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## PT Satria Hupasarana and Masrumsyah Cs Murni's land dispute is not a matter of adat

👤 **By Apriando -- 23 November 2022 - 20:11 WIB**



Communities in dialogue with officers from the Police and TNI regarding the dispute case that is currently developing (IST)

**BORNEONEWS, Palangka Raya** - Land dispute between PT. Satria Hupasarana (SHS) and Masrumsyah Cs never found common ground.

Various mediation efforts made by the Lamandau District Government, the Lamandau Police, the Chairman of the Lamandau Dayak Customary Council (DAD), and other related parties seemed to have been ignored.

Finally, the Lamandau Police invited the Lamandau Regency Government, Criminal Law Expert, Kiki Kristianto, SH, MH, and Civil Law Expert, Joanita Jalianery, SH, MH, and related parties to hear legal presentations regarding the resolution of the problem.

Based on the agreement resulting from the coordination meeting held Monday, November 21, 2022, in the Lamandau Police Criminal Investigation Unit Hall, the following important points were obtained, that the decision of the Pangkalan Bun District Court Number.09/Pdt.G/2012/PN.P. Bun dated 14 August 2012 Juncto Decision of the High Court of Palangka Raya Number.16/PDT/2013/PT.PR dated 5 September 2013 Juncto Decision of the Supreme Court of the Republic of Indonesia Number. 2979 K/Pdt/2013 dated January 4 2016 which stated in principle that the plaintiff's lawsuit against the convention (PT. SHS) was unacceptable by the Palangka Raya High Court and the appeal for cassation (PT. SHS), NO (Niet Ontvankelijke Verklaard) or a decision that was stated that the lawsuit could not be accepted because it contained a formal defect by the Supreme Court of the Republic of Indonesia, then the case between PT.

To obtain legal certainty regarding the object of the dispute that occurs between the parties, the parties can file a lawsuit back to the local district court.

Meanwhile, based on the meeting minutes data obtained, the results of the agreement are as follows, from the results of the decision on the civil case between PT SHS and Masrumsyah, et al, with the result that the parties can file a lawsuit against the disputed land rights.

Mediation can be carried out between PT. SHS with the community which aims to equalize perceptions and provide understanding related to the decisions of the Pangkalan Bun District Court, Central Kalimantan High Court, and the Supreme Court of the Republic of Indonesia.

From the results of the decision of the Supreme Court of the Republic of Indonesia, the Separation Principle (Horizontal) can be applied in relation to the relationship between the disputed land and the plants growing on it.

Given a period of 1 (one) week no later than 28 November 2022 for PT. SHS and the community (DPP/DPD BSP) to provide an official response regarding the filing of a new claim on disputed land rights to the Lamandau District Government/Lamandau Police.

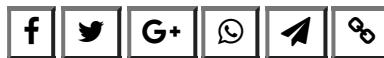
Furthermore, it is hoped that PT. SHS and the community (DPP/DPD BSP) did not harvest, occupy or kill the 486.76 hectares of disputed land in Bukit Raya and Bukit Makmur Villages. When the act is committed, it has implications for the law enforcement process in terms of criminal law policy

(penal).

Separately, the Head of the Customary Land and Security Bureau of the Dayak Customary Council (DAD) of Central Kalimantan Province, Ingkit Djaper when confirmed, Tuesday (22/11/2022) said that his party had coordinated with various parties including the Lamandau Police and the Head of DAD Lamandau Regency, Hendra Lesmana. According to Hendra Lesmana, who is also the Regent of Lamandah, his party has made various efforts to mediate this issue.

This issue is not related to customary land or customary issues but is purely a civil law issue.

"The PT. SHS and Masrumsyah Cs are not related to customary or customary land issues. The results of coordination and communication with related parties will later be conveyed to the Central Kalimantan DAD General Chair as contained in the assignment letter given," Ingkit said briefly. (APRIANDO/B-11)



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