation Supreme Court Number 282 K/ Pdt /2015 dated 7 April 2015 . In decision cassation , the Supreme Court gave disgraceful verdict _ as following :

Judging :

- Granted the cassation request from the Cassation Petitioners: I. Afanie, SH, bin H. Muslim, as one of the heirs and the deceased H. Muslim bin H. Suait and acting as attorney to represent the other heirs, namely:
 1. Asmawi Bin H .Muslim,
 2. Sumiyati Binti H. Muslim,
 3. Asmid Bin H. Muslim,
 4. E. Suryati Binti H. Muslim,
 5. Nurmani Binti H. Muslim,
 6. Akhmad Kurnia bin H. Muslim,II. The heirs of the late Mustar bin H. Muslim, who died on October 28, 2006 and his wife passed away on October 6, 2005 leaving 8 (eight) children as heirs, namely:
 1. Rusmiyati,
 2. Rustini,
 3. Syarif Hidayat,
 4. Ameliyah,
 5. Fery Ferdiansyah,
 6. Nana Rosdiana,
 7. Juli Rahmawati,
 8. Hadi Ruliyandi,III. The heirs of the late Mrs. Tasuroh bint H. Muslim, who died on September 8 2006 leaving 4 (four) children as heirs namely:
 1. Daman Huri,
 2. Tasruddin,
 3. Dede Irma Suryani,
 4. Eni Greece,said:
- Canceled the Decision of the Jakarta High Court 274/PDT/2014/PT.DKI., June 30, 2014 which upheld the Decision of the North Jakarta District Court Number 514/Pdt.G/2011/PN Jkt.Ut., October 8, 2013;

Judging Yourself:

I. In Provision:

- Reject the Plaintiffs' provision;

II. In Exception:

- Rejecting the exceptions of Defendant VI, Defendant VII, Co-Defendant I, Co-Defendant III, Co-Defendant IV and Co-Defendant V in their entirety;

III. In the Principal Case:

1. Granted the Plaintiffs' lawsuit in part;

2. Declare the actions of Defendant I, Defendant II, Defendant III, Defendant IV, Defendant V as the heirs of the aim. Hanfi bin H. Mursid and Defendant VI, Defendant VII, Defendant VIII and Co-Defendant I to Co-Defendant VI are unlawful acts;
3. Declare that by law the Plaintiffs as the heirs and heirs of the late H. Muslim bin H. Suait are the legal owners of the customary land rights of Girik C Number 436, Persil Number 96/S. HI is registered under the name "Muslim bin H Soait" based on Basic Map No. 19 of Pulogadung Village which according to PP No. 10 of 1961 is recorded as $\pm 11,225 \text{ m}^2$ ($149 \text{ m}^2 \times 75 \text{ m}^2$) formerly known as Kampung Pulogadung, Kelapa Gading Sub-District, District Kodja, North Jakarta which has been upgraded to Land Use Rights Certificate (HGB) Number 4240/Kelapa Gading Timur for Defendant VII which was then split/divided into Building Use Rights certificates (HGB) Number 4240/Kelapa Gading Timur into 7 (seven) certificates ;
4. Declare in accordance with the Decision on Criminal Case Number 581/Pid.B/2003/PN Jkt.Ut., September 30 2003 North Jakarta District Court *juncto* Number 2234K/PID/2004 dated March 23 2005 The Supreme Court of the Republic of Indonesia that the Power of Attorney (Sell) December 17, 1969 seized and destroyed because the power of attorney is legally flawed, so that all legal consequences are null and void;
5. Declare that the Land Use Rights Certificate (HGB) Number 4240/ Kelapa Gading Timur has no legal force;
6. Declare the division/division of the Building Use Rights certificate (HGB) Number 4240/Kelapa Gading Timur into 7 (seven) certificates, namely:
 1. HGB land certificate Number 4479/Kelapa Gading Timur;
 2. HGB land certificate Number 4543/Kelapa Gading Timur;
 3. HGB land certificate Number 4544/Kelapa Gading Timur;
 4. HGB land certificate Number 4545/Kelapa Gading Timur;
 5. HGB land certificate Number 4546/Kelapa Gading Timur;
 6. HGB land certificate Number 4547/Kelapa Gading Timur;
 7. HGB land certificate Number 4548/Kelapa Gading Timur is null and void with all the legal consequences;
 8. Punish and order Defendant VIII to cancel all certificates of Building Use Rights (HGB) Number 4240/Kelapa Gading Timur along with 7 (seven) certificates of division/division of HGB Number 4240, namely:



1. HGB land certificate Number 4479/Kelapa Gading Timur;
2. HGB land certificate Number 4543/Kelapa Gading Timur;
3. HGB land certificate Number 4544/Kelapa Gading Timur;
4. HGB land certificate Number 4545/Kelapa Gading Timur;
5. Land Certificate for Building Use Rights (HGB) Number 4546/Kelapa Gading Timur;
6. Land Certificate for Building Use Rights (HGB) Number 4547/Kelapa Gading Timur;
7. Land certificate for Building Use Rights (HGB) Number 4548/Kelapa Gading Timur, and stop the extension or change of the Building Use Rights certificate (HGB) mentioned above;
8. Punish Defendant VII and Co-Defendant to pay forced money (*dwangsom*) to the Plaintiffs in the amount of Rp. 5,000,000.00 (five million rupiah) every day for their failure to carry out this decision as of the time it has permanent legal force;
9. Rejecting the plaintiffs' lawsuit other than and the rest;
10. Punish the Cassation Respondents/Defendants to pay court fees at all levels of the court which at this cassation level amount to Rp. 500,000.00 (five hundred thousand rupiahs);

In decision cassation , the Supreme Court gave consideration that reason cassation the can justified , *Judex Facti* have been applied incorrectly law , with consideration as following :

That case Number 162/PDT.G/1999/PN.JKT.UT., *juncto* decision review back that was strength law fixed , dropped decision with amar reject lawsuit , because theorem Plaintiff Muslim power to Hanafi yet proven false by a valid Judge's decision law fixed ;

That Now based on decision criminal Number 581/PID.B/2003/ PN.JKT.UT., dated 30 September 2003 *juncto* Decision Jakarta High Court Number .53 / Pid /2003/ PTr DKI., June 15 2004 *juncto* Decision Supreme Court Number 2234 K/ Pdt /2004, dated 23 March 2005, which in its ruling stated that Hanafi bin Mursid proven in a manner valid and convincing guilty do follow criminal " *use letter fake* " ie letter power false For selling / receiving change make a loss land owned by Muslim women to DKI Jakarta Housing Companies ;

That because _ letter power used _ For selling / receiving change make a loss land belongs to the Muslim fake , then sale / replace make a loss land object dispute by Hanafi not valid ;

That now , basic lawsuit Plaintiff No The same with lawsuit before , because exists incident law new in between lawsuit earlier with lawsuit Now so that position *nebis in idem* become no because _ circumstances new the that is exists decision crime that has strength law fixed ;

That Plaintiff can prove theorem the lawsuit that land object dispute is owned by Plaintiff from sold his parents ' inheritance in a manner No valid by Hanafi, then lawsuit can granted ;

Considering , that based on consideration above , the Supreme Court is of the opinion Enough reason For grant application cassation of the Petitioners Cassation : Afanie , SH Bin H. Muslim, and friends it and cancel Decision Jakarta High Court 274/PDT/2014/PT.DKI., dated 30 June 2014 which confirmed Decision North Jakarta District Court Number 514 / Pdt.G /2011/ PN.Jkt.Ut. , October 8 2013 .

From the difference that , researcher argue that between *Judex Facti* judges and *Judex Juris* on the level Review with _ *Judex Juris* on the level cassation give respective interpretation of the facts at trial on case *aquo* with rule applicable law . _

Interpretation or interpretation or *hermeneutic* originate from Greek word for noun _ *hermeneutics* . The Greek word *hermeneutics techné* (noun) means art or proficiency a artist or interpreting *rhapsode* _ poetry and interpreting priests _ expression god . At first , interpretation developed as method or art For interpret in effort understand ancient manuscripts (texts) . Then past work Schleimacher , Wilhelm Dithy develop and use interpretation as method For sciences especially social _ knowledge history .

Interpretation or interpretation is one _ method invention the law provides clear explanation _ about text space order law scope rule can set in connection with event certain . Interpretation by the judge constitutes necessary explanation _ going to to possible implementation _ accepted by society about rule law to incident concrete . Objective end explanation and interpretation rule the For realizing legal order positive That apply .

In practice , no There is priority in use method interpretation . because _ that is , interpretation can done separately , can also be synergized with a number of method interpretation at once . In matter this judge has freedom or No bound must use method interpretation specific , but important _ for the judge is selected interpretation _ can appropriate target , that is can clarify provision regulation legislation so that can in a manner appropriate applied to the event .

From understanding regarding the interpretation process law carried out by Dworkin through corner paddock theory interpretation creative , research This will see about interpretation from buyer have faith Good



in the buying and selling process land because understanding buyer have faith Good in rule legislation Still characteristic abstract , so must There is clear boundaries _ about criteria buyer have faith Good in something dispute law .

Dotted reject from Theory Interpretation of the Dworkin , researcher argue difference interpretation to buyer have faith Good between judges on the level First , appeal and review return with grade judges cassation caused by differences about is truth law formal or truth material to be applied in case *aquo* For finish dispute between expert inheritance from H. Muslim bin Suait who posited as owner beginning object dispute form a plot land with Girik C Number 436, Persil Number 96/S.III above Muslim name Bin H. Soait based on map base number 19 Village Pulogadung with area +/- 11,225 m² (149 m x 75 m). Previously , land This located in the area of Kampung Pulogadung , Kelurahan Kelapa Gading, District North Jakarta Municipality . Moment this , the region named Jalan Complex PT. HI, Kelurahan Kelapa Gading Timur, District Head of Gading, North Jakarta for sale with use letter power sell fake by H. Hanafi Bin H. Mursyid in 1969 .

According to researcher , judge on the level cassation guided to theorem tree plaintiffs ' lawsuit that has there is circumstances new that is proven in sell buy land object dispute by H. Hanafi Bin H. Mursyid in 1969 using letter power sell false based on decision crime that has strength law still that is Decision North Jakarta District Court Number 581/PID.B/2003/ PN.JKT.UT., September 30 2003 *jo* Decision Jakarta High Court Number 53 / Pid /2003/ PTr DKI., June 15 2004 *jo* Decision Supreme Court Number 2234 K/ Pdt /2004, dated 23 March 2005. Because luck new the has described by the plaintiff in arguments lawsuit , then according to the cassation judge , circumstances new the has negate principle *ne bis in idem* with case civil previously also had strength law still that is case Number 162/ Pdt.G /1999/ PN.Jkt.Ut ., to level review back , so sale / replace make a loss land object dispute by Hanafi bin Mursyid become No valid . object dispute is owned by legal origin of the plaintiffs from sold his parents ' inheritance in a manner No valid by Hanafi bin H. Murshid ;

While the judge at the level review return concluded that the plaintiffs ' lawsuit disabled formal and not can accepted Because *ne bis in idem* because subject , object and principal lawsuit still question about ownership object dispute according to the plaintiffs is owned by his parents named H. Muslim who has for sale in a manner oppose law by H. Hanafi bin H. Mursyid in 1969 , which matter has questioned by the plaintiffs in case Number 162/PDT.G/1999/PN.JKT.UT., which has granted legal status certain with he refused the claims of the plaintiffs and enforceable law still , however besides

give consideration about formality lawsuit , it turns out in consideration , according to researcher , review judge back anyway _ enter to in substance tree case . this _ Can seen in stated consideration _ b ah decision crime that has strength law still stating Hanafi bin Murshid proven in a manner valid and convincing guilty do follow criminal using Fake Letters namely Fake Power of Attorney For selling / receiving change make a loss object dispute to Applicant Reconsideration II which later Applicant Reconsideration II selling to Applicant Reconsideration I, no as well as immediately resulted transition object dispute to committed buyer _ Good become cancelled Because buyer have faith Good *in case* Good Applicant Review I, II, III and the buyer have faith Good other must protected , especially has born valid certificates _ on object dispute , where object dispute has controlled by the Petitioner Reconsideration I, IV has been a long time.

According to researcher , review judge return state that Applicant Reconsideration I, II and III who obtained object dispute with method sell buy / give change make a loss to Hanafi bin Murshid is buyer have faith well that got protection law . Review judge return hold on to principle sell buy land according to law custom (national) that must be done in a manner light ahead _ official authorized /PPAT and has rights issue _ form certificates and mastery object dispute by the Petitioners Reconsideration also became base review judge's consideration return grant application review back . of things above , researcher _ _ concluded that review judge return besides focus and finish the verdict on truth formal with state the plaintiffs ' lawsuit *ne bis in idem* , review judge back anyway _ refers to truth material related existing issues _ in substance thing , though from truth material the it turns out assessment to be base considerations and decisions between the cassation judge and review judge return become different . Consideration decision review back on top describe that civil judges also have authority For dig truth formal and material in a manner together

2. State Legal Protection Against _ Confident Land Buyer Good In Land Disputes Using Fake Power of Attorney In Case Review Number 500 PK / Pdt /2018.

Formula problem both studied _ in study This about How protection law from the country against buyer land have faith Good in something dispute ground . Protection law universally is _ something draft from a rule of law . Basically , protection _ law consists of two forms , viz protection law preventive and protective law repressive . From the verdict review return as has described above , researcher _ argue that *Judex Juris* on the level Review provides _ protection law to buyer have faith ok . Review judge return use Formulation of



Civil Chamber Law of 2012 (SEMA Number 7 of 2012) number IX which reads "Protection must given to willing buyer _ Good though Then is known that seller is someone who doesn't entitled (object sell buy land). Owner origin only can submit lawsuit change make a loss to sellers who don't entitled ". Protection This with No remove plaintiffs ' rights For submit lawsuit change make a loss to experts _ heir of the former H. Hanafi bin Murshid sell land belonging to the plaintiffs ' parents with use letter proven power _ false by judgment powerful crime _ law stay , though No be included in amar verdict , however sound consideration thereby Already Enough clear give road to plaintiffs who _ _ material proven as entitled party _ on object dispute as expert heir H. Muslim, owner origin object dispute . Review judge return protect applicants _ review back that was give change loss / buy object dispute before _ PPAT officials , master object dispute with rights _ issued certificate _ authorized agency . _

referring to Theory Legal Protection from Philipus M. Hadjon stated _ that at least there are two means that can used . First , the means protection nature law _ preventive . Through mechanism this , government give room for subject law For submit object to decisions made by the government . Effort This can done before decision the characteristic definitive . With exists room For convey mind , expected appearance element prevention to possible dispute _ arise later day . Chance this also be signs limitation for government For act . Freedom and authority government must restricted so that principle caution can implemented and the interests of the people are not violated . The second means that can used For give protection law according to Philipus M. Hadjon is with enforce protection nature law _ repressive . Function protection law This will appear in context settlement disputes that have happened . Facility For finish dispute that occurred through Justice general nor Justice administration in Indonesia is one application from means this ..

Rapid development _ from many dispute origin land _ from sell buy engendering land _ Lots problem between seller , buyer and owner origin make Supreme Court issued giving rules _ protection law for buyer have faith ok . Rules related buyer have faith well its still abstract , by the Supreme Court tried For concretized in a Circular Letter Supreme Court as results meeting plenary For discuss problem law related with purchase land purchased by the owner _ _ faith ok . In 2012 it was published Circular Letter Supreme Court Number 7 of 2012 concerning Formulation of Legal Meeting Results Plenary Chamber of the Supreme Court As Guidelines Implementation Task For Court , on point 9 described that protection given to buyer have faith fine , though after transition right is known that seller is someone who doesn't entitled . Furthermore, in 2016 ,

the Supreme Court issued a Circular Letter Supreme Court Number 4 of 2016 concerning Enactment Formulation of Legal Meeting Results Plenary of the Supreme Court Chamber of 2016 As Guidelines Implementation Task For Court . In point 4 formula law room civil the arrange about criteria buyer have faith well that is necessary protected explained _ that criteria considered buyer _ own faith Good in do purchase soil , so it is very positive for all buyer land , and especially very important for development regulation about land in Indonesia.

CONCLUSION

Interpretation on rule law buyer have faith good there is in rule legislation invitation become inner judge _ disconnect case . Difference corner view of the judges against something case caused by differences to evaluation on facts , evidence and application applicable law _ on dispute the . Proof done with search truth formal and material . Protection law has given by the state (court) to the buyer did sell buy what suits you condition clear and cash in the switch that is sell buy before PPAT or _ head village . Buyer must do research and attitude Be careful before do sell buy on land , attitude reckless and not thorough potentially raises dispute land .

REFERENCE:

1. Damario Tanoto , Aad Nurdin Rusyad , " *Legal Protection Against Buyer Believed Good Top Selling Buy Land Rights*, Journal Kertha Semaya Vol.10 Number 7 of 2022
2. Johnny Ibrahim, *Normative Law Research Theory and Methodology* , 6th Printing, Banyumedia Publishing, Malang, 2012.
3. Compilation Summary of Meeting Results Plenary of the Chamber of the Supreme Court of the Republic of Indonesia, Secretariat Secretariat RI Supreme Court , 2022
4. Meray Hendrik Mezak, "Types, Methods and Approaches in Legal Research," *Pelita Harapan University Law Journal*, Volume 5, Number 3, 2006.
5. Peter Mahmud Marzuki , *Legal Research Edition Revision , 9th Printing , Kencana Prenada Media Group, Jakarta , 2016*
6. Philipus M. Hadjon , *Introduction to Indonesian Administrative Law* , (Gajah Mada University Press: Yogyakarta , 2011),
7. Decision Supreme Court Number 500 PK/ Pdt /2018
8. Decision Supreme Court Number 282 K/ Pdt /2015 dated 7 April 2015
9. Roger Cotterrell, "The Sociological Concept of Law," *Journal of Law and Society* , Volume 10, Number 2, 1983: 241–55.



World Bulletin of Management and Law (WBML)
Available Online at: <https://www.scholarexpress.net>
Volume-20, March-2023
ISSN: 2749-3601

10. Soerjono Soekanto, *Normative Legal Research* , Rajawali Pub, Jakarta, 2006.
11. Soerjono Soekanto and Sri Mamudji, *Normative Legal Research: A Brief Overview* , Raja Grafindo Persada, Jakarta, 2006.
12. The end of Zainuddin, Truth Formal in Evidence in the Religious Courts , Postgraduate Law Study Program Bachelor , Bandung Islamic University, *Journal of Actuality .*, Vol. 1., No. 2 (December 2018), pp. 346-347.
13. Widodo Dwi Putro et al., *Legal Explanation : Buyer Have faith Good In Dispute Civil Land Object* , ed. Adriaan W. Bedner , Imam Nasima , and Nur Syarifah , LeIP , Jakarta, 2016,