

Analysis of unlawful acts regarding claims and the unlawful installation of confiscation sign (study of decision number 966/Pdt.G/2024/PN Medan)

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ABSTRACT

This study aims to analyze unlawful acts in claims and the unauthorized installation of Sita signs. This study focuses on Decision No. 966/Pdt. G/2024/PN Medan, which involves a dispute between the Plaintiff and the Defendant regarding land rights. In this case, the Defendant installed a sita sign without permission from the Plaintiff, resulting in loss and a violation of ownership rights. To address this issue, references are made to agrarian law theories and relevant regulations. Data were collected through interviews with landowners, lawyers, and government officials, legal document analysis, and observations at the dispute location. The obtained data were analyzed qualitatively to understand the legal practices occurring, and the results of the study indicate that the defendant's actions can be categorized as unlawful acts in accordance with Article 1365 of the Civil Code, which regulates liability for losses arising from unlawful acts.

Keywords: unlawful acts, seizure sign, agrarian law

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1. INTRODUCTION

Land, as a state asset with economic and strategic value, is often the subject of disputes, particularly regarding its legal ownership. In a legal context, the control of state assets must be based on the principles of legal certainty and justice. However, unlawful acts (*onrechtmatige daad*) in claiming state assets, whether committed by individuals or corporations, have occurred, resulting in losses to the state and society.

Land rights can be acquired through various means, both formally and through legally recognized inheritance. Common methods of acquiring land include sale and purchase, lease, inheritance, gift, and expiration. The government plays a crucial role in regulating land to prevent ownership inequality and abuse of power. With clear legal certainty, conflicts arising from land ownership disputes can be minimized.

Land plays a crucial role in the well-being, prosperity, and livelihood of humans, especially in Indonesia. This demonstrates the national responsibility to ensure the welfare and prosperity of its people.

Unlawful acts in land rights claims can include illegal land registration, document falsification, unauthorized possession, and manipulation of the transfer process. This contradicts the principles of land management stipulated in the Basic Agrarian Law (UUPA) Number 5 of 1960, which emphasizes that land has a social function and its ownership must comply with statutory regulations.

According to Soekanto, agrarian law must provide legal certainty and protect community rights, thereby minimizing land-related conflicts (Soekanto, 2016). Furthermore, strict law enforcement against unlawful acts is crucial for maintaining the integrity of state assets. This aligns with Satjipto Rahardjo's opinion that the law must function as a tool to achieve social justice and protect the public interest (Rahardjo, 2000).

The existence of clear legal regulations, such as Article 1365 of the Civil Code (KUHPer), should prevent unlawful acts against the state's assets. However, its implementation still faces obstacles, particularly in terms of law enforcement and administrative oversight by relevant agencies.

Illegal asset claims and the installation of seizure signs against legally owned land rights are becoming increasingly common in Indonesia. This practice not only causes material losses for well-intentioned landowners but also reflects weaknesses in the agrarian law oversight and enforcement system in Indonesia. The reality on the ground shows numerous cases where privately owned land with a land title certificate is claimed as a state asset without a clear legal process, followed by the unilateral installation of seizure signs (Sari, 2024).

Incidents such as those outlined in Decision Number 966/Pdt. G/2024/PN Mdn are concrete examples of how unilateral claims, and the installation of seizure signs can occur even though the land has been acquired through a legally valid sale and purchase process. This case demonstrates that even though landowners possess valid ownership documents, they remain vulnerable to unilateral claims made by certain individuals using legal instruments.

The theoretical basis for this research is John Locke's theory of ownership, which states that the right to land and natural resources is a fundamental human right that the state must protect. In this context, the state has the responsibility to protect individual rights and prevent unlawful acts that harm society (Locke, 1690).

To understand the complex issues related to unlawful acts in asset claims and the illegal installation of seizure signs, it is important to reference previous research that has examined this issue. (1) Ahmad Rizal, in his research titled "Legal Analysis of Land Disputes Resulting from the Installation of Seizure Signs by Local Governments," analyzes land disputes arising from the installation of seizure signs by local governments. This study adopts a normative approach by examining applicable laws, regulations, and legal practices in the field. The results show that the installation of seizure signs is often carried out without clear legal procedures, thus harming legitimate landowners (Rizal, 2020). (2) Siti Nurjanah, in her research entitled "Legal Protection for Landowners in State Asset Claim Cases," examines legal protection for landowners facing state asset claims. This study used qualitative research methods, including interviews and case studies. The results show that many landowners lack adequate legal protection, leaving them vulnerable to unilateral claims (Nurjanah, 2019). (3) Budi Santoso, in his research entitled "Legal

Responsibility for the Unilateral Installation of Land Seizure Signs," discusses the legal responsibility arising from the unilateral installation of land seizure signs. This study uses a juridical-empirical approach to analyze several court cases. The findings indicate that installing a confiscation sign without a clear legal basis can be considered an unlawful act and may result in liability for damages (B. Santoso, 2019).

Based on an analysis of three previous studies relevant to the title "Analysis of Illegal Acts of Claims and the Illegal Installation of Seizure Signs," it can be concluded that: First, clear legal procedures are needed, given that the installation of seizure signs by local governments is often carried out without clear legal procedures, resulting in land disputes and harming the legitimate owners. The strict enforcement of legal procedures is necessary to prevent arbitrary actions. Second, Limited Legal Protection: This is evident in the fact that many landowners do not receive adequate legal protection when facing claims for state assets, indicating the need for reform in the agrarian legal system to protect landowner rights. Third, Legal Responsibility: This means that the unilateral installation of seizure signs can be considered an unlawful act that gives rise to liability for compensation. Consistent legal enforcement is crucial for protecting landowners' rights and preventing unlawful acts.

This study is expected to contribute to a deeper understanding of the legal aspects of land dispute cases. With the issuance of Decision Number 966/Pdt. G/2024/PN Medan, it is hoped that it can serve as a reference for legal efforts by land rights owners in addressing claims and illegal installation of confiscation signs by the government. This journal was created to analyze the Legal Regulations on Land Rights Control and how the Law on Claims and the Illegal Installation of Confiscation Signs Based on Number 966/Pdt. G/2024/PN Medan.

2. METHOD

This study uses a normative-empirical approach, combining an analysis of legal regulations with data collection from legal practices in the field (Sugiyono, 2017). This study was conducted at the Medan District Court. The data sources consisted of primary data obtained through interviews with landowners, lawyers, and government officials, as well as secondary data, including legal documents such as court decisions and laws and regulations (Soekanto, 2016). Data collection techniques were carried out through semi-structured interviews with relevant informants, document studies to analyze legal documents, and direct observation of the land dispute site. The data obtained will be analyzed qualitatively using normative analysis to examine legal regulations and doctrines, and empirical analysis to interpret data from interviews and observations. To ensure the validity of the findings, this study will also use triangulation by comparing data from different sources. In addition, this study adhered to ethical principles, including obtaining informed consent from the informants and maintaining the confidentiality of their identities.

3. RESULTS AND DISCUSSION

3.1 Legal Regulations on Land Rights Control

Land plays a crucial role in Indonesian society, not only as a place to live and do business but also as an economic asset and a symbol of social status. Therefore, legal regulations regarding land rights are fundamental to providing legal certainty and protection for stakeholders. In Indonesia, legal regulation of land ownership is primarily regulated through Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA), which became a milestone in national agrarian reform after independence (Undang-Undang Republik Indonesia Nomor 5 Tahun 1960 Tentang Peraturan Dasar Pokok-Pokok Agraria (UUPA)).

Land rights in Indonesia are recognized as both public and private. The state, as the holder of land authority, has the authority to regulate, manage, and assign land rights to individuals and to legal entities. In this context, land ownership encompasses several types of rights, such as ownership, cultivation, building, use, and other rights as stipulated in laws and regulations (Harsono, 2003). Ownership can be

obtained through various means, such as grants from the state, sale and purchase, inheritance, gifts, or other valid agreements.

However, in practice, the legal regulation of land rights continues to face various challenges, such as agrarian conflicts, overlapping ownership, and weak law enforcement. This creates legal uncertainty that affects the investment climate, social justice, and sustainable development. Therefore, it is crucial to continuously review and strengthen the agrarian legal system to address the dynamics of community needs and the challenges of national development (Sumardjono, 2008).

3.1.1 Understanding Land Rights

According to Urip Santoso, land rights can be defined as a legal relationship that grants legal subjects the authority to utilize land within certain limitations according to the type of land rights they hold (U. Santoso, 2012). Land rights have two main dimensions: First, public ownership (the State's Right to Control): The state, as the governing body of the people, has the highest authority to regulate land use (Harsono, 2008). In this context, the state does not own land privately but rather acts as a regulator and grants rights to those in need in the public interest. Second, private ownership (land rights of individuals/legal entities):

This form of ownership occurs when the state grants land rights to individuals or to legal entities. These rights authorize the holder to utilize the land, for example, to construct buildings (Building Rights), cultivate agriculture (Cultivation Rights), or own it entirely (Ownership Rights).

The social function of land rights is emphasized in Article 6 of the UUPA, which states that all land rights have social functions. This means that land use must not be detrimental to the public interest and must be in accordance with the designation in the spatial planning.

3.1.2 Legal Basis for Land Rights

Land rights in Indonesia are rooted in constitutional principles that place land as part of agrarian resources controlled by the state for the prosperity of the people. This principle is enshrined in Article 33 paragraph (3) of the 1945 Constitution, which states: "The land, water, and natural resources contained therein are controlled by the state and used for the greatest prosperity of the people." This formulation is not intended to make the state a private landowner but rather as the holder of control rights whose function is to regulate and manage land use in the public interest (Harsono, 2008).

The implementation of this constitutional principle is outlined in Law Number 5 of 1960, concerning Basic Agrarian Regulations (UUPA). Article 2, paragraph (2) of the UUPA states that the state's control rights authorize the state to: First, regulate and organize the allocation, use, supply, and maintenance of land. Second, the legal relationship between individuals and land should be determined and regulated. Third, the legal relationship between individuals and legal acts concerning land should be determined and regulated. This provision emphasizes that the state plays a regulatory and administrative role in land control, not as an absolute owner.

In addition, Article 16 (1) of The UUPA establishes the types of land rights that can be held by individuals or legal entities, including Ownership Rights, Cultivation Rights (HGU), Building Rights (HGB), Usage Rights, Building Lease Rights, and other temporary rights. The establishment of these rights is a concrete manifestation of the implementation of the state's right to control, granting certain rights to those in need, with time limits and social functions (PP Nomor 40 Tahun 1996 Tentang HGU, HGB, Dan Hak Pakai).

To ensure legal certainty, land rights are based on Government Regulation Number 24 of 1997 concerning Land Registration. Article 3 of this regulation emphasizes the purpose of land registration, namely, to provide legal certainty and legal protection to land rights holders and to provide information to interested parties. Therefore, land rights are not only based on the Constitution and the UUPA but also require an orderly and transparent land administration system. See table 1.

Table 1. Basic Legal Hierarchy of Land Rights Control in Indonesia

Regulatory Level	Legal Basis	Description
Constitution	The 1945 Constitution of the Republic of Indonesia (UUD 1945)	It is the supreme basic law governing the principle of state control over land, water, and natural resources for the greatest prosperity of the people (Article 33 paragraph (3) of the 1945 Constitution).
Laws	Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA)	Regulates the principles of agrarian law, types of land rights, and the principle of state control rights as an implementation of Article 33 paragraph (3) of the 1945 Constitution.
Government Regulations	Examples: Government Regulation Number 24 of 1997 concerning Land Registration, Government Regulation Number 40 of 1996 concerning HGU, HGB, and Right of Use	Regulates the technical and administrative aspects of land control, registration, and transfer of land rights.
Regional Regulations	Provincial/District/City Regional Regulations concerning regional utilization and spatial planning	Regulates land use according to characteristics, needs, and regional development policies.

3.1.3 Types of Land Rights

The types of land rights in Indonesia are comprehensively regulated in Article 16, paragraph (1) of Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA). This regulation embodies the principle of state control rights as stipulated in Article 2 of the UUPA, where the state grants certain rights to individuals or legal entities to utilize land in accordance with its intended use and the statutory provisions.

I. Permanent (Primary) Land Rights

Primary rights are land rights that can be owned or controlled by legal entities directly based on a grant from the state and are permanent, as long as they comply with legal requirements. The UUPA regulates several primary rights, including ownership rights, which are hereditary, the strongest, and the most complete rights that Indonesian citizens can hold over land. These rights can be transferred and assigned to other parties, but only to Indonesian citizens or legal entities designated by the government (Saputra et al., 2021). Ownership rights have a social function, as affirmed in Article 6 of the UUPA. Second, the Right to Cultivate (Hak Guna Usaha/HGU): the right to cultivate land directly controlled by the state for agricultural, fishery, or livestock enterprises, with a maximum term of 35 years, extendable for another 25 years. Third, Right to Build (Hak Guna Bangunan/HGB): The right to construct and own buildings on land not owned by the state, with a maximum term of 30 years, extendable for another 20 years. Fourth, Right to Use: The right to use and/or collect proceeds from land directly controlled by the state or land owned by another person for a specified period or as long as the land is used for a specific purpose.

II. Temporary Land Rights

Temporary rights are temporary in nature and are intended to meet specific community needs, particularly in rural areas. They are expected to be abolished in the long term, as they do not comply with the spirit of the Basic Agrarian Law. Some temporary rights regulated in Article 53 of the Basic Agrarian Law include the following: Second, the Right to Mortgage Land. Third, the Right to Profit-Sharing Business. Fourth, the Right to Hire. Fifth, the Right to Clear Land and Collect Forest Products: These temporary rights are essentially regulated as a form of recognition of customary practices that were still in effect when the UUPA was passed but were directed to be gradually eliminated to align with the objectives of agrarian reform.

III. Other Rights Regulated in Laws and Regulations

In addition to the rights expressly stated in the UUPA, the development of land law recognizes other rights stipulated through implementing regulations. An example is the Management Right (Hak Pengelolaan Hak (HPL), stipulated in Minister of Home Affairs Regulation Number 1 of 1977, which grants government agencies or certain bodies the authority to manage state land.

IV. The Position of Social Function in Each Right

All land rights, both primary and temporary, have a social function, as stipulated in article 6 of the UUPA. This means that land use must consider public interest and must not harm the surrounding community. This social function serves as an important barrier that ensures land rights are not misused for private gain.

3.1.4 Land Control by the State and Individuals

In the Indonesian agrarian legal system, the concept of land control has two main dimensions: state control and individual control. Both are regulated within the framework of the state's control rights, as stipulated in Article 2 of the Basic Agrarian Law (UUPA), which elaborates on Article 33, paragraph (3) of the 1945 Constitution.

First, Control by the State: The state's control of land is not interpreted as ownership in the civil sense, but rather as public authority derived from state sovereignty. The state, through its control rights, is authorized to regulate and organize the allocation, use, supply, and maintenance of land; determine and regulate the legal relationship between individuals and land; and regulate the legal relationship between individuals and legal acts related to land. Thus, the state plays the role of both the regulator and manager of land resources for the greatest benefit of the people's prosperity. Its implementation is carried out through land policies, spatial planning, granting land rights, and land acquisition for public purposes (Satria et al., 2022).

Second, land control by individuals occurs through the granting of land rights by the government. These rights are private and grant the holder direct authority to utilize the land according to the type of rights held, including ownership, cultivation, building, and use rights. This control by individuals is under state regulation. This means that the state can revoke or terminate these rights if necessary for the public interest with appropriate compensation, as stipulated by laws and regulations (Ibrahim et al., 2023).

3.1.5 Land Rights Registration

Land rights registration is a legal instrument aimed at providing legal certainty and protection for the rights of landholders. This concept is regulated in Article 19 of Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA), which states that the government organizes land registration throughout the territory of the Republic of Indonesia. The implementation of this provision is further regulated by Government Regulation Number 24 of 1997 concerning Land Registration, which defines land registration as a series of activities carried out by the government on an ongoing, continuous, and orderly basis, including the collection, processing, bookkeeping, presentation, and maintenance of physical and legal data regarding land parcels and apartment units.

First, the Purpose of Land Registration: According to Article 3 of Government Regulation No. 24 of 1997, the purposes of land registration are to provide legal certainty and legal protection to rights holders, provide information to interested parties, and maintain orderly land administration. Second, the Registration System: Indonesia adopts a negative registration system that contains positive elements. This means that the data listed in the land certificate are considered true as long as no party proves otherwise in court (Harsono, 2008). Land certificates serve as strong evidence of the physical and legal data contained therein. Third, Benefits of Land Rights Registration Land registration provides benefits for rights holders and the government. For rights holders, certificates provide legal certainty and facilitate the transfer or

encumbrance of rights (e.g., as credit collateral). For the government, land data serve as the basis for development planning, land use regulations, and land and building tax collection (U. Santoso, 2010).

3.1.6 Transfer and Extermination of Land Rights

Land rights registration is a legal instrument aimed at providing legal certainty and protection for the rights of landholders. This concept is regulated in Article 19 of Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA), which states that the government organizes land registration throughout the territory of the Republic of Indonesia. The implementation of this provision is further regulated by Government Regulation Number 24 of 1997 concerning Land Registration, which defines land registration as a series of activities carried out by the government on an ongoing, continuous, and orderly basis, including the collection, processing, bookkeeping, presentation, and maintenance of physical and legal data regarding land parcels and apartment units. See table 2

Table 2. Differences between Transfer and Elimination of Land Rights

Aspects	Transfer of Land Rights	Elimination of Land Rights
Definition	A legal act that transfers rights from the existing rights holder to another party.	The termination of land rights, resulting in the land returning to direct state control.
Parties Involved	The existing rights holder, the recipient of the rights, and the Land Deed Official (PPAT).	The rights holder and the government (through the land agency).
Form	Sale, gift, exchange, inheritance, and company income.	Expiration of the term, revocation of rights for public interest, voluntary relinquishment, land abandonment, or land destruction.
Process	A deed is drawn up before the PPAT and registered at the Land Office for a name change on the certificate.	Determination of the termination of rights by the government, followed by recording in the land register.
Legal Consequences	The rights are transferred to the recipient and remain valid in the legal system.	The rights are lost and the land reverts to state land.
Case Examples	Sale of privately owned land to another party.	The 35-year Right to Cultivate period expires.

3.2 The Law on Claims and the Illegal Installation of Seizure Signs Based on Decision No. 966/Pdt. G/2024/PN Medan.

Land disputes in Indonesia are often sources of protracted conflict. In this context, Decision Number 966/Pdt. G/2024/PN Medan provides insights into how courts handle cases involving ownership claims and acts deemed unlawful, such as the installation of seizure signs.

Decision No. 966/Pdt. G/2024/PN Medan focuses on a land dispute involving two parties, the Plaintiff and the Defendant, each claiming rights to a plot of land located in Medan. This case reflects the complexity of land disputes in Indonesia, where ownership issues often involve unclear documents, the installation of seizure signs, and conflicts of interest between parties claiming rights to the same land.

A plaintiff is an individual or legal entity claiming land rights based on valid proof of ownership, such as a land certificate issued by the National Land Agency (BPN). The plaintiff filed a lawsuit after feeling aggrieved by the defendant's actions of installing a confiscation sign on the land claimed by the plaintiff. The defendant is an individual or legal entity that installed a confiscation sign on the disputed land. The defendant claims to have rights to the land based on documents they possess, although this is not recognized by the plaintiff. The defendant is the BLBI Task Force.

The plaintiff claims to be the legal owner of the land based on a certificate issued by the National Land Agency (BPN). This certificate indicates that the land has been registered and legally recognized as belonging to the plaintiff. The defendant, on the other hand, claims to have rights to the land based on other documents that are not officially recognized, such as a statement or unregistered documents.

The defendant installed a confiscation sign on the disputed land without the plaintiff's permission. This action is considered a violation of the law by the plaintiff, who feels that their land rights have been ignored. Indonesian civil procedure law recognizes several types of seizure (*beslag*). The most important in this context are collateral seizure (*conservatoir beslag*) and execution seizures. A collateral seizure can only be carried out based on a judge's order or an order from an authorized agency and is executed by a court clerk or bailiff in accordance with the provisions of the HIR/RBg and court implementing regulations. The formal purpose of a collateral seizure is to maintain the status quo of the object so that the decision can be implemented (Fitri, 2025).

The posting of a sign/board declaring an object under seizure or dispute is only legitimate if it is done by an authorized official (e.g., a bailiff/court clerk or an execution official after the decision has become legally binding) and/or is based on a valid judicial document (a ruling/decision). Private parties (creditors, banks, or attorneys) cannot unilaterally install a sign declaring an object seized or in dispute without a valid order or decision. If performed unilaterally, such actions have the potential to be prosecuted as unlawful.

Illegal installation of signs can result in several legal consequences (Pabisa, 2024): (a) Civil: a lawsuit for Unlawful Acts (PMH) demanding the removal of signs, restoration of goodwill, and compensation for material and immaterial damages. Many court decisions confirm that banks/creditors can be sued for posting signs without basis; (b) Administrative/Regulatory: If the perpetrator is a bank/FSI, the victim can file a complaint with the Financial Services Authority (OJK) or the relevant authorities for administrative action; (c) Criminal: If the installation is accompanied by threats, destruction, or falsification of documents, it can result in a criminal report (e.g., destruction, threats, or falsification), depending on the facts of the case. (The details of the elements of the crime must be considered on a case-by-case basis.)

Based on the Medan District Court decision, cases with this number fall under the civil category (lawsuit) and are recorded as unlawful acts.

3.2.1 Legal Actions by Land Rights Owners to Address Claims and Illegal Installation of Seizure Signs

3.2.1.1 Expedited/Administrative Efforts

First, request proof of legality from the party installing the sign (request a copy of the decision/bailiff/verdict). If they cannot provide initial evidence of irregularities (Andryawan), the Plaintiff states in the decision that they purchased the land from Defendant 1 in good faith and followed the applicable legal procedures. After purchasing the land and transferring the title, the Plaintiff constructed a building to serve as the office of PT Sumber Jaya Indah Nusa Coy, owned by the Plaintiff.

Then, around 2018, the Directorate General of State Assets, c.q., the North Sumatra DJKN Regional Office, through letter No. 846/WKN.02/2018, dated December 18, 2018, to the Director of PT Sumber Jaya Indahnusa Coy, essentially conveying a claim to the a quo land parcel, which is a state asset originating from the former Indonesian Bank Restructuring Agency (IBRA), based on SHGB No. 67/Polonia, dated May 25, 1985, in the name of IBRA. Four years later, in 2022, the Task Force for Handling State Claims for Bank Indonesia Liquidity Assistance Funds (BLBI Task Force), in this case Defendant III, signed by the Head of the BLBI Task Force, Rionald Silaban, sent letter No. S-254/KSB/2022 to PT. Sumber Jaya Indahnusa Coy, a notification letter to the occupants of the former IBRA property assets. The letter essentially stated that the a quo land plot was a former state asset of IBRA, based on SHGB No. 67/Polonia in the name of the Indonesian Bank Restructuring Agency (IBRA). It also stated that the a quo land plot must be vacated, as it is a priority for the BLBI Task Force.

PT. Sumber Jaya Indahnusa Coy, through its attorney, sent a reply letter No. 6555/RB/SK/IV/2022 dated April 18, 2022, which essentially provides an explanation regarding the ownership of the a quo land plot and the rejection of the unilateral claim as a former IBRA state asset from the BLBI Task Force and conveys the rejection of the eviction of the land purchased by the plaintiff. In 2023, the BLBI Task Force, through the Task Force Head, sent a letter for clarification and notification

of a confiscation sign in the context of physical control of the former IBRA assets. Simultaneously, the letter was sent to the participants. The BLBI Task Force immediately visited the location of the land plot and installed a confiscation sign for the former BLBI collateral property assets, witnessed by Medan KPKNL employees. The Minutes of Installation of the Confiscation Sign did not involve the plaintiff. Second, a letter of warning to the installer (requesting the removal of the sign within 3–7 days and compensation, if any). In this decision, the plaintiff issued several warnings to the BLBI Task Force as the defendant. Therefore, it is clear that the plaintiff has exhausted both expedited and administrative legal remedies.

3.2.1.2 Civil Remedies

Unlawful Acts Lawsuit (PMH) filed with the local District Court: a general petition including an order to remove the sign, material/immaterial damages, court costs, and publication of the decision. The Plaintiff has already filed these civil remedies against the Defendant, and the Court's decision declared the defendant to have committed an Unlawful Act (Pakpahan, 2023).

3.2.2 Legal Aspects Applied

There are three legal aspects applied: (1) Civil Code (KUHPer): Article 570: Affirms that a party claiming land rights must be able to prove their ownership. In this decision, the court assesses the evidence presented by both sides. Article 1365: Regulates unlawful acts relevant to the installation of a confiscation sign deemed detrimental to a party. Article 1365 of the KUHPer states that "Any act that violates the law and causes harm to another person requires the perpetrator to compensate for the loss." (2) Law Number 5 of 1960 concerning Basic Agrarian Regulations: Regulates the procedures that must be followed in the control and use of land. The installation of confiscation signs must comply with the provisions stipulated in this law. Law Number 5 of 1960 regulates land rights, land registration, and the procedures that must be followed for land control. (3) Government Regulations: Regulations governing land registration and ownership are also referenced in this decision, particularly regarding the procedures that must be followed in land ownership. (Auliany, 2025).

3.2.3 Court Considerations

The court considered several factors in deciding this case: (1) Proof of Ownership: The court assessed the validity of the documents submitted by the parties. Valid written evidence is key to determining ownership rights (Panjaitan, 2024). In the decision, the plaintiff held a valid SHM document issued by the National Land Agency (BPN). Meanwhile, the document held by the BLBI Task Force was an old document belonging to Defendant I, which contained information about the plaintiff's land. Therefore, the document held by the BLBI Task Force was declared to be legally invalid. (2) Procedure for the Installation of Seizure Signs: The court evaluated whether the installation of seizure signs was conducted in accordance with legal provisions. Actions that do not comply with procedures are considered unlawful. In this decision, the installation of seizure signs did not comply with legal procedures, which stipulate that the installation of seizure signs is permitted only upon a court order. Therefore, the BLBI Task Force, as the defendant in Decision No. 966/Pdt.G/2024/Pn.Medan, was found to have committed an unlawful act.

4. CONCLUSION

Based on the analysis of Decision No. 966/Pdt. G/2024/PN Medan, this study confirms that the Defendant's illegal installation of a confiscation sign without the Plaintiff's permission constitutes an unlawful act in accordance with Article 1365 of the Civil Code (KUHPer). This action not only causes material and immaterial losses for the legitimate landowner but also violates the legal procedures stipulated

in Law Number 5 of 1960 concerning Basic Agrarian Regulations (UUPA) and its implementing regulations. Legal responsibility for parties who commit unlawful acts, such as the illegal installation of a confiscation sign, can be held civilly liable, including the obligation to compensate for the losses incurred.

Ethical Approval

Not Applicable

Informed Consent Statement

Not Applicable

Authors' Contributions

OYS contributed to conceptualization, research design, data collection, and analysis. He also prepared the first draft of the manuscript and served as the corresponding author during the submission. FYDW contributed to the literature review, validation of legal sources and refinement of the manuscript. She also provided critical revisions and supervised the overall research.

Disclosure Statement

The Authors declare that they have no conflict of interest

Data Availability Statement

The data presented in this study are available upon request from the corresponding author.

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