

Comparison of Judges' Considerations in Land Dispute Settlement with the Same Case in Ensuring Legal Certainty

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Abstract

Land disputes constitute a significant issue in the relationship between the public and the government, particularly when administrative decisions affect land rights. This study examines a comparative analysis of judicial reasoning in two decisions of the Tanjung Pinang Administrative Court (PTUN) involving identical factual backgrounds, namely Decision No. 3/G/2024/PTUN.TPI and Decision No. 4/G/2024/PTUN.TPI. The study highlights the dynamics of judicial decisions across three levels of adjudication, namely the court of first instance, appellate review, and cassation, with the aim of assessing the consistency in the application of the principle of legal certainty. The findings reveal that although both cases involve similar objects and parties, the Supreme Court issued contradictory cassation rulings. This inconsistency gives rise to legal uncertainty and has the potential to undermine public trust in the judicial system. Employing a normative juridical approach combined with a case study method, this article emphasizes the importance of harmonizing legal interpretation and ensuring equal treatment in the resolution of land disputes in order to uphold justice and sustainable legal certainty.

Keywords: Land Disputes; Judge's Considerations; Legal Certainty; PTUN.

Introduction

Land is one of the natural resources that plays a vital role in human life, not only as a place to live but also as a social identity and source of livelihood for society (Sumardjono, 2008). Therefore, conflicts arising from administrative decisions, such as the issuance, cancellation, or management of land permits, can have serious consequences for the continuity of life and the rights of the community (Agustini & Hidayat, 2021). In practice, many decisions made by Land Management Officials are unilateral or fail to meet legal procedures, resulting in harm, legal uncertainty, and injustice for citizens.

A real example occurred in Serang Regency, where the National Land Agency (BPN) issued four land ownership certificates without a valid legal basis, which were later annulled by the court's decision due to administrative flaws and violations of the principle of legal certainty (Supreme Court of the Republic of Indonesia, 2021). In Batam City, the Ombudsman of Riau Islands (Kepri) received 34 complaints related to land service and permits; ranging from non-transparent land allocation, procedural violations, prolonged administrative processes, to land use overlaps (Ombudsman of the Republic of Indonesia, 2025). Therefore, every administrative action in the land sector should be carried out transparently, accurately, and based on the law to guarantee legal certainty and justice for all citizens (Andini & Rasji, 2022; Siswanto, 2022).

Land disputes are one of the most common problems in the relationship between citizens and the government. The State Administrative Court (PTUN) serves as a legal protection tool for individuals who feel their land rights have been violated by administrative actions taken by the government (National Land Agency of the Republic of Indonesia, 1997; BPK Law Database, 1997). Through PTUN, citizens have the right to file a lawsuit against the decisions of the Land Management Officials that are deemed unlawful or exceed their authority. This is in line with Article 53 paragraph (1) of Law Number 5 of 1986 on State Administrative Court, which states that any individual or legal entity who feels that their interests have been harmed by a state administrative decision can file a lawsuit in the PTUN (State Administrative Court, 1986). The decision in

question must be concrete, individual, final, and result in legal consequences for the citizens (State Administrative Court, 2009c).

In the context of land matters, administrative actions such as issuing, canceling, or transferring land rights by authorized officials that do not comply with applicable laws and regulations can be tested for validity in front of the PTUN. Thus, the presence of PTUN becomes an essential instrument in upholding justice, legal certainty, and the protection of citizens' land rights (State Administrative Court, 2009a).

Citizens are provided formal legal access to file lawsuits against state administrative decisions that are considered detrimental to their rights and interests (State Administrative Court, 2009b). According to data from several official PTUN websites, land disputes are among the most frequently filed cases in the State Administrative Court. An observation conducted on June 26, 2025, at the Tanjung Pinang PTUN showed that in 2024, the PTUN Tanjung Pinang received 35 cases, of which 24 cases (approximately 68.6%) were land disputes. This fact reflects the significant demand for legal protection in the land sector and the importance of the PTUN as an institution that provides legal certainty and justice for the community (Disemadi et al., 2024). The resolution of cases at PTUN produces legal decisions, which are the final outcome of the trial process and form the legal basis for resolving disputes between citizens or legal entities and state administrative officials or agencies (Pramesuari et al., 2023).

In PTUN decisions, there are judicial considerations that explain the reasons and legal basis used by the judges in making their decisions, where the judges outline the application of legal norms to the facts found during the trial. In addition to enforcing justice and providing legal certainty to society, judicial decisions can be used as guidelines for resolving similar cases in the future and can be used as references to improve land administration governance (Putri Anisah et al., 2021).

Previous studies highlight the importance of judicial considerations in examining, deciding, and resolving cases, particularly in state administrative disputes with different focuses and approaches. Gabriella Samantha and Rada Arneta (2021) highlighted the differences in judicial decisions in cases with

similar objects and issues due to administrative time miscalculations by judges, reflecting a lack of judicial consistency (G.M. & Rasji, 2021). Meanwhile, research by Bayu Prasetyo, Rezky Robiatul Aisyiah Ismail, Fikri Ananta Nur Rasyid, and Illa Amanda Nur Asih (2021) emphasized the ratio decidendi in employment cases as the foundation of justice and legal certainty (Prasetyo et al., 2021). Ratih Armiami Latifah Amir and Nopyandri (2020) emphasized the importance of timely submission of lawsuits in accordance with Law Number 5 of 1986 on State Administrative Courts, which is the basis for the validity of a case (Armiami & Amir, 2020). Natanael and Thomas Jofeb (2024) criticized the judges' considerations in a Building Permit (IMB) case issued after the building was constructed, showing weak alignment between the application of the law and the principles of good governance (Natanael, 2024). Meanwhile, Bagus Wibowo and Imam Makhali (2023) examined the conflicting decisions between general courts and PTUN in land rights disputes, emphasizing the importance of the *rechtsverwerking* principle as a legal solution to jurisdictional inconsistencies (Wibowo & Makhali, 2024).

Unlike the previous studies, the current research introduces novelty by comparing the judges' considerations in two different decisions (Case Number 3/G/2024/PTUN.TPI and Case Number 4/G/2024/PTUN.TPI) on cases with the same issue, aiming to assess the consistency of legal considerations to guarantee legal certainty in land dispute resolution. In cases with the same issue, judicial consistency is crucial to maintaining legal stability and avoiding conflicting decisions on the same matter. Consistency does not mean that all factual aspects must be identical, but rather uniformity in applying legal principles to similar problems to create legal certainty for the parties involved. Referring to the State Administrative Court procedural law, the term "same case" refers to situations where a case shares similarities in terms of the dispute object, legal subjects, and core issues (Agustini et al., 2024). This is reflected in the two land cases handled by the Tanjung Pinang PTUN, namely Case Number 3/G/2024/PTUN.TPI and Case Number 4/G/2024/PTUN.TPI. Both cases involve the same disputed object, namely the Decree of the Head of the Batam Free Trade Zone and Port Authority (BP Batam) Number

10232/A3.5/L/11/2022 concerning the Use of Certain Land by the Batam Free Trade Zone Authority to PT. Pulau Setokok Jaya, established on November 11, 2022. The disputed land is located at Trans Bareleng Road, Pulau Setokok, Bulang District, Batam City, Riau Islands Province. The location of the land in Case Number 3/G/2024/PTUN.TPI is directly adjacent to the location of the land in Case Number 4/G/2024/PTUN.TPI.

This study has significant importance in strengthening the principles of legal certainty and justice in the state administrative court system, especially in the context of land disputes. By comparing the judicial considerations in two decisions on cases with the same issue, this research seeks to reveal how consistent the judges' legal considerations are in resolving the case (Adiyanto et al., 2025). The findings from this study can contribute to the formation of fair and transparent jurisprudence and can serve as a reference for the State Administrative Court in handling similar disputes. Furthermore, the results of this study can serve as an evaluation material for government institutions, particularly those involved in land management, to improve administrative governance, which has often been a source of legal conflicts in society.

Although this study provides a clear picture of the comparison of judicial considerations in two PTUN decisions with the same object and issue, there are some limitations. First, this study only focuses on two cases in the Tanjung Pinang PTUN and does not include decisions from other State Administrative Courts in Indonesia, so the generalization of findings is still limited. Second, the analysis is based on written decisions and does not involve direct interviews with the judges, plaintiffs, or defendants, which could provide a more comprehensive perspective on the background and non-legal considerations. Third, since this study is juridical-normative with a qualitative approach, it does not quantitatively measure the impact of the decisions on conflict resolution in the field. Therefore, further research is needed, which is more comprehensive and involves various fields of science so that these findings become stronger and can produce policy recommendations that are easier to implement in practice.

Research Method

This study uses a normative juridical method, which is an approach based on the study of positive legal norms and relevant court decisions (Malau & Nurlaily, 2025). This method was chosen because the research focuses on analyzing the legal considerations of judges in two cases that have identical dispute substances but resulted in different decisions at the cassation level. This research also employs a case approach to examine in detail the court decisions that are the subject of this study, in order to understand the legal foundations and juridical logic used by the panel of judges in resolving similar cases. The study uses secondary data (legal materials) for analysis. Secondary data is selected because this research is normative, focusing on the analysis of court decisions and related regulations (Disemadi, 2022). The secondary data for this research includes the 1945 Constitution of the Republic of Indonesia, Law Number 5 of 1986 on State Administrative Court, as amended by Law Number 9 of 2004 and Law Number 51 of 2009, Law Number 30 of 2014 on Government Administration, the State Administrative Court decision of Tanjung Pinang Case Number 3/G/2024/PTUN.TPI and Case Number 4/G/2024/PTUN.TPI, the Medan High State Administrative Court decision Case Number 90/B/2024/PT.TUN.MDN and 92/B/2024/PT.TUN.MDN, as well as the Cassation decisions Case Number 35 K/TUN/2025 and 800 K/TUN/2024.

Data collection in this study is conducted through library research, which includes the collection and review of various legal sources such as laws and court decisions. The data analysis technique used in this study is qualitative analysis, which involves studying and interpreting the data in-depth to understand the substance of the judicial decisions, the consistency of the juridical logic used, and their impact on the principles of legal certainty and justice. This analysis is conducted in a descriptive-comparative manner (Leonardo et al., 2025), by comparing the legal considerations at each level of the judiciary in two cases with the same core disputes, legal subjects, and legal objects. Through this approach, the researcher seeks to explore the argumentation patterns, legal bases used by the judges, and assess whether the differences in outcomes reflect inconsistencies in the application of the principles of administrative law.

Results and Discussions

Comparative Analysis of Judges' Considerations in Decisions Number 3/G/2024/PTUN.TPI and Number 4/G/2024/PTUN.TPI with Identical Case Issues.

The State Administrative Court (PTUN) is one of the essential pillars in Indonesia's judicial system, aimed at controlling government actions through judicial mechanisms. According to Law Number 5 of 1986 on State Administrative Court, as amended by Law Number 9 of 2004 and Law Number 51 of 2009, PTUN is authorized to examine, decide, and resolve state administrative disputes, which arise in the field of government between individuals or legal entities and government bodies or officials as a result of state administrative decisions (State Administrative Court, 2004, 2009c). The existence of PTUN provides citizens with legal protection against administrative actions that are deemed to violate their rights (Situmeang et al., 2021).

In performing its duties, the judges in PTUN play a central role as the parties who assess facts, interpret laws, and make decisions based on the principles of justice and legal certainty (Guari et al., 2026). Judges are not only tasked with law enforcement but also with interpreting norms in an objective, impartial, ethical, and professional manner. Judicial considerations in a decision are the primary foundation in determining the direction of justice in state administrative disputes (Manan, 2004). Therefore, the integrity, competence, and accuracy of judges in evaluating evidence and understanding the legal context are crucial elements in every judicial process.

However, differences in judicial considerations in resolving cases often lead to inconsistent decisions, even though the case issues are similar. Various studies, such as those presented by Hamzah (2017), show that differing interpretations of legal norms and the judges' perspectives on specific legal facts can result in opposing decisions. This phenomenon highlights that judicial considerations are

not merely formal aspects but reflect adherence to substantive justice principles. Therefore, it is crucial to encourage transparency and standardization of legal reasoning within PTUN to maintain public trust in the judiciary (Manullang et al., 2026).

Decision Number 3/G/2024/PTUN.TPI is a state administrative dispute between PT. Sumber Kencana Sejati as the Plaintiff and the Head of BP Batam as the Defendant, with PT. Pulau Setokok Jaya as the Defendant II Intervention. The core issue focuses on the Plaintiff's objection to the Decree of the Head of BP Batam Number 10232/A3.5/L/11/2022, which allocates part of the land from the Management Rights to the intervening party, although the Plaintiff claims to have occupied and utilized the land since 2020 for productive activities in agriculture and fisheries. However, after assessing the facts and evidence presented, the PTUN Tanjung Pinang Panel of Judges decided to reject the Plaintiff's lawsuit entirely and stated that the BP Batam decision had been issued according to the applicable legal procedures and did not violate the principles of good governance (Hutauruk et al., 2021).

Meanwhile, Decision Number 4/G/2024/PTUN.TPI shows a similar dispute filed by PT. Batam Usaha Marikultur against the Head of BP Batam, with PT. Pulau Setokok Jaya as Defendant II Intervention, concerning the Decree of the Head of BP Batam Number 10232/A3.5/L/11/2022 about the use of the same portion of Management Rights land. The Plaintiff claims to have controlled six plots of land with a total area of 104,000 m² since 2011, and has invested significantly in fish farming facilities and supporting infrastructure. However, after considering the evidence, legal arguments, and BP Batam's attributive authority, the PTUN Tanjung Pinang Panel of Judges firmly rejected the Plaintiff's lawsuit entirely and stated that the decision was legally valid and did not contradict the principles of good governance.

Decision Number 3/G/2024/PTUN.TPI and Decision Number 4/G/2024/PTUN.TPI reflect the juridical consistency and legal consensus of the PTUN Tanjung Pinang Panel of Judges in handling state administrative disputes related to land allocation by BP Batam. Both cases have similar dispute objects and party structures, namely the lawsuit against the Decree of the Head of BP

Batam Number 10232/A3.5/L/11/2022, with PT. Pulau Setokok Jaya as the intervening party. However, at the appellate level, Decisions Number 3/G/2024/PTUN.TPI and Number 4/G/2024/PTUN.TPI underwent a reversal, and the Panel of Judges granted the Plaintiff's lawsuits in both cases. At the cassation level, however, the two cases diverged. The Supreme Court issued two different decisions regarding the same case, both in terms of dispute objects and the parties involved. In case Number 35 K/TUN/2025 (cassation from 3/G/2024/PTUN.TPI), the Supreme Court granted the cassation request and annulled the appellate decision. Then, in case Number 800 K/TUN/2024 (cassation from 4/G/2024/PTUN.TPI), the Supreme Court rejected the cassation request and upheld the appellate decision which had granted the Plaintiff's lawsuit.

TABLE 1. Comparison of Decisions at First Instance, Appeal, and Cassation Levels.

Case	First Instance	Appeal	Cassation
3/G/2024/PTUN.TPI	Lawsuit rejected	Annuls Tanjung Pinang PTUN Decision	Rejects BP Batam's cassation request
4/G/2024/PTUN.TPI	Lawsuit rejected	Annuls Tanjung Pinang PTUN Decision	Grants BP Batam's cassation request

Source: Secondary Data (Decision Number 3/G/2024/PTUN.TPI and Decision Number 4/G/2024/PTUN.TPI at the first instance, appeal, and cassation levels).

a. Comparative Analysis of Judges' Considerations at the First Instance

In Decisions Number 3/G/2024/PTUN.TPI and 4/G/2024/PTUN.TPI, examined by PTUN Tanjung Pinang, both involve the same dispute object, namely the Decree of the Head of the Batam Free Trade Zone and Port Authority (BP Batam) Number 10232/A3.5/L/11/2022. This object constitutes a State

Administrative Decision (KTUN) that is concrete, individual, and final, as referred to in Article 1, Paragraph 9 of Law Number 51 of 2009 on State Administrative Courts (UU PTUN). In the context of administrative law, the KTUN has legal consequences for the plaintiffs who feel their interests are directly harmed. In this case, the plaintiffs filed lawsuits based on Article 53, Paragraph 1 of the PTUN Law, which grants the right to affected parties to demand the cancellation of KTUN. The similarity in the legal norms used reflects the consistency in applying administrative legal instruments to resolve state administrative disputes. The Court examined the conformity of the disputed object to KTUN qualifications and the legality of the administrative procedures followed by the plaintiffs.

Both cases also feature identical defendants, namely the Head of BP Batam and PT. Pulau Setokok Jaya as the Defendant II Intervention. However, the legal positions of the plaintiffs differ in terms of land size, type of business, and background in controlling the disputed land. In Case 3/G/2024, PT. Sumber Kencana Sejati claims control over approximately 140,000 m² of land and has carried out various cultivation and construction activities with an investment value of IDR 5.5 billion. Meanwhile, in Case 4/G/2024, PT. Batam Usaha Marikultur claims control over approximately 104,000 m² of land used for mariculture activities and supporting infrastructure with a similar asset value. This difference indicates that the disputes, although rooted in the same legal object, involve different factual circumstances. This is relevant in assessing the legal standing and legal interests (*rechtbelang*) harmed by the government's administrative actions.

The judicial interpretation approach in both decisions tends to be textual and procedural. The judges focused on the formal criteria of KTUN, the time frame for filing lawsuits, and compliance with the required administrative procedures mandated by law. In both decisions, it is identified that the plaintiffs submitted objections, but there was no response from the authorized officials, thus normatively, the lawsuit was considered to meet the formal requirements (Hutauruk et al., 2017). However, in assessing the plaintiffs' rights over the land object, the judges still considered the validity of the legal basis, physical evidence

of land control, and the relevance of previous requests to BP Batam. In this case, the juridical-empirical approach, combining administrative evidence and factual conditions, formed the main basis for the considerations. The outcome reflects the court's caution in balancing the principles of legality and equity in resolving administrative disputes (Antony et al., 2025).

The assessment of evidence and facts in both decisions also shows a similar approach, although there are subtle differences in the prioritization of arguments. In Case 3/G/2024/PTUN.TPI, the judges assessed the land control and business activities, such as fish farming and fruit agriculture, as evidence of the plaintiffs' good faith. On the other hand, in Case 4/G/2024/PTUN.TPI, the panel focused more on the economic value of assets, building construction, and the sustainability of the business that contributes to social impact. However, in both cases, the judges concluded that the evidence presented was insufficient to cancel the administrative decision that was based on valid legal grounds and procedures. This indicates that in PTUN practice, proving direct harm and causality between the decision and the harm is a crucial requirement (Modjo & Tan, 2021). Furthermore, the judges also considered the principles of legal certainty and protection of public rights in the land allocation decision.

In both Decisions 3/G/2024/PTUN.TPI and 4/G/2024/PTUN.TPI, the judges rejected the lawsuits on the grounds that the disputed object was a legally valid KTUN. The judges further stated that the plaintiffs' rights over the land did not have higher legal power than the KTUN issued by BP Batam. The court also opined that there was no violation of the principles of good governance, such as transparency, fairness, and proportionality, in the issuance of the decision (Ayunda et al., 2021). These decisions show that in public administrative cases, the burden of proof for demonstrating arbitrariness or maladministration lies entirely with the plaintiff. Therefore, although the plaintiffs felt economically harmed, this does not necessarily invalidate the legality of a state administrative decision. This also emphasizes the importance of formal land rights status (e.g., HGB/HGU certificates) in challenging the legality of a government decision.

TABLE 1.a. Comparison of Decision Number 3/G/2024/PTUN.TPI with Decision Number 4/G/2024/PTUN.TPI at the First Instance Level.

Aspect	Decision Number 3/G/2024/PTUN.TPI	Decision Number 4/G/2024/PTUN.TPI
Case Number	3/G/2024/PTUN.TPI	4/G/2024/PTUN.TPI
Plaintiff's Name	PT. Sumber Kencana Sejati	PT. Batam Usaha Marikultur
Defendant's Name	Head of BP Batam, PT. Pulau Setokok Jaya	Head of BP Batam, PT. Pulau Setokok Jaya
Disputed Object	Decree of the Head of BP Batam No. 10232/A3.5/L/11/2022	Decree of the Head of BP Batam No. 10232/A3.5/L/11/2022
Legal Norms Referenced	Law No. 5 of 1986, Law No. 30 of 2014, PERMA No. 6 of 2018	Law No. 5 of 1986, Law No. 30 of 2014, PERMA No. 6 of 2018
Type of Case	State Administrative Dispute	State Administrative Dispute
Parties' Legal Position	Plaintiff claims land rights over $\pm 140,000 \text{ m}^2$ based on deed and physical control since 2020	Plaintiff claims land rights over $\pm 104,000 \text{ m}^2$ based on deed and physical control since 2011
Legal Interpretation Approach	Focus on the legality of the legal basis and the land request submission to BP Batam	Focus on investment, asset value, and social economic impact
Evidence and Fact Assessment	Judges assessed document evidence and physical land control, as well as administrative efforts	Judges assessed asset value, land productivity, and the legality of the plaintiff's claim
Decision	Lawsuit rejected	Lawsuit rejected

Source: Secondary Data (Decision Number 3/G/2024/PTUN.TPI with Decision Number 4/G/2024/PTUN.TPI).

This comparative analysis shows the similarity in the normative structure and legal examination methodology by the judges, yet highlights the variation in factual aspects and the focus of arguments from the plaintiffs. A careful assessment of informal ownership evidence, investment value, and social-economic impact becomes crucial but not determinative in altering the legal

position of an administrative decision. Therefore, the identical outcomes (rejection of the lawsuit) despite the differences in the plaintiffs' contexts can be explained by the consistent application of the principles of legality and the supremacy of administrative law. It can be concluded that in PTUN practice, protection of public interest remains subject to strict normative parameters and is not solely based on substantive justice considerations (Miarsa et al., 2021). This study highlights the importance of harmonizing land administration, transparency in public asset allocation, and legal empowerment in building a responsive and just governance system. As a recommendation, there should be strengthened consultative procedures between BP Batam and the public in the land allocation process to minimize potential disputes in the future.

b. Comparative Analysis of Judges' Considerations at the Appeal Level

In the appeal case Number 90/B/2024/PT.TUN.MDN (3/G/2024/PTUN.TPI), the Medan High State Administrative Court (PTTUN) ruled that the Tanjung Pinang PTUN decision was incorrect in applying administrative law. The panel of judges considered that BP Batam issued the land allocation decision to PT. Pulau Setokok Jaya without following mandatory procedures such as public announcement, land measurement, and factual verification of the land object. Meanwhile, PT. Sumber Kencana Sejati had already submitted a request and had physical control over the land along with valuable business activities. The lack of response from BP Batam to the request showed a violation of the principle of good governance, especially the principles of transparency and legal certainty. Therefore, the panel of judges annulled the first-instance decision and granted the plaintiff's lawsuit.

On the other hand, in the appeal case Number 92/B/2024/PT.TUN.MDN (4/G/2024/PTUN.TPI), the Medan High State Administrative Court also annulled the Tanjung Pinang PTUN decision and granted the lawsuit of PT. Batam Usaha Marikultur. The judges considered that BP Batam issued the land allocation decision to a third party without responding to the plaintiff's request, even though they had managed the land since 2011.

This was seen as a violation of the BP Batam Head Regulation (Perka BP Batam) Number 26 of 2021 and the General Principles of Good Governance (AUPB). PT. Batam Usaha Marikultur demonstrated physical control, investment, and economic contribution, thus possessing strong legal standing. Therefore, the land allocation decision by BP Batam to another party was considered substantively and procedurally flawed.

Both cases show the consistency of the appellate panel in emphasizing the principles of administrative justice. Administrative actions by public bodies must respect citizens' rights and comply with legal rules that prioritize transparency and fairness. The Medan High State Administrative Court primarily focused on procedural non-compliance, the absence of administrative response, and violations of legal protection principles.

TABLE 1.b. Comparison of Decision Number 3/G/2024/PTUN.TPI with Decision Number 4/G/2024/PTUN.TPI at the Appeal Level

Aspect	Decision 3/G/2024/PTUN.TPI (90/B/2024/PT.TUN.MDN)	Decision 4/G/2024/PTUN.TPI (92/B/2024/PT.TUN.MDN)
Plaintiff's Identity	PT. Sumber Kencana Sejati	PT. Batam Usaha Marikultur
Previous Request	Submitted request to BP Batam, but not responded	Submitted request to BP Batam, but not responded
Land Control	±140,000 m ² with business activities and IDR 5.5 billion investment	±104,000 m ² used for mariculture and production infrastructure
BP Batam's Procedural Error	No public announcement, measurement, and field verification	No publication, no factual verification
Violation of AUPB	Transparency and legitimate expectation	Justice, transparency, legal certainty
Plaintiff's Legal Standing	Recognized based on evidence of land control and submitted request to BP Batam	Recognized based on investment evidence and physical land control

Panel's Stance on First Instance Decision	First-instance decision deemed incorrect	First-instance decision ignored as it disregarded substantive justice
Appeal Decision	PTUN Tanjung Pinang decision annulled, lawsuit granted	PTUN Tanjung Pinang decision annulled, lawsuit granted

Source: Secondary Data (Decision Number 90/B/2024/PT.TUN.MDN with Decision Number 92/B/2024/PT.TUN.MDN at the Appeal Level).

This comparative analysis shows the similarity in the normative structure and legal examination methodology by the judges, but highlights variations in factual aspects and the focus of arguments from the plaintiffs. Careful assessment of informal ownership evidence, investment value, and social-economic impact becomes crucial but not determinative in altering the legal position of an administrative decision. Therefore, the identical outcomes (rejection of the lawsuit) despite the differences in the plaintiffs' contexts can be explained by the consistent application of the principles of legality and the supremacy of administrative law. The findings emphasize the importance of harmonizing land administration, transparency in public asset allocation, and legal empowerment to create a responsive and just governance system.

c. Comparative Analysis of Judges' Considerations at the Cassation Level

At the cassation level, the Supreme Court issued two decisions reflecting divergent approaches in assessing the legality of the State Administrative Decision (KTUN) concerning land management by BP Batam. In the cassation case Number 35 K/TUN/2025 (from 3/G/2024/PTUN.TPI), the Supreme Court stated that the *Judex Factie* had applied the law correctly by annulling the land allocation decision by BP Batam. This decision was based on the finding that BP Batam failed to fulfill its normative obligations, such as public announcements and factual measurements, as required by BP Batam Head Regulation Number 26 of 2021. This action was seen as a violation of the fair

play and legitimate expectation principles, creating legal uncertainty for the party that had previously submitted a request. Therefore, the cassation request was rejected, and the appellate decision annulling the KTUN was upheld.

In contrast, in the cassation case Number 800 K/TUN/2024 (from 4/G/2024/PTUN.TPI), the Supreme Court granted BP Batam's cassation request and annulled the appellate decision. In its consideration, the Supreme Court found that the disputed land had no development plan, and thus, under Article 12 of BP Batam Head Regulation Number 26 of 2021, there was no requirement for public announcements or verification. Consequently, BP Batam's action was deemed valid both procedurally and substantively. The Supreme Court also stated that the *Judex Factie* at the appellate level had erred in assessing BP Batam's administrative authority and had neglected the principle of institutional autonomy in managing the special economic zone (Panjaitan & Hutauruk, 2022).

TABLE 1.c. Comparison of Decision Number 3/G/2024/PTUN.TPI with Decision Number 4/G/2024/PTUN.TPI at the Cassation Level.

Aspect	Decision 3/G/2024/PTUN.TPI (35 K/TUN/2025)	Decision 4/G/2024/PTUN.TPI (800 K/TUN/2024)
Cassation Applicant	Head of BP Batam	Head of BP Batam
Cassation Respondent	PT. Sumber Kencana Sejati	PT. Batam Usaha Marikultur
Key Consideration	No public announcement and measurement in accordance with BP Batam Regulation No. 26/2021	Announcement not required because land does not have a development plan
Violated Principle	Fair play and legitimate expectation	No violation of AAUPB, and the procedure is considered valid
Supreme Court's Assessment	<i>Judex Factie</i> is correct, the appellate decision is legally valid	<i>Judex Factie</i> is wrong, the appellate decision is annulled

Cassation Decision	Cassation rejected, appellate decision upheld	Cassation granted, appellate decision annulled
Legal Consequence	KTUN is annulled and must be revoked by BP Batam	KTUN is valid, and the plaintiff has no rights to the land

Source: Secondary Data (Decision Number 35 K/TUN/2025 with Decision Number 800 K/TUN/2024 at the Cassation Level).

The differences in the Supreme Court's assessments show that there is room for interpretation in applying the principles of legality and procedural norms to State Administrative Decisions. These disparities in reasoning indicate the need for regulatory harmonization in the execution of public authority so that it does not lead to legal uncertainty in the future.

Impact Analysis of the Differences in Considerations in Decision Number 3/G/2024/PTUN.TPI and Number 4/G/2024/PTUN.TPI on Legal Certainty for the Parties Involved in the Dispute

Legal certainty is one of the fundamental principles in a rule of law (rechtstaat), demanding that all government actions and citizens' actions be subject to the law in a fair, consistent, and predictable manner (Situmeang et al., 2025). This principle asserts that the law must be clear, not arbitrarily changeable, and enforced by independent and ethical institutions. According to Hadjon (2005), legal certainty guarantees the protection of individual rights from abuse of power. This aligns with Asshiddiqie's view (2006), which states that a rule of law not only emphasizes the supremacy of law but must also ensure justice and legal certainty. Furthermore, Marzuki (2021) stresses that the existence of predictable law is a prerequisite for the public to feel secure in exercising their rights and obligations. Nurjannah's research (2018) also shows that legal certainty greatly influences public trust in the national legal system. On the other hand, Simanjuntak's study (2020) underscores the importance of legal reform to ensure that regulations do not overlap and legal certainty can be effectively

achieved. The overall description highlights that legal certainty is the foundation of the rule of law, functioning to protect citizens' rights, guarantee justice, and create a sense of security in society.

Judicial decisions in administrative courts should be an important instrument in creating consistency and predictability of the law for society. As institutions that oversee state administrative actions, administrative courts play a role in ensuring that every government decision complies with the principle of legality and does not arbitrarily harm citizens' rights (Asshiddiqie, 2006). According to Hadjon (2005), the existence of consistent decisions strengthens the legal protection of individuals from the abuse of state apparatus powers. Asshiddiqie (2011) also emphasizes that legal certainty in administrative practice depends heavily on the integrity and adherence of the administrative courts to applicable legal principles. Marzuki (2021) adds that legal predictability not only guarantees justice but also creates a sense of security and public trust in the legal system. In this context, Sembiring T (2019) shows that inconsistent administrative decisions cause legal uncertainty that harms public interests and undermines the legitimacy of the law itself. Therefore, it is essential for every administrative court decision to prioritize consistency and predictability to truly support a just rule of law.

The importance of fair and consistent decisions becomes crucial, especially when it concerns identical objects of dispute, because varied decisions on similar cases can lead to legal uncertainty and weaken public trust in the judicial system. Hadjon (2005) emphasizes that substantive justice in court decisions must apply equally to every party in the same legal position. Marzuki (2021) also states that consistency in decisions is a primary indicator of the integrity of the judiciary and serves as the foundation for creating legal predictability. Meanwhile, according to Simanjuntak F (2020), differences in decisions on identical objects indicate a weakness in the application of the principle of equality before the law and can open the door to systemic injustice. Therefore, maintaining consistency and fairness in deciding similar cases is an absolute requirement for the establishment of a democratic and civilized rule of law.

Fair and consistent decisions are crucial, especially when dealing with identical objects of dispute, as they serve as benchmarks for justice and the legitimacy of the judicial body. When courts decide cases with identical legal facts differently, it not only creates legal confusion but also undermines the principles of justice and legal certainty guaranteed in the rule of law (Sulistiyowati R., 2020). Research by Sembiring (2019) shows that inconsistency in state administrative court decisions can weaken the legitimacy of the court and create opportunities for injustice for those seeking justice. Likewise, Wibowo (2021) emphasizes that consistency in decisions reflects the court's commitment to legal certainty and the integrity of the legal system itself. Therefore, in the framework of the rule of law, the courts must maintain uniformity and fairness in deciding cases with identical objects of dispute as part of their institutional responsibility to society and the law itself.

Fair and consistent decisions are the main foundation for public trust in the judicial system, especially when it comes to identical objects of dispute. When two cases with identical substance and legal facts are decided differently, this not only causes legal confusion but also undermines the principles of justice and legal certainty guaranteed in a rule of law (Sulistiyowati R., 2020). Research by Sembiring (2019) shows that inconsistency in state administrative court decisions can weaken the legitimacy of the court and open the door to injustice for those seeking justice. Similarly, Wibowo (2021) stresses that the perception of bias in decisions will erode public trust in the legal system and encourage non-compliance with judicial decisions. Therefore, judges must maintain their independence and objectivity when assessing each case, without being influenced by the plaintiff's economic background.

In judicial practice, the principle of equality before the law (equality before the law) has not been fully realized if two parties in the same legal position are treated differently by the court merely because of differences in access to resources or formal capacity. This shows a tendency to neglect substantive justice, where judges focus more on procedural aspects, such as administrative completeness or the formal strength of documents, without considering the social realities and material facts that reflect the true truth (Sulistiyowati R.,

2020). According to Marzuki (2021), the law should not become a formalist instrument that blinds judges from the substance of justice. Meanwhile, Asshiddiqie (2011) stresses that a true rule of law must guarantee substantive justice for all parties. If the judiciary prioritizes proceduralism rigidly and disregards the values of justice, then the primary objective of the law as a tool for protecting human rights and dignity fails to be realized.

The need for standardization of decisions in the State Administrative Court (PTUN) is increasingly urgent, especially when dealing with identical objects or types of cases, to maintain the consistency of legal application and provide fair legal certainty for those seeking justice. Irregularities in legal reasoning on similar cases can create disparities in decisions that confuse and harm the parties involved, and create the impression that the outcome depends on the subjectivity of the judge, not on the certainty of legal norms (Sulistiyowati R., 2020). According to Sembiring (2019), the absence of a uniform guideline in evaluating evidence, legal grounds, or control over the disputed object makes PTUN decisions vulnerable to inconsistency, even in identical disputes. This contradicts the principle of equality before the law and weakens the legitimacy of administrative justice itself (Wibowo A., 2021). Therefore, the standardization of legal reasoning and decision-making considerations is necessary to ensure that similar cases are decided based on the same principles of justice and can be predicted.

To prevent excessive variation in legal reasoning in decisions on similar cases, it is important for judges in the State Administrative Court to consistently refer to established jurisprudence and normative guidelines from the Supreme Court, such as the Supreme Court Circular (SEMA) and Supreme Court Regulations (PERMA). The use of jurisprudence as a reference will help maintain the unity of legal application, while strengthening legal certainty and a sense of justice for the parties (Sulistiyowati R., 2020). Meanwhile, SEMA and PERMA provide a normative framework that can prevent disparities in reasoning between judges on identical objects and legal norms (Supreme Court of the Republic of Indonesia, 2022). According to Wibowo (2021), the integration of judicial independence and normative references through

jurisprudence and Supreme Court guidelines is a form of judicial accountability that aligns with the rule of law principle. Therefore, strengthening the use of these instruments will greatly assist in encouraging uniformity, professionalism, and integrity in PTUN decisions.

Conclusion

Based on the research results and discussion, it can be concluded that there are significant differences in the legal considerations by the Supreme Court in two cases with identical objects and issues, namely Decision Number 3/G/2024/PTUN.TPI and Number 4/G/2024/PTUN.TPI. At the first instance and appellate levels, both cases showed similar directions of decision, but at the cassation level, the Supreme Court issued opposing decisions. This difference demonstrates inconsistency in the application of the principles of legality and equality before the law. By comparing the juridical approaches at each level of the judiciary, this study successfully analyzed that the lack of uniformity in legal considerations of similar cases can threaten legal certainty, weaken the legitimacy of court decisions, and reduce the sense of justice for those seeking justice. These findings also answer two research objectives: first, the study successfully provided a comparative analysis of the judges' considerations in both decisions with the same case issue, showing that although the object and subject of the dispute were similar, the final outcomes differed due to the diverse legal approaches at each level of the judiciary. Second, the analysis shows that the differences in these decisions directly impact the guarantee of legal certainty for the parties involved in the dispute. Therefore, this research emphasizes the importance of harmonizing legal considerations across courts and the need for the standardization of legal reasoning within PTUN to create a legal system that is fair, consistent, and predictable.

The Supreme Court, along with the judicial bodies beneath it, particularly the State Administrative Court, is advised to establish institutional mechanisms that ensure consistency in legal considerations for cases with identical objects and issues. To maintain the application of the principle of equality before the law, each judge should refer to relevant past decisions as an effort to ensure equal

treatment for similar cases. In this regard, periodic judicial conferences among judges within the state administrative courts should be conducted as a forum for coordination and alignment of legal interpretations. This step is essential to prevent decision disparities, strengthen the integrity of the judicial system, and guarantee legal certainty for those seeking justice. To prevent differing decisions on the same case issue in the State Administrative Court, in addition to adhering to Law Number 5 of 1986 on State Administrative Courts, as amended by Law Number 9 of 2004 concerning Amendments to Law No. 5 of 1986, and the most recent amendment by Law Number 51 of 2009 concerning the Second Amendment to Law No. 5 of 1986, and Law Number 30 of 2014 on Government Administration, it is advisable to consistently refer to established jurisprudence, Supreme Court Circular Letters (SEMA), and Supreme Court Regulations (PERMA) as normative guidelines. This is important in building a uniform standard of legal reasoning in similar cases, particularly in land dispute cases.

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Competing Interest

There is no conflict of interest in the publication of this article.

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