



Application of the Status of Limitations in Land Disputes in the State Administrative Court

Yulius Parlindungan Situmorang¹, HS Tisnanta²

¹Universitas Lampung, Email : yuliussitumorang2@gmail.com

²Universitas Lampung, Email : eronymus.soerjatisnanta@fh.unila.ac.id

Article's Information

Abstract

keywords:

*Statute of Limitations,
Land Disputes, State
administrative court.*

Land disputes in Indonesia frequently arise due to the issuance of State Administrative Decisions that cause legal harm, such as overlapping land certificates, multiple ownership claims, and administrative errors in land registration. This study employs normative juridical and empirical methods with a qualitative descriptive approach. The findings indicate that the statute of limitations in land disputes should not merely be understood as a formal time restriction but also as an instrument to achieve legal certainty, justice, and legal benefit. The calculation of the filing period begins when the aggrieved party becomes aware or reasonably should have become aware of the disputed administrative decision. Furthermore, the filing period is more appropriately interpreted as 90 working days in order to ensure effective legal protection and access to justice.

A. Introduction

Land holds a highly important position in the lives of the Indonesian people, not only as an economic asset but also as a source of welfare and a means of national development. In practice, the state's authority in the land sector often gives rise to disputes due to the issuance of administrative

decisions that are considered detrimental to the public, such as the issuance of overlapping land certificates, the revocation of land rights, and errors in land administration. To provide legal protection for the public, such disputes may be brought before the State administrative court, which is authorized to examine the legality of state administrative decisions.

One of the most crucial aspects in proceedings before the State administrative court is the statute of limitations or the time limit for filing a lawsuit. Article 55 of Act Number 5 of 1986 explicitly provides that “a lawsuit may only be filed within a period of ninety days calculated from the date the decision of the state administrative body or official is received or publicly announced.”¹ This provision emphasizes that the right to challenge a state administrative decision is not perpetual but is subject to a time limitation in order to ensure legal certainty and administrative order. However, in practice, the application of this ninety-day time limit has generated various legal issues and has become a central concern in the resolution of land disputes before the State Administrative Court. On the one hand, the statute of limitations is intended to maintain stability and legal certainty so that administrative decisions that have been issued cannot be challenged indefinitely.²

This issue becomes even more complex due to the lack of uniformity in judicial interpretation and application of the statute of limitations. Several State Administrative Court decisions have held that the limitation period should be calculated from the date on which the plaintiff actually became aware of the decision that caused harm (actual knowledge), rather than from the date the decision was issued or announced. This approach emphasizes substantive justice by protecting individuals who did not have access to information regarding the administrative decision.³ On the other hand, the Supreme Court, in several cassation decisions, has emphasized that the limitation period should be calculated objectively from the date the decision was issued or announced in order to preserve legal certainty. This inconsistency has created further problems in judicial practice regarding the determination of when the limitation period should commence.⁴

¹ Hamid, A. R., dan A. Suryana. “Dinamika Konversi Hak Atas Tanah Ulayat.” *Jurnal Kolaboratif Sains* 7, No. 12 (2024).

² Rahim, A., dkk. “Relevansi Asas Kepastian Hukum.” *Jurnal Ilmiah Ilmu Pendidikan* 6, No. 8 (2023).

³ Barokah, M. R., dan A. Erliyana. “Pergeseran Kompetensi Absolut dari Peradilan Umum ke State Administrative Court.” *Jurnal Hukum & Pembangunan* 51, No. 4 (2021).

⁴ Herlambang, U. P. “Permasalahan Tenggang Waktu Pengajuan Gugatan oleh Pihak Ketiga.” *Al Wasath Jurnal Ilmu Hukum* 2, No. 2 (2021).

For example, a double land certificate may only be discovered when the original landowner intends to sell or re-register the land. In such circumstances, individuals who suffer losses may only be able to file a lawsuit after the limitation period has expired. If the court rejects the claim on the grounds of expiration, substantive justice may be undermined. This situation demonstrates that the statute of limitations as regulated under Article 55 of Act Number 5 of 1986 frequently conflicts with the principles of justice and the protection of land rights.

Legal certainty requires that government decisions possess stability and not be subject to continuous legal challenges.⁵ However, justice demands that citizens retain access to the courts whenever their rights have been violated, particularly in circumstances beyond their control. The tension between these two values constitutes the core issue of limitation periods in land disputes before the State Administrative Court. Normatively, Article 62 letter (e) of Act Number 5 of 1986 provides judges with the authority to declare a lawsuit inadmissible if it is filed after the prescribed period has elapsed.

Based on the foregoing discussion, it can be understood that the application of the statute of limitations in land disputes before the State Administrative Court plays a highly significant role in determining whether a lawsuit may be examined and adjudicated. The statute of limitations functions not only as a formal deadline for filing claims but also reflects the principles of legal certainty, administrative order, and the protection of state administrative decisions that have acquired legal force. Nevertheless, in practice, its application often gives rise to debate, particularly when considered in relation to substantive justice for parties who have suffered losses⁶.

The issue becomes increasingly complex in land disputes because the object of the dispute, namely a state administrative decision, is often only discovered by the interested party after a considerable period of time. This raises questions regarding the starting point of the limitation period: whether it should be calculated from the issuance of the decision, its publication, or the date on which the injured party became aware of it. Such differences in interpretation have resulted in varying judicial decisions in

⁵ Rahmawati, P., dkk. "Perbuatan Melawan Hukum atas Sertifikat Ganda." *Rewang Rencang* 6, No. 4 (2025).

⁶ Wulandari, Milia. "Analisis Yuridis Pertimbangan Hakim." *E-Journal Unesa* 1, No. 2 (2019).

similar cases and have the potential to create inconsistencies in judicial practice.⁷

In this regard, several judicial decisions concerning land disputes within the State administrative court system illustrate the application of limitation periods. For example, in Decision Number 17/G/2013/PTUN-BL, the Panel of Judges essentially rejected the plaintiff's claim on the grounds that the issuance of Ownership Certificate (SHM) No. 152 of 1997 in the name of Basuki by the Head of the South Lampung Land Office did not contain any legal defects in terms of authority, procedure, or substance and was consistent with the General Principles of Good Governance. Furthermore, the lawsuit was deemed to have exceeded the statutory limitation period under Article 55 of the State administrative court Law because the plaintiff filed the lawsuit in 2013, whereas the disputed object had been issued in 1997. Accordingly, although the plaintiff argued that he had only recently become aware of the certificate, the Panel of Judges held that the claim was legally inadmissible because it had been filed beyond the prescribed time limit, and therefore the request for annulment of the disputed object was declared unfounded and rejected.

Similarly, in Decision Number 9/G/2014/PTUN-BL, the Panel of Judges held that the plaintiff's lawsuit had been filed beyond the statutory limitation period provided under Article 55 of the State administrative court Law. Although the plaintiff claimed to have become aware of the disputed object only in 2014, evidence presented during the trial revealed that the plaintiff had known, or at least had reason to believe, that he had suffered harm since 2012, as evidenced by correspondence with the Land Office regarding overlapping land certificates. Therefore, the ninety-day limitation period should have been calculated from that time rather than from 2014. Since the lawsuit was only filed on 10 April 2014, it had exceeded the prescribed time limit. Consequently, the defendant's objection regarding the expiration of the claim was upheld, and the plaintiff's lawsuit was declared inadmissible.

Furthermore, in Decision Number 7/G/2017/PTUN-BL, the Panel of Judges rejected the objection raised by the Second Intervening Defendant concerning the expiration of the claim. The judges held that, pursuant to Article 55 of the State administrative court Law and Supreme Court jurisprudence, the ninety-day limitation period begins when the plaintiff becomes aware of the state administrative decision that causes harm. In this case, it was established that the plaintiff only became aware of the disputed

⁷ Rizki, W., dkk. "Subjek dan Objek Sengketa TUN." *Jurnal Sahabat ISNU* 1, No. 2 (2024).

object on 2 February 2017 through a letter from the National Land Agency (BPN) and filed the lawsuit on 21 February 2017, which was still within the permissible period. The defendant's argument that the plaintiff should have been deemed aware since the public auction announcement in 2010 was considered speculative and unsupported. In addition, Article 32 paragraph (2) of Government Regulation Number 24 of 1997 could not override Article 55 of the State administrative court Law due to the application of the principle of *lex specialis derogat legi generali*. Therefore, the objection concerning the expiration of the claim was declared legally unfounded and rejected.

Based on the foregoing, the author is interested in conducting research concerning the application of limitation periods in land disputes before the State Administrative Court, particularly in examining how judges interpret and apply the time-limit provisions set forth in Article 55 of the State administrative court Law in various decisions concerning the resolution of land disputes. The research questions are as follows: How is the statute of limitations interpreted in land disputes before the State administrative court? What factors influence judges' considerations in deciding land dispute cases before the State administrative court?

B. Discussion

1. The Interpretation of the Statute of Limitations in Land Disputes Before The State Administrative Court

Land plays an important role in the lives of Indonesian people because it possesses not only economic value but also social and legal functions. To ensure legal certainty regarding the public's land rights, the government administers a land registration system that produces land certificates as strong evidence of ownership rights. Land certificates serve to provide legal protection for rights holders while also functioning as a means to prevent land disputes. Nevertheless, despite the existence of various laws and regulations governing land registration, land disputes continue to occur frequently, whether concerning ownership, possession, or the issuance of land title certificates.

Land disputes generally arise from conflicting claims of ownership or control over land between two or more parties. Such disputes may result from the issuance of overlapping certificates, administrative errors in land registration, unlawful transfers of rights, or land occupation without a clear legal basis. Under certain circumstances, land disputes may become the subject of examination before the State administrative court particularly when they involve a State Administrative Decision issued by a land administration official, such as a land title certificate.

In the process of resolving disputes before the State Administrative Court, one of the most decisive aspects is the provision concerning the statute of limitations or the time limit for filing a lawsuit. Article 55 of the State administrative court Law stipulates that a lawsuit may only be filed within ninety days from the date on which the State Administrative Decision is received or publicly announced. This provision reflects the application of the principle of legal certainty, which aims to maintain the stability of government administration and provide protection for decisions issued by state administrative officials.

In practice, however, the application of limitation periods in land disputes is not always straightforward. Unlike ordinary administrative disputes, plaintiffs in land disputes are often not the direct addressees of the State Administrative Decision. Instead, they are usually third parties who suffer losses as a result of the issuance of a land certificate in another person's name. This situation raises questions regarding the point at which the ninety-day limitation period should begin to run.

Under the procedural law governing the State Administrative Court, there are several methods for calculating the filing period. First, for parties who are direct addressees of a State Administrative Decision, the limitation period begins when the decision is received or announced. Second, where administrative remedies such as objections or administrative appeals have been pursued before filing a lawsuit, the limitation period begins upon receipt of the decision resulting from those remedies.⁸ Third, in cases involving negative fictitious decisions as regulated under Article 3 of the State administrative court Law, the limitation period commences after the expiration of the period granted to the official to issue a decision. Fourth, for third parties who are not direct addressees of the decision but whose interests are adversely affected, the limitation period begins when they become aware of the decision that harms their interests.⁹

The legal position of third parties has evolved through Supreme Court Circular Letter (SEMA) No. 2 of 1991, which provides that the limitation period should be calculated casuistically from the time the affected party becomes aware and feels that his or her interests have been harmed by a State Administrative Decision. This principle was further clarified through SEMA No. 3 of 2015, which explicitly states that the ninety-day period begins when the concerned party first becomes aware of the State

⁸ Ilham, Muhammad, dkk. "Upaya Hukum terhadap Putusan Daluwarsa Penuntutan." *J-CEKI* 4, No. 5 (2025).

⁹ Pramesuari, F. D. "Penyelesaian Gugatan Keputusan TUN." *Jurnal Hukum dan HAM Wara Sains* 3, No. 3 (2024).

Administrative Decision that adversely affects his or her interests.¹⁰ These provisions provide greater legal protection for third parties who were previously unaware of the existence of such decisions.

The findings of this study indicate that judges in land disputes tend to adopt a more substantive approach in applying limitation periods. Rather than relying solely on the date of issuance of the land certificate, judges consider when the injured party actually became aware of the certificate that constitutes the object of the dispute. This approach seeks to prevent injustice toward individuals who only discover the existence of a certificate many years after its issuance.

The application of limitation periods in land disputes is also closely related to evidentiary issues. Plaintiffs must be able to prove when they first became aware of the State Administrative Decision that adversely affected their rights or interests. This burden of proof is crucial because it determines whether the lawsuit was filed within the prescribed period or after its expiration.

According to Article 100 of the State administrative court Law, admissible evidence includes written documents, witness testimony, admissions by the parties, judicial knowledge, and other legally recognized forms of evidence. In land disputes, the most frequently used evidence consists of documents demonstrating when the disputed object became known, such as objection letters, reports submitted to land authorities, mediation records, and correspondence with the National Land Agency. In addition, witness testimony plays an important role in establishing when the plaintiff first became aware of the disputed certificate.¹¹

Based on interviews conducted with judges of the Bandar Lampung State administrative court, the limitation period in administrative disputes should be interpreted as ninety working days rather than ninety calendar days¹². This view is based on the nature of administrative law, where all administrative processes are conducted according to government working days. Such an interpretation is supported by Law No. 30 of 2014 on Government Administration, which employs working days as the standard measure for objections and administrative remedies. Furthermore, Supreme

¹⁰ Indrasari, N., dkk. "Kewenangan State Administrative Court dalam Sengketa Keperdataan." *Jurnal Reformasi Hukum: Cogito Ergo Sum* 8, No. 1 (2025).

¹¹ Munif, S. A. Z., dkk. "Menyoal Tengat Waktu Gugatan di State Administrative Court." *Indonesian Research Journal on Education* 5, No. 4 (2025).

¹² Kartabrata, F. R., dkk. "Menyelaraskan Sistem Hukum Pengadilan Administratif." *Jurnal Litigasi* 26, No. 2 (2025).

Court Regulation No. 2 of 2019 explicitly states that the term “days” in administrative disputes refers to working days.

The interpretation that limitation periods should be calculated based on working days is considered more consistent with the principles of legal protection and access to justice. If calculated according to calendar days, citizens would have fewer opportunities to exercise their legal rights because weekends and public holidays would still be counted, despite the fact that governmental and judicial services are generally unavailable during those periods. Therefore, the use of working days is regarded as providing more effective legal protection.

In addition to the limitation period stipulated under the State administrative court Law, land disputes are often associated with Article 32 paragraph (2) of Government Regulation No. 24 of 1997 concerning Land Registration, which establishes a five-year limitation period for challenging land certificates. This provision reflects the principle of *rechtsverwerking*, which aims to provide legal certainty for certificate holders. Nevertheless, this five-year period is not absolute. Land certificates that have existed for more than five years may still be challenged if legal defects are proven, such as document forgery, abuse of authority, procedural irregularities, or the absence of good faith on the part of the rights holder.

In judicial practice, judges consider not only the formal aspect of a certificate’s age but also substantive justice. Consequently, even where a certificate has existed for more than five years, a lawsuit may still be accepted if the injured party can prove that he or she only became aware of the violation of his or her rights at a later date and that legal defects existed in the issuance process.

The interpretation of limitation periods in land disputes may also be analyzed through Gustav Radbruch’s theory of the purposes of law, which emphasizes three fundamental legal values: justice, legal certainty, and utility. From the perspective of legal certainty, limitation periods are necessary to maintain administrative stability and protect certificate holders who have lawfully acquired their rights. Without limitation periods, administrative decisions could be challenged indefinitely, thereby creating legal uncertainty.

However, legal certainty should not override justice. In many land disputes, injured parties only become aware of a disputed certificate years after its issuance. If limitation periods were applied rigidly based solely on the issuance date, affected individuals would lose the opportunity to obtain legal protection. Therefore, judges must consider when plaintiffs actually became aware of the disputed object in order to ensure substantive justice.

Furthermore, the application of limitation periods based on actual knowledge also reflects the value of legal utility. By allowing genuinely aggrieved parties to file claims, the law functions as an effective mechanism for dispute resolution and provides tangible benefits to society. Conversely, an excessively formalistic application of the law may diminish public confidence in the judiciary and potentially lead to broader social conflicts.

Based on the findings of this research, it can be concluded that the interpretation of limitation periods in land disputes before the State administrative court should not be confined solely to the formal aspect of filing deadlines. It must also take into account the legal protection of injured parties. In judicial practice, limitation periods are generally interpreted as commencing when the affected party becomes aware, or reasonably should have become aware, of the State Administrative Decision that adversely affects his or her interests. This approach reflects judicial efforts to balance legal certainty, justice, and utility as articulated in Gustav Radbruch's theory of the purposes of law. Accordingly, limitation periods in land disputes should not be applied rigidly but rather should take into account the concrete facts revealed during court proceedings in order to achieve fair legal protection for all interested parties.

2. Factors Influencing Judges' Considerations in Deciding Land Disputes in the State Administrative Court

Judges' decisions in the State Administrative Court are a crucial part of resolving disputes between the public and state administrative bodies or officials related to the issuance of State Administrative Decrees. In land disputes, judges' decisions not only determine the validity of a land administration decision but also serve as a means of legal protection for those who feel disadvantaged by government actions. Therefore, judges' considerations play a crucial role in achieving justice, legal certainty, and legal benefits.

According to Satjipto Rahardjo, legal considerations are the stage where judges assess the facts revealed in court based on the evidence presented by the parties and relate them to applicable legal provisions. Meanwhile, Mukti Arto explained that judges' considerations are crucial because they form the basis for decisions that embody justice and legal certainty. Inadequate considerations can result in decisions being overturned at the next level of legal action.

Based on interviews with judges at the State Administrative Court in Bandar Lampung, judges' considerations in deciding land disputes are influenced by both legal and non-legal factors. Both factors must be

considered in a balanced manner so that the resulting decision is not only legally valid but also provides justice for the parties.

Legal factors are the primary factors that form the basis of judges' considerations. Before examining the merits of the case, judges first assess the formal aspects of the lawsuit, such as the court's competence, the plaintiff's legal standing, the existence of any injured interests, the deadline for filing the lawsuit, and the fulfillment of administrative remedies if required by law. If these formal requirements are not met, the lawsuit can be declared inadmissible (*niet ontvankelijk verklaard*).

Once these formal requirements are met, the judge conducts a judicial review of the State Administrative Decision that is the subject of the dispute based on Article 53 paragraph (2) of the State Administrative Court Law. This review covers three main aspects: authority, procedure, and the substance of the decision. In terms of authority, judges assess whether the official issuing the decision has legitimate authority under statutory regulations. In terms of procedure, judges examine whether the decision-issuing process complies with the procedures prescribed by law. Meanwhile, in terms of substance, judges assess whether the content of the decision violates statutory regulations such as the principles of legal certainty, accuracy, transparency, proportionality, and the prohibition on abuse of authority.

In land disputes, administrative evidence plays a crucial role. One of the primary pieces of evidence is the land deed, a collection of documents containing the entire process of issuing land rights, from physical data and legal data, land ownership history, to the issuance of the certificate. The land deed serves as the basis for judges to assess the legality of the administrative process and determine whether there are any legal flaws in the issuance of the disputed certificate.

In addition to legal factors, judges also consider non-legal factors in deciding land disputes. These factors include the social conditions of the community, the sense of justice, the legal benefits, and the potential social impacts of the decision. According to the source, judges not only function as enforcers of the law textually, but must also be able to deliver substantive justice to the community. Therefore, in certain situations, judges need to consider the values of justice and expediency so that their decisions not only provide legal certainty but also resolve conflicts fairly and effectively.

Therefore, judges' considerations in deciding land disputes in the State Administrative Court combine legal and non-legal aspects. The legal aspect serves as the basis for assessing the legality of state administrative decisions through examining the authority, procedures, substance of the

decision. Meanwhile, the non-legal aspect serves to ensure that the decision rendered achieves a sense of justice and benefits the community. The combination of these two aspects is key to producing decisions that are not only legally valid but also reflect the objectives of the law, namely justice, legal certainty, and expediency.

C. Conclusion

The meaning of the statute of limitations in land disputes in the State Administrative Court is not merely understood as the formal deadline for filing a lawsuit as stipulated in Article 55 of the State Administrative Court Law, but must also be interpreted as an instrument to maintain a balance between legal certainty, justice, and legal expediency. In practice, judges do not simply calculate the time limit from the issuance of the land title certificate, but also consider when the aggrieved party actually became aware of the State Administrative Court decision that harms their rights. This is important because land disputes often involve third parties who are not directly subject to the decision, so a rigid application of the statute of limitations can deprive the public of their right to legal protection. Therefore, proving the time of knowledge of the disputed object is a crucial element in case examination.

The factors influencing a judge's considerations in deciding land disputes in the State Administrative Court essentially consist of legal and non-legal factors, which are interrelated in the law enforcement process. Legal factors include the formal examination of the lawsuit, the authority of the State Administrative Court officials, the decision-issuance procedures, the substance of the State Administrative Court, and its compliance with laws and regulations. Furthermore, land administration evidence, such as deed certificates, plays a crucial role as the primary verification tool for assessing the validity of the land rights issuance process. Meanwhile, non-legal factors include a sense of justice, social conditions, and legal benefits, which must be considered by judges to ensure that the decision rendered is not only formally valid but also provides real legal protection.

References

Book:

- Helmi, dkk. *Buku Ajar Hukum Peradilan Tata Usaha Negara*. Jambi: UNJA Publisher, 2025.
- Mujiburohman, Dian Aries. *Buku Ajar Hukum Acara Peradilan Tata Usaha Negara*. Yogyakarta: STPN Press, 2022.
- Panjaitan, Budi Sastra. *Hukum Acara Peradilan Tata Usaha Negara*. Sumatera Utara: CV. Manhaji Medan, 2016.
- Rahardjo, Satjipto. *Bunga Rampai Permasalahan Dalam Sistem Peradilan Pidana*. Jakarta: Pusat Pelayanan Keadilan dan Pengabdian Hukum, 2008.
- Wiyono, R. *Hukum Acara Peradilan Tata Usaha Negara*. Jakarta Timur: Sinar Grafika, 2016.

Journal:

- Barokah, M. R., dan A. Erliyana. "Pergeseran Kompetensi Absolut dari Peradilan Umum ke State Administrative Court." *Jurnal Hukum & Pembangunan* 51, No. 4 (2021).
- Hamid, A. R., dan A. Suryana. "Dinamika Konversi Hak Atas Tanah Ulayat." *Jurnal Kolaboratif Sains* 7, No. 12 (2024).
- Herlambang, U. P. "Permasalahan Tenggang Waktu Pengajuan Gugatan oleh Pihak Ketiga." *Al Wasath Jurnal Ilmu Hukum* 2, No. 2 (2021).
- Ilham, Muhammad, dkk. "Upaya Hukum terhadap Putusan Daluwarsa Penuntutan." *J-CEKI* 4, No. 5 (2025).
- Indrasari, N., dkk. "Kewenangan State Administrative Court dalam Sengketa Keperdataan." *Jurnal Reformasi Hukum: Cogito Ergo Sum* 8, No. 1 (2025).
- Kartabrata, F. R., dkk. "Menyelaraskan Sistem Hukum Pengadilan Administratif." *Jurnal Litigasi* 26, No. 2 (2025).
- Munif, S. A. Z., dkk. "Menyoal Tenggat Waktu Gugatan di State Administrative Court." *Indonesian Research Journal on Education* 5, No. 4 (2025).
- Pramesuari, F. D. "Penyelesaian Gugatan Keputusan TUN." *Jurnal Hukum dan HAM Wara Sains* 3, No. 3 (2024).

Rahim, A., dkk. "Relevansi Asas Kepastian Hukum." *Jurnal Ilmiah Ilmu Pendidikan* 6, No. 8 (2023).

Rahmawati, P., dkk. "Perbuatan Melawan Hukum atas Sertifikat Ganda." *Rawang Rencang* 6, No. 4 (2025).

Rizki, W., dkk. "Subjek dan Objek Sengketa TUN." *Jurnal Sahabat ISNU* 1, No. 2 (2024).

Wulandari, Milia. "Analisis Yuridis Pertimbangan Hakim." *E-Journal Unesa* 1, No. 2 (2019).

Yulius Parlindungan Situmorang, HS Tisnanta, Agus Triono

*Application of the Status by the state administrative court in land Disputes in the State
Administrative Court*