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The Role of Agrarian Law Experts in Criminal Cases of Land Grabbing Cultivation Rights at the Suka Makmue District Court, Nagan Raya Regency

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Abstract

As is known, IH alias Benu invaded or controlled land (land) HGU No. 34 of 1999 belonging to PT Surya Panen Subur and this is a criminal act, so the Defendant IH alias Benu is threatened with imprisonment for a maximum of 4 years or a fine. The maximum amount is IDR 4,000,000,000. - However, what is interesting in this case is that each party claims to be entitled to the land. PT. Surya Panen Subur stated that the land belonged to them, based on HGU Certificate No. 34 of 1999 where PT. Surya Panen Subur was recorded as the right holder. Meanwhile, IH alias Benu stated that he also had the right to the land, because he controlled the land on a sporadic basis on 14 August 2012 which was also signed by the Keuchik of Gampong Kayee

Unoe, Nagan Raya Regency. So the problem arises as to whether IH alias Benu controls or cultivates the land, this is an action that can be legally justified and it cannot be said that IH alias Benu has usurped the HGU land belonging to PT Surya Panen Subur. So the actions of IH alias Benu in controlling and cultivating the land are not a criminal act as regulated in Article 385 1 of the Criminal Code and Article 107 letter a of the Plantation Law. Thus, experts in agrarian law (land law) are really needed to explain or answer these problems. So it is interesting to examine the role of agrarian law experts in criminal cases of usurpation of land with cultivation rights.

Keywords: Agrarian Law Expert, Crime, Land Grabbing

Introduction

Law No. 5 of 1960 concerning Basic Agrarian Principles Regulations (often called the Basic Agrarian Law or abbreviated as UUPA) has divided land rights into several types, including Ownership Rights, Cultivation Rights (HGU), Building Use Rights (HGB), Use Rights (HP) and others. Specifically regarding HGU, this is contained in Articles 28 to 34 of the UUPA. In Articles 28 and 29 of the UUPA it is stated that HGU is specifically intended for businesses in the fields of animal husbandry, agriculture or fisheries and is granted for a period of 25 or 35 years. The granting of HGU may not be on freehold land, but rather on free state land or land directly controlled by the State. If the HGU period expires (up to 25 or 35 years), then the HGU can be extended if in reality the right holder still needs it. According to Article 28 (2) UUPA HGU can be granted for a minimum area of 5 (five) hectares,¹ therefore no HGU will be granted whose area is less than 5 (five) hectares or under 5 (five) hectares. This is because it is not possible to grant HGU in the area as stated in Article 28 (2) UUPA.

In the Government Regulation (PP) concerning Land Registration (PP No.24 of 1997) HGU is one of the objects of land registration, so that HGU is a land right which according to PP No.24 of 1999 must be registered. The HGU registration is intended to guarantee legal certainty regarding the HGU and that the HGU holders will receive legal protection.² This is proven by the giving of an HGU certificate to the HGU holder in question. This is in accordance with the provisions for implementing land registration as regulated in Article 19 (2) UUPA, where after the land registration process is completed, the HGU holder will be given an HGU certificate as strong evidence and as a tool to obtain legal protection and certainty. Thus,

¹ Mazwar, *et al.*, Position of Physical Land Tenure Certificate (Sporadic) Above Cultivation Rights, *International Journal of Advanced Multidisciplinary Research and Studies*, 2024; 4(3): 1670-1674.

² Della Rafiqqa Utari, Suhaimi, Pendaftaran Tanah Yang Dikuasai Oleh Tempat-Tempat Ibadah Umat Islam Di Kecamatan Kuta Alam Banda Aceh, *Syiah Kuala Law Journal*, 2020; 4(3): 310-322.

the HGU holder concerned can use the HGU certificate as proof that he is the HGU holder of the land. And this evidence (namely the certificate) is a strong and perfect means of proof, because the HGU certificate is made and issued by an official authorized to do so, and the production of the certificate is in accordance with applicable regulations. In this case, it is in accordance with the UUPA and its implementing regulations (PP No. 24 of 1977), because this is indeed the mandate of the UUPA as stipulated in Article 19 of the UUPA.

Thus, it can be explained that as long as the HGU is controlled by the right holder who has a certificate, and the control is still within the term of the HGU (in this case it has not exceeded the period specified in the HGU certificate or the term has not expired or has not expired), then legally the holder of the HGU is the party who has official rights to the HGU in question. The implication is that no other party can control the HGU, and no other party can say that the HGU belongs to them. Unless the other party files a lawsuit in court and the judge's decision which has legal force still states that the HGU is his right or property.

However, in practice in society there are often cases that question the existence of HGU or deliberately grabbing land controlled by HGU by other parties, such as grabbing HGU land (working without rights/against the law or without permission)³ owned by PT. Surya Panen Subur. Even though PT. Surya Panen Subur already has HGU certificate No. 34 of 1999 dated April 19 1999, which is located in Gampong Pulo Kruet, Nagan Raya Regency. The act of usurping the HGU was carried out by local residents, namely Defendant IH alias Benu, where IH alias Benu has controlled the HGU land since October 2022, namely by IH alias Benu clearing the land, building a hut in it and finally by planting oil palm trees on the land. Brother IH alias Benu deliberately took control of the HGU belonging to PT Surya Panen Subur on the grounds that the land belonged to him. Ownership is proven by a Statement of Physical Body Control of Land (Sporadik) which is said to come from cultivated land.

Witness Dhery Amanda, an employee of PT Surya Panen Subur, when meeting with IH alias Benu, explained to IH alias Benu that the land being worked on by defendant IH alias Benu was HGU land belonging to PT Surya Panen Subur, but IH alias Benu continued cultivating it. Thus, it can be said that defendant IH alias Benu illegally worked on or controlled plantation land which belonged to PT Surya Panen Subur, around 5 (five) hectares, on which land there was proof of ownership of HGU Certificate No. 34 of 1999 from PT Surya. Fertile Harvest, while the defendant does not have proof of legal land ownership in accordance with applicable regulations.

The usurpation of HGU land belonging to PT Surya Panen Subur 2 by the defendant IH alias Benu is an unlawful act and is included in the criminal act of usurping land as regulated in: Article 385 1 of the Criminal Code, namely an act of controlling or confiscating someone's land, others illegally or against rights/against the law. Apart from violating Article 385 1 of the Criminal Code, the actions of defendant IH alias Benu also violated Article 107 letter a of

Law no. 39 of 2014 concerning Plantations, as amended by Law Number 6 of 2023 concerning the Determination of Government Regulations in Lieu of Law Number 2 of 2022 concerning Job Creation into Law (hereinafter the term Plantation Law is used).

Because IH alias Benu's actions in seizing or controlling HGU land belonging to PT Surya Panen Subur constitute a criminal act, the Defendant IH alias Benu is threatened with imprisonment for a maximum of 4 years or a maximum fine of Rp. 4,000,000,000,- However, what is interesting in this case is that each party claims to have rights to the land. PT. Surya Panen Subur stated that the land belonged to them, based on HGU Certificate No. 34 of 1999 where PT. Surya Panen Subur was recorded as the right holder. Meanwhile, IH alias Benu stated that he had the right to the land, because he controlled the land on a sporadic basis on 14 August 2012 which was also signed by the Keuchik of Gampong Kayee Unoe, Nagan Raya Regency. So the problem arises as to whether IH alias Benu controls or cultivates the land, this is an action that can be legally justified and it cannot be said that IH alias Benu has usurped the HGU land belonging to PT Surya Panen Subur. So the actions of IH alias Benu in controlling and cultivating the land are not a criminal act as regulated in Article 385 1 of the Criminal Code and Article 107 letter a of the Plantation Law.

Thus, experts in agrarian law (land law) are really needed to explain or answer these problems. So it is interesting to examine the role of agrarian law experts in criminal cases of usurpation of land with cultivation rights.

Research Methods

This research is included in the type of doctrinal legal research or normative legal research, because the data required in this research is primary data in the form of documents. Because the land grabbing case has been examined by the Suka Makmue District Court, the most important document here is the Suka Makmue District Court Decision No. 7/Pid. Sus/2024/PN Skm. Then, to complete the study and analysis materials, additional data is needed such as textbooks, reports, journals, and applicable regulations that are relevant to this research. These documents are included in primary data, then added with secondary and tertiary data which of course is related to this research. Next, the data is analyzed prescriptively.

Result and Discussion

1. Position Case

IH alias Benu, who was born on January 15 1997 in Gampong Alue Jampak Nagan Raya and works as a farmer/planter, was brought before the Suka Makmue District Court, Nagan Raya Regency because he was charged with grabbing HGU land belonging to PT Surya Panen Subur. In chronology, the acts accused of IH alias Benu are:

- a. That since October 2022 the defendant IH alias Benu has illegally occupied, worked on and used, and/or controlled plantation land. The actions of defendant IH alias Benu are known because witness Dhery Amanda and Witness Suardi in March 2023 met defendant IH alias Benu on HGU land belonging to PT Surya Panen Subur. At that time the witness met the defendant IH alias Benu who was working on the land, and the witness asked the defendant "why brother IH alias Benu

³ Zainudin Hasan, *et al.*, Penegakkan Hukum Terhadap Tindak Pidana Penyerobotan Tanah Di Kabupaten Tanggamus Lampung, *Jurnal Review Pendidikan dan Pengajaran*, 2024; 7(2): 4277-4285.

is working on the land and what is the basis for it". Defendant IH alias Benu then took a copy of the sporadic letter and said that this was basically what he was working on the land. The sporadic letter was in the name of IH alias Benu and signed by Jamal AR as Keuchik Kaye Unoe in 2012. Then the witness explained to IH alias Benu that the land was HGU land belonging to PT. Surya Panen Subur and that there was already a certificate, namely certificate No. 34 In 1999 in the name of PT. Surya Panen Subur.

- b. That the defendant IH alias Benu controlled the land and worked on the land was based on the Sporadic Letter dated 14 August 2012 which was also signed by Keuchik Gampong Kayee Unoe, Nagan Raya Regency.
- c. That PT. Surya Panen Subur controls the land on the basis of HGU with HGU Certificate No. 34 of 1999 where PT. Surya Panen Subur is recorded as the right holder.

In this case, it appears that Defendant IH alias Benu has deliberately committed land grabbing on land controlled by PT. Surya Panen Subur with HGU No. 34 of 1999 by controlling it and cultivating or working on it. This action shows that Defendant IH alias Benu has worked on the land and planted oil palm on the land, whereas IH alias Benu already knew that the land belonged to PT Surya Panen Subur and had already received a certificate (HGU Certificate No. 34 of 1999). It is said that IH Ali Benu already knew that the land belonged to PT. Surya Panen Subur because in March 2023 Witness Dhery Amanda and Witness Suardi had met with IH alias Benu and said that the land (land) cultivated and cultivated by IH alias Benu was an HGU belonging to PT. Surya Panen Subur, but IH alias Benu ignored it and continued to work on, control and plant oil palm in it. Meanwhile, the reason why Defendant IH alias Benu controlled the land and worked on the land was based on the Sporadic Letter dated 14 August 2012 which was also signed by the Keuchik of Gampong Kayee Unoe, Nagan Raya Regency.

Bearing in mind that there are 2 (two) bases or bases of rights proposed by each party, namely:

- a. The Sporadic letter dated 14 August 2012 which was also signed by the Keuchik of Gampong Kayee Unoe, Nagan Raya Regency, is the basis (basis) for Defendant IH alias Benu to control, cultivate or work on the land.
- b. HGU Certificate No. 34 of 1999 which was used as the basis for PT Surya Panen Subur in controlling the land, and also the basis for PT. Surya Panen Subur in reporting Defendant IH alias Benu for grabbing HGU land No. 34 of 1999. 1999 in the name of PT. Surya Panen Subur.⁴

So an agrarian law expert is needed who can explain the position or basis of the land control rights proposed by each party.

1. The Role of Agrarian Law Experts in Criminal Cases of Confiscation of Cultivation Rights Land

Previously, it was explained in the position case that PT. Surya Panen Subur since 1997 has controlled land with HGU status No. 34 of 1999 which is located in Gampong

Pulo Kruet, Nagan Raya Regency. However, since October 2022 until now, part of the HGU has been controlled, operated and cultivated by the defendant IH alias Benu and planted oil palm within the HGU. The reason or basis for IH alias Benu controlling the land is the Sporadic Letter dated 14 August 2012 which was also signed by Keuchik Gampong Kayee Unoe, Nagan Raya Regency.

When the land grabbing case was still at the investigation level, investigators at the Nagan Raya Police sent a letter to the Dean of the Faculty of Law, Syiah Kuala University (FH USK) in Banda Aceh, with letter No.B/719/X/2023/Reskrim dated 31 October 2023 to request that a lecturer/expert be appointed to be questioned by investigators from the Nagan Raya Police Criminal Investigation Unit regarding criminal acts that are being handled by investigators. In this case, the appropriate expert to explain the problem being investigated is an Agrarian Law Expert, therefore the Expert appointed by the Dean of FH USK is an Agrarian Law Expert.

At the investigation level, the Agrarian Law Expert explains several things as follows:

- a. The crime of land grabbing is an act of controlling land rights which is carried out with the intention of benefiting oneself or another person unlawfully, even though it should be known that it is someone else who owns or also participates in having rights over it. In this case, intentionally controlling or using someone else's land for one's own interests illegally (against the law) in order to gain personal or other people's benefits. It can also be said to be an act of seizing or controlling other people's land rights to obtain benefits for themselves or others.
- b. That in terms of the actions carried out by the respondent (reported Brother IH alias Benu) it is included in a criminal act of land grabbing. Viewed from an action perspective, the reported party has committed an act of deliberately controlling or exploiting other people's land rights for his own interests illegally (against the law) in order to gain benefits for himself or others.
- c. That if we look at the chronology of the incident that occurred, where what was controlled or utilized by the Reported Party IH alias Benu was land rights in the form of HGU plantation land belonging to PT. Surya Panen Subur, then the Reported Party's actions are also included in the Crime in the Plantation sector as regulated in Plantation Law. In this case, it is regulated in Article 55 letters a and c of the Plantation Law, which reads: Every person is illegally prohibited from working on, using, occupying and/or controlling plantation land, cutting down plants in plantation areas. Criminal sanctions for this provision are stated in Article 107 letters a and c of the Plantation Law, namely: Any person who illegally works on, uses, occupies and/or controls plantation land, cuts down plants in the plantation area, as intended in Article 55 were sentenced to a maximum imprisonment of 4 (four) years or a maximum fine of IDR 4,000,000,000.- (four billion rupiah). In this way, the Reported Party's actions fulfill the elements of this article, namely that every person has illegally worked on, used, occupied and/or controlled another person's plantation land or cut down plants in another person's plantation area.
- d. That HGU is granted on state land (land controlled directly by the state). In this case, the Owner/HGU

⁴ Laporan Polisi Nomor: LP/B/18/III/2023/SPKT/POLRES NAGAN RAYA/POLDA ACEH/Tanggal 13 Maret 2023.

Holder, namely PT Surya Panen Subur, itself has no authority or no authority to issue new rights bases (such as Sporadic Letters), moreover other parties/persons including the Government itself do not have the authority to issue new rights bases. However, if the HGU is transferred to another party, this is permissible, for example by granting it or selling it to another party. This is in accordance with the provisions of Article 28 paragraph (3) of the UUPA which states: "HGU can be transferred and transferred to another party". Issuing new rights is different from transferring them to another party (transfer of rights/HGU transfer). In issuing new rights, the old rights (previous rights in the form of HGU) are erased and become new rights (such as Ownership Rights). Meanwhile, HGU only has the right to cultivate land on land that is directly controlled by the state for a period of 25 to 35 years, after that period ends, the HGU is deleted and the land returns to state land (land that is directly controlled by the state). If the HGU is transferred to another party (gifted or sold), then the expiry period for the HGU remains following the HGU that has been transferred, for example PT Surya Panen Subur's HGU ends on November 28 2025, then the HGU is gifted/sold to another party, then the HGU This still expires on November 28, 2025. This is different from issuing a new basis of rights, where in issuing a new basis of rights, the previous HGU is erased and new rights arise (such as Ownership Rights), whose control is passed down from generation to generation without any limit/time period. However, it must be remembered that no one has the authority to issue new rights over other people's HGU, including the Village Head who issued the Sporadik. Thus, if it is found that there is a Sporadik on someone else's HGU, then the Sporadik is invalid, has no legal force or is null and void by law.

From the expert's statement above, it can be concluded that the expert stated that it is not possible to issue other land rights over HGU, because HGU is granted on state land and no one has the right to grant other rights over HGU. So the Sporadic Letter dated 14 August 2012 which was also signed by Keuchik Gampong Kayee Unoe, Nagan Raya Regency, as the basis (basis) for IH alias Benu to control, cultivate or work on the land has no legal force or is null and void. In fact, if PT. Surya Panen Subur's HGU ends on November 28 2025, then the land will again become state land and be controlled directly by the state and the one who can grant rights later after the HGU ends is the state (in this case the government, namely BPN). This is in accordance with the rights given to the state based on the right to control the state as stated in the UUPA.

Furthermore, the Suka Makmue District Court judge, Nagan Raya Regency has also examined agrarian law experts and before the court. The expert examination is one of the valid pieces of evidence contained in Article 184 paragraph (1) of the Criminal Procedure Code and this must be stated before a court hearing. In the case of land grabbing, agrarian law experts have explained several things as follows:

- a. That the Sporadik letter is a letter of acknowledgment from the land owner that he has occupied and controlled the land which is known to the village head. The village head is not the party who has the authority to issue land ownership letters, the village head is only the party who knows.
- b. That materially, the Sporadik letter is a statement from the party who has physical control of the land, and the village head is the only person who knows because it is in his area. However, in practice the forms of letters vary because sporadic letters do not have a standard form, so they really depend on the format available in the village/region.
- c. That sporadic letters are not authentic letters or deeds, sporadic letters fall into the category of private letters. If a party denies having signed the letter, then the letter itself has no meaning.
- d. That the Expert was shown an HGU certificate issued in 1999, which had been legally transferred to the last holder. Then there was a Sporadic letter that appeared in 2012 which stated that they had controlled part of the HGU land, so formally the land still belonged to the HGU holder, because the HGU certificate was perfect proof of ownership.
- e. That if the HGU management only partially controls and manages the land, then sporadic holders emerge and do work that has not been done by the HGU holder. If there is permission from the HGU holder then it is legal. However, the new HGU holder is deemed to have abandoned it if there is a ministerial decision declaring the land as abandoned land. Before there is a ministerial decision, even though physically it looks like abandoned land, formally the right to HGU still exists, if there is a new ministerial decision it is deemed that the right to HGU has been destroyed;
- f. That control over someone else's land that already has a legal basis can be said to be usurpation and that is considered criminal. Because he already knows that other people have rights, or he has been told that other people have rights. Of course, if he cannot accept it because he also has a letter then he can take legal action by filing a lawsuit in court.
- g. That in the case of the Sporadic letter which emerged later after the existence of other rights grounds such as HGU. So the village head as the party who signed it cannot be immediately drawn as the perpetrator of the crime because he is only the party who knows based on what he sees and knows. It could be that he doesn't know there are other rights. But he should have been careful.
- h. That if there is sporadic recognition of land that already has rights, but he does not know that there are other rights or because the boundaries are not clear, then as long as he manages it and there are no objections from the party who has the rights then that is fine, but when it is claimed by the person who owns the rights, he must release the sporadic.
- i. Whereas the Sporadic letter is above other people's rights, the Sporadic letter has no basis whatsoever. Therefore, sporadic letters are personal statements issued not by officials/state. So there is no need to cancel it, unless there are overlapping letters which were both issued by officials on behalf of the state then one of them must be cancelled.
- j. That even though the Sporadik letter is known to the Keuchik as a village government official, this does not mean that the Keuchik/village government official has the authority to issue letters in the land sector. Moreover, for land that already has authentic evidence

such as an HGU certificate, a Sporadic letter is then issued by the Keuchik who has absolutely no authority for that,

- k. That in principle the Keuchik has no authority to issue letters for land. However, because there is a request to strengthen the status improvement process, information can be requested from the Keuchik. Regarding the existence of sporadic letters, an assessment will of course be carried out first, whether there are other rights to the land, whether the state land is free, whether it has been controlled successively. so not all sporadic status can be upgraded.
- l. That if you don't know at all that there is another basis of rights to the land and then it is made sporadic, then when someone has a stronger basis of rights, the sporadic holder must resign.

Based on expert information, District Court Judge Suka Makmue gave the following considerations:

- a. That the defendant IH alias Benu illegally cultivated or controlled plantation land belonging to PT. Surya Panen Subur covers approximately 5 (five) hectares with proof of ownership of HGU Certificate Number 34 of 1999, while the defendant does not have proof of legal land ownership in accordance with statutory regulations.
- b. That the sporadic matters presented by the Defendant as evidence which form the basis of his control over the land, assess as follows: (1) that based on the considerations above, the Panel of Judges is of the opinion that the land being cultivated, used, occupied and /or controlled by the Defendant is the land of PT Perkebunan. Surya Subur Panen; (2) The Panel of Judges is of the opinion that the Defendant has committed acts of cultivating, using, occupying and/or controlling land where the land is Plantation land which is formally within the area of HGU No. 54 belongs to PT. Surya Panen Subur in Gampong Pulo Kruet, Nagan Raya Regency by planting oil palm on it, the processing, utilization, possession and/or control of which was carried out unlawfully, so that the Panel of Judges was of the opinion that the 2nd element above had been fulfilled according to the law.
- c. That because all the elements of Article 107 letter a of the Plantation Law are fulfilled, the Defendant must be declared legally and convincingly proven to have committed the criminal act as charged in the first alternative indictment. Then the judge sentenced the defendant to 6 months in prison and paid court costs of IDR 3,000.

Thus, in land confiscation cases as described above, the judge makes a decision based on valid evidence as regulated in Article 184 (1) of the KUHAP, including expert testimony, namely an agrarian law expert. From the expert's statement, the judge accommodated what the expert stated before the court. This is because the expert's testimony is in accordance with the knowledge or knowledge possessed by the expert and there is also a match between the expert's testimony and other evidence such as witness evidence and so on. Evidence from expert testimony cannot be used as the main evidence because expert testimony is not what the expert sees, hears and experiences himself, but rather

information given in accordance with his expertise,⁵ which cover:

- a. The village head is not the authority to issue land ownership letters, so sporadically they are just ordinary letters or private deeds, not authentic deeds. So it doesn't have any legal force.
- b. Formally, the land which is the central point of the problem in the land grabbing issue still belongs to the HGU holder, namely PT Surya Panen Subur, because the HGU certificate is perfect proof of ownership. It is said that land is the central point of the problem in land grabbing and not land as the object of the case, because if land is the object of the case then the problem is not a criminal problem but a civil problem. Meanwhile, in this case, it is a criminal case involving land grabbing where the land is not the object of the dispute, but only as part of the grabbing case in general.
- c. Above the HGU there is no right to land that can be controlled by another party, except after the HGU period ends and is not extended. The party with the authority to grant land rights to other parties is the state (government), in this case the BPN, so not the Village Head.
- d. If it is not known at all about a plot of land whether there are other rights to the land, then a sporadic is created, then when someone has a stronger right, the Sporadic holder must withdraw or must give in.
- e. Defendant IH alias Benu illegally worked on or controlled plantation land and planted it with oil palm plants which belonged to PT. Surya Panen Subur around 5 (five) hectares with proof of ownership of HGU Certificate No. 34 of 1999, while the defendant did not have proof of land ownership. valid according to statutory regulations.

In this case, it can be seen how big the role of agrarian law experts is in the criminal case of land grabbing, where the agrarian law expert has placed the issue of HGU Certificate No. 34 of 1999 belonging to PT Surya Panen Subur in its true position. On the other hand, the agrarian law expert has also explained the position of the Sporadic Letter belonging to Defendant IH alias Benu dated 14 August 2012 which was also signed by the Keuchik of Gampong Kayee Unoe, Nagan Raya Regency, where the Sporadic Letter has no power whatsoever and can even be invalidated. law. Thus, the Defendant IH alias Benu does not have any rights to the land (land) HGU No. 34 of 1999 belonging to PT Surya Panen Subur and the presence of IH alias Benu on the land is actually a wrongful act and can be punished because he has taken control of it., working on and planting oil palm heads on it, which in this case is said to be land grabbing or a criminal act in the plantation sector in accordance with what is regulated in the Plantation Law. Then, because of the information from the agrarian law expert, Defendant IH alias Benu was legally and convincingly proven to have committed a criminal act in the plantation sector.

Conclusion

Suka Makmue District Court Judge has accommodated the testimony of agrarian law experts in cases of criminal acts of

⁵ Khafifah Nuzia Arini, Herman Sujarwo, Kedudukan Saksi Ahli Dalam Persidangan Perkara Pidana, *Syariat*, Vol.VII, No. 02, November 2021; 245-256.

land grabbing or criminal acts in the plantation sector, and has used the agrarian law expert's statements as the basis for the judge's consideration in deciding the case. So Defendant IH alias Benu was sentenced to 6 months in prison.

The role of agrarian law experts in cases of criminal acts of land grabbing or criminal acts in the plantation sector which are examined and tried at the Suka Makmue Nagan Raya Court is very large, where these agrarian law experts have resolved the issue of HGU Certificate No. 34 of 1999 belonging to PT Surya Panen. Fertile in its true position. On the other hand, the agrarian law expert has also explained the position of the Sporadic Letter belonging to Defendant IH alias Benu dated 14 August 2012 which was also signed by the Keuchik of Gampong Kayee Unoe, Nagan Raya Regency, where the Sporadic Letter has no power whatsoever and can even be invalidated. law. Thus, the Defendant IH alias Benu does not have any rights to the land (land) HGU No. 34 of 1999 belonging to PT Surya Panen Subur and the presence of IH alias Benu on the land is actually a wrongful act and can be punished because he has taken control of it., working on and planting oil palm heads on it, which in this case is said to be land grabbing or a criminal act in the plantation sector in accordance with what is regulated in the Plantation Law.

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