Jurnal Ilmu Hukum Prima
Vol. 9 No. 2 Oktober 2026
E-ISSN : 2614-2244
ISSN: 2088-5288

Application Of Plurium Litis Consortium As A Basis For Declare That The Lawsuit In The Land Tenure Dispute Is Inaccepted (Lubuk Pakam District Court Decision Number 8/Pdt.G/2024/PN Lbp)

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ABSTRACT
The Lubuk Pakam District Court Decision No. 8/Pdt.G/2024/PN Lbp highlights the doctrine of plurium litis consortium (lawsuit lacking necessary parties) in land disputes. The lawsuit, alleging an unlawful act over a 40-hectare Land Use Rights (Hak Guna Usaha) area in Deli Serdang, North Sumatra, was declared inadmissible (Niet Ontvankelijke Verklaard / NO) due to incomplete parties. Because the case arose outside Java and Madura, the applicable procedural law is the Rechtsreglement voor de Buitengewesten (RBg). Since Articles 142–145 RBg do not explicitly regulate party completeness, the doctrine developed through jurisprudence. The procedural defect was uncovered across three detection points: the lawsuit statement, response and exceptions, and an on-site inspection (desente, Article 180 RBg). The inspection revealed 20 to 33 un-sued households occupying the land alongside the four named Defendants. Although desente is not formal evidence under Article 284 RBg, judges may evaluate its factual findings. Although the Defendants did not raise a plurium litis consortium exception and their other exceptions were dismissed (Article 162 RBg), the Panel of Judges evaluated party completeness ex officio under Article 189 paragraph (1) RBg. Consequently, the court dismissed the lawsuit on formal grounds without assessing the HGU certificate's validity and assigned court costs to the Plaintiff (Article 192 paragraph (1) RBg). Plaintiffs must map all physical land occupants before suing (Article 283 RBg) to respect persona standi in judicio, audi et alteram partem, and speedy, inexpensive justice. District Court Heads should utilize early advisory powers (Article 143 RBg) to catch party defects promptly.

Keywords: Plurium Litis Consortium; Inadmissible Lawsuit; Land Dispute; Cultivation Rights; Civil Procedure Law

INTRODUCTION

Land has agrarian, economic, and legal functions. Therefore, land disputes are among the most difficult civil cases to resolve in court. The difficulty lies not only in proving the legal owner or authority, but also in the formal requirements of the lawsuit, particularly the precise identification of the parties being sued. In practice, a disputed plot of land is often physically occupied by multiple legal entities, some independent and others interconnected. If the plaintiff makes a mistake or forgets to include all interested parties, their lawsuit risks being deemed formally flawed.

E-ISSN : 2614-2244
ISSN: 2088-5288

One of the formal defects that often arise in such situations is plurium litis consortium, namely a lawsuit whose parties are incomplete. According to doctrinal classification, this error includes errors regarding persons (error in persona), namely incorrectly determining who is the plaintiff and who is drawn as a defendant. This type of lawsuit does not meet the formal requirements and ends with a statement of inadmissibility or Niet Ontvankelijke Verklaard (NO). This consequence is worth noting because the NO decision is usually only issued after the parties have gone through a long process that takes time, energy, and costs, even though Article 2 paragraph (4) of Law Number 48 of 2009 concerning Judicial Power requires a simple, fast, and inexpensive trial. Another problem is that the Rechtsreglement voor de Buitengewesten (RBg), which is the civil procedural law in areas outside Java and Madura, including North Sumatra, does not contain clear measures for implementing this principle. The RBg only regulates the procedures for filing and registering lawsuits and summoning the parties (Articles 142 to 145 of the RBg), without mentioning the requirements for the completeness of the parties. Its development is almost entirely determined by jurisprudence and doctrine, so that decisions are not always in line. (Aryadi Almau Dudy, Ashady, and Suheflihusnaini, 2025) In land disputes, this heterogeneity is further complicated because a single plot of land can be controlled, occupied, or cultivated by many people at the same time. Therefore, plaintiffs need to carefully investigate and identify these authorities before filing a lawsuit.

The Lubuk Pakam District Court Decision Number 8/Pdt.G/2024/PN Lbp clearly illustrates this issue. The plaintiff, Puskopkar "A" Bukit Barisan (hereinafter referred to as the Plaintiff), holds a Land Use Rights Certificate Number 1 dated August 30, 1994, for approximately 992.79 hectares of land in Sei Tuan Village, Pantai Labu District, Deli Serdang Regency. He sued four residents who, according to his argument, controlled and cultivated 40 hectares of the land without rights. The examination was lengthy, including 22 pieces of evidence from the Plaintiff, witness statements from both parties, and a site inspection according to Article 180 RBg. The Panel of Judges finally declared the lawsuit inadmissible on the main grounds that there was another party who physically controlled and occupied the disputed object but was not sued. Interestingly, the exceptions of the Defendants and Co-Defendant II regarding the obscure lawsuit (obscuur libel) and error in persona were first rejected because they were considered to be related to the main case. The panel still issued a NO decision on the basis of plurium litis consortium which was revealed through a local inspection, not through the parties' exceptions.

E-ISSN : 2614-2244
ISSN: 2088-5288

Several previous studies have touched on some aspects of this problem. Ashady and Dudy examined the parameters of plurium litis consortium in breach of contract lawsuits; (Ashady and Dudy, 2020) Rahmi examined NO decisions in land ownership disputes; (Rahmi, 2023) Mappatunru discussed the invalidity of the lack of party exception in land rights cases; (Andi Munafri D. Mappatunru, 2025) and Firmansjah, Artaji, and Mantili examined the role of on-site examinations in lack of party lawsuits. (Soraya Firmansjah, Artaji, and Rai Mantili, 2025) Throughout the author's research, there has been no study that specifically dissects the decision on land ownership disputes over Land Use Rights, when the parties' exceptions are rejected but the judge still issues a NO decision based on the findings of on-site examinations. Therein lies the novelty of this article.

Based on this, this article examines the application of the principle of plurium litis consortium in Decision Number 8/Pdt.G/2024/PN Lbp, and then draws from it a doctrinal formulation for land ownership disputes in general.

Formulation of the Problem

Based on this description, this study formulates two problems as follows:

a. Does the Lubuk Pakam District Court Decision Number 8/Pdt.G/2024/PN Lbp contain elements of plurium litis consortium?

b. How is the doctrine of plurium litis consortium applied to parties who have a dispute over land ownership?

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METHODS

This research is a normative juridical legal research, which views law as written norms (law in books) and is based on literature studies. (Peter Mahmud Marzuki, 2005) Three approaches are used. The statute approach is used to examine the provisions of civil procedural law, especially the RBg, and related agrarian law. Because the Lubuk Pakam District Court is located in North Sumatra, which is outside Java and Madura, the RBg is the procedural law referred to in this research. The conceptual approach is used to examine the doctrine and concept of plurium litis consortium in civil procedural law. The case approach places the court decision as the main object, namely the Decision of the Lubuk Pakam District Court Number 8/Pdt.G/2024/PN Lbp.

The primary legal materials consist of the decision; Rechtsreglement voor de Buitengewesten (RBg), specifically Articles 142 to 147 concerning filing lawsuits and power of attorney, Article 162 concerning exceptions, Article 180 concerning on-site inspections, Articles 283 to 285 concerning evidence, Article 189 concerning judges' obligations, Article 192 concerning court costs, and Articles 206 and 207 concerning the implementation of decisions; the Civil Code (KUHPerdata); Law Number 5 of 1960 concerning Basic Agrarian Principles; Government Regulation Number 18 of 2021; Law Number 39 of 2014 concerning Plantations; and Law Number 48 of 2009 concerning Judicial Power. Secondary legal materials consist of civil procedural law books, particularly those by M. Yahya Harahap and Sudikno Mertokusumo, national legal journal articles, theses, and articles by Klinik Hukumonline on plurium litis consortium. The materials were collected through document studies and analyzed descriptively and qualitatively with systematic interpretation, namely by linking the facts and considerations of the decision with the provisions of civil procedural law, doctrine, and previous studies. The research is limited to one first-instance decision and does not explore subsequent legal efforts, so the conclusions are analytical-casuistic and not intended to be generalized.

RESULTS AND DISCUSSION

Proof of the Plurium Litis Consortium Element in Decision Number 8/Pdt.G/2024/PN Lbp

Chronology of the Case

1) *Parties, Object of Dispute, and Grounds for Claim*

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The plaintiff is Puskopkar "A" Bukit Barisan, who is represented by legal counsel from Law Kodam I/Bukit Barisan based on a Special Power of Attorney dated 22 December 2023, as permitted by Article 147 paragraph (1) RBg.

Table 1 shows the composition of the parties involved in Decision Number 8/Pdt.G/2024/PN Lbp.

Position	Name/Identity
Plaintiff	Puskopkar “A” Bukit Barisan, located at Jalan Kapten Muslim Number 189-A Medan, is represented by legal counsel from Kodam I/Bukit Barisan Law based on a Special Power of Attorney dated December 22, 2023.
Defendant I	Rimson Parhusip, 56 years old, Sei Tuan Village Dusun 3, Deli Serdang Regency.
Defendant II	Fider Lumban Batu, 48 years old, Sei Tuan Village, Hamlet 3, Deli Serdang Regency.
Defendant III	Resman Sinurat, 62 years old, Sei Tuan Village, Hamlet 3, Deli Serdang Regency.
Defendant IV	Father Tampubolon, 57 years old, Sei Tuan Village, Dusun 2, Deli Serdang Regency.
Co-Defendant I	The Deli Serdang Regency Land Agency Office, represented by its attorney based on a Special Power of Attorney dated January 30, 2024.
Co-Defendant II	The Head of Sei Tuan Village, Pantai Labu District, Deli Serdang Regency, was represented by his legal counsel based on a Special Power of Attorney dated February 20, 2024.

The legal counsel for Defendants I to IV comes from the North Sumatra Legal Aid & People's Advocacy Association (BAKUMSU) based on a Special Power of Attorney dated March 4, 2024. (Lbp District Court Decision) Both Co-Defendants have formal party status: there is no evidence that they actively acted unlawfully, but both were drawn because their interests intersect with the object of the dispute. Co-Defendant I is the agency that issued the Land Use Rights Certificate, while Co-Defendant II is the party that issued the Land Certificate above the object of the dispute. (Lbp District Court Decision)

The land measuring approximately 40 (forty) hectares is located in Sei Tuan Village, Saor Matio Hamlet, Pantai Labu District, Deli Serdang Regency. According to the Plaintiff, the land is part of the HGU land measuring 992.79 hectares registered in HGU Certificate Number 1 on August 30, 1994 in the name of Puskopad "A" Dam I/BB (now Puskopkar "A" Bukit Barisan). The Plaintiff claims that the land was formerly a coconut plantation concession of NV. Sinembah Mij owned by the Dutch. It was then managed by Kodam II/BB, PT. Karya Bumi, and PT. Gelorata before being handed over to Puskopad "A" Dam I/BB through the Order of Pangdam I/BB Number Sprin/830/IX/1984.

The plaintiff further argued that since 1998 Defendants I to IV had controlled and exploited the 40 hectares of land without permission, resulting in material losses of

Rp1,500,000,000.00 and immaterial losses of Rp8,000,000,000.00, a total of Rp9,500,000,000.00. (Lbp District Court Decision) It should be noted that from the beginning the posita only mentioned four people as the physical owners of the 40 hectares of land. (Lbp District Court Decision). This formulation then faced the actual situation in the field.

The lawsuit was registered on January 3, 2024 according to the registration procedures in Article 145 paragraph (1) RBg. Because the object of the case is a fixed asset located in Deli Serdang Regency and the Defendants reside in Sei Tuan Village, the Lubuk Pakam District Court has relative authority to examine this lawsuit. This authority is based on the location of the fixed asset (Article 142 paragraph (5) RBg) and is in line with the Defendants' residence (Article 142 paragraph (1) RBg).

2) Exceptions and Responses of the Defendant and Co-Defendants

Defendants I to IV filed two exceptions. First, the lawsuit is vague (obscuur libel), because Saor Matio Hamlet is not included in the administrative area of Sei Tuan Village as stated in the posita. Second, error in persona, specifically against Defendant III, who they said was not the land owner because the one who controlled it was his wife, Tonggo br. Manurung. In the main case, they denied controlling 40 hectares of land in Saor Matio Hamlet. They argued that the land originated from Hamlet II of Sei Tuan Village and was obtained through compensation and inheritance. They also argued that, according to Article 34 letter a of Law Number 5 of 1960 in conjunction with Article 31 letter a of Government Regulation Number 18 of 2021, the term of HGU Certificate Number 1 had expired on December 31, 2023, and that they had obtained land rights through a lapse of time (verjaring) according to Article 1963 of the Civil Code.

Defendant II added an exception that the posita and petitum were not in harmony (posita en petitum obscuur), as well as the argument that the Plaintiff had not fulfilled the obligation of Article 58 of Law Number 39 of 2014 concerning Plantations to build a plasma plantation for the community of 20%. Up to the response and exception stage, no party argued that there were still other physical authorities who had not been sued; the Defendants' objections revolved around the clarity of the object, the quality of Defendant III, and land rights.

3) Local Evidence and Examination

The plaintiff submitted written evidence and witnesses, including photocopies of the National Land Agency Decree Number 4/HGU/BPN/93, Cultivation Rights Certificate

E-ISSN : 2614-2244
ISSN: 2088-5288

Number 5424, Sei Tuan Plantation Map, and proof of payment of Land and Building Tax. Defendants I to IV submitted evidence T-1 to T-4, including copies of Supreme Court Decision Number 1926/Pdt/2006, Medan High Court Decision Number 203/Pdt/2005/PT.Mdn, and Lubuk Pakam District Court Decision Number 82/Pdt.B/2003/PN.LP which stated that the HGU Certificate Number 1/HGU/BPN/1994/Sei Tuan Village was invalid. Defendant II also submitted Deli Serdang Regent's Decree Number 384 of 2022. Letters and witnesses are among the evidence recognized in Article 284 of the RBg.

On Friday, July 12, 2024, the Panel of Judges chaired by Thomas Tarigan, SH, MH, with Associate Judges Eduart MP Sihaloho, SH, MH, and Simon CP Sitorus, SH, went to the field to conduct a site inspection (descente) based on Article 180 RBg. The site inspection is not evidence according to Article 284 RBg, but the results can be considered by the judge. From this inspection, the Panel assessed that in addition to Defendants I to IV, there are other parties who control the land designated by the Plaintiff. The Plaintiff mentioned around 20 houses, while the Defendants and Co-Defendant II mentioned around 33 houses. This finding changes the situation because for the first time the completeness of the parties is questioned based on field facts acknowledged by both parties, although the number is still disputed.

4) The verdict

On Tuesday, September 17, 2024, the verdict was delivered. The panel rejected all of the Plaintiff's provisional claims, rejected all of the exceptions of Defendants I, II, III, IV, and Co-Defendant II, and in essence declared the lawsuit inadmissible. The panel also imposed court costs of Rp2,232,000.00 on the Plaintiff in accordance with Article 192 paragraph (1) of the RBg, which requires the losing party to pay these costs. The series of events is summarized in Table 2.

Table 2. Chronology of the Case and its Relation to the Completeness of the Parties ((Lbp District Court Decision)

Date	Incident	Relationship with less party elements
December 31, 2023	The validity period of HGU Certificate Number 1 has expired according to the Defendants' arguments.	The main argument that was not tested because the lawsuit was declared NO
January 3, 2024	The lawsuit was filed against four Defendants and two Co-Defendants.	The plaintiff himself determined the composition of the parties; the physical owners of the lawsuit were only four people.
Jan–Mar 2024	Power of attorney for Co-Defendant I (30 Jan), Co-Defendant II (20 Feb), and Defendants I–IV (4 Mar).	All parties being sued already have their own legal representatives.

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ISSN: 2088-5288

Date	Incident	Relationship with less party elements
During the trial	The exceptions of obscuur libel and error in persona were filed; the proof of letters and witnesses was in progress.	The exception was rejected because it concerned the main issue; the party's shortcomings were not yet apparent.
July 12, 2024	The panel of judges conducted a local inspection.	It appears that there are around 20 or 33 other residents' houses that were not sued.
September 17, 2024	Decision: exception rejected and lawsuit declared inadmissible.	Lack of parties is the basis for NO; the subject matter is not examined.

Proof of the Plurium Litis Consortium Element in the a quo Decision

1. *Formulation of Elements and Two Stages of Examination*

Decision Number 8/Pdt.G/2024/PN Lbp essentially contains the element of plurium litis consortium, although according to the author's reading, the Panel did not mention the term literally in its main considerations of the case. (PN Lbp Decision) The core consideration of the Panel is that the local examination proves the existence of other parties above the object of the dispute, outside of Defendants I to IV, who were never drawn by the Plaintiff as parties, so that the lawsuit is considered lacking in the Defendant's party. Doctrinally, this construction is in accordance with the meaning of plurium litis consortium: the parties involved in the lawsuit, both as Plaintiff and Defendant, are not complete, so that the requirements for standing as a legitimate party (persona standi in judicio) have not been met. (Lily Yulianah, 2016)

According to the book by M. Yahya Harahap, SH Civil Procedure Law Regarding Lawsuits, Seizures, Evidence, and Court Decisions. Exception plurium litis consortium explains that this exception is submitted when the composition of the parties in the lawsuit is incomplete, either because the person drawn as a defendant is lacking, or because the party appearing as a plaintiff is lacking. There are still people who should also be plaintiffs or defendants, because only with their presence can the dispute in question be resolved completely and comprehensively. (M. Yahya Harahap, 2016) For example, Supreme Court Decision Number 621 K / Sip / 1975: some of the objects of the case were not controlled by the defendant, but had become the property of a third party who was not involved in the lawsuit, so that the lawsuit was declared to contain a plurium litis consortium defect. (Supreme Court Decision Number 621 K/Sip/1975) If a third party is involved in the dispute but is not named as a defendant, a specific exception may be filed called exceptio ex jure tertii. To understand the scope of exceptio in persona more fully, Harahap recommends that this exception be linked to the discussion of the parties in the lawsuit. (Harahap, 2025)

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This framework can be used to interpret the a quo decision. Similar to Supreme Court Decision No. 621 K/Sip/1975, the disputed object includes other parties who were not named as Defendants, namely residents other than Defendants I to IV who were found during the on-site inspection. The difference is that no party filed an exception for lack of party or an exception ex jure tertii in this case. Defendants I to IV's exceptions only concerned vague claims and error in persona, so the Panel assessed the lack of party based on the on-site inspection findings and not the parties' exceptions.

The effectiveness of the application of this principle can be assessed in two stages. At the exception stage, Defendants I to IV filed objections in the form of vague claims and error in persona. The Panel rejected them because the objections already concerned the main case. This difference in treatment stems from procedural law: according to Article 162 RBg, exceptions regarding the authority to adjudicate must be decided first, while other exceptions are examined together with the main case. At the main case stage, the Panel uses a local examination, on its own initiative (ex officio), to find the incompleteness of the parties, not through exceptions that have been set aside. This pattern can be linked to Article 189 paragraph (1) RBg, which requires judges by virtue of their position to complete legal reasons not presented by the parties. The author argues that this pattern shows the completeness of the parties as a formal requirement that can be examined by the judge during the trial, even after the exception is rejected, because completeness is a requirement and not a right of a particular party.

2. *Difference between the Claim and Land Control*

The parties' shortcomings are evident in the discrepancy between the Plaintiff's arguments and the reality of land ownership. The Posita only names four individuals as owners of the 40-hectare plot, while a local inspection revealed dozens of other families also occupying and cultivating the same land. The testimony of the Defendant's witness, Parlindungan Manalu, corroborates this: he stated that approximately 60 (sixty) families resided at the location of the case. (Lbp District Court Decision) The gap between the number of parties sued and the number of subjects actually controlling the object is a strong indication that the lawsuit does not meet the requirement for completeness of parties under the doctrine of plurium litis consortium. The local inspection here serves to match the lawsuit's arguments with the actual condition of the land, as is the function of a local inspection in land disputes. (Marselinus Ambarita, 2021)

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3. Forms of Error in Persona

This consideration pattern is in line with the thinking of M. Yahya Harahap who divides formal defects due to party error (error in persona) into three forms: disqualification in persona, gemis aanhoedanigheid, and plurium litis consortium. (Harahap, 2021) These three, along with their circumstances in the a quo case, are summarized in Table 3. The element that was factually proven and became the basis for the decision was the third. The argument of gemis aanhoedanigheid against Defendant III was not considered separately, because the party's shortcomings were deemed more fundamental and sufficient to declare the lawsuit inadmissible.

Table 3. Forms of Error in Persona according to M. Yahya Harahap and the Conditions in the a quo Decision

Form	Understanding	The state of affairs in the case a quo
Disqualification in persona	The plaintiff does not have the legal standing to sue.	Not a basis for a decision.
Gemis aanhoedanigheid	The person being sued is the wrong target because he does not have a direct legal relationship with the object of the dispute.	It was argued that Defendant III, who was not the land owner (his wife was the one who owned it), was not considered separately.
Plurium litis consortium	The defendants who were withdrawn do not represent all interested subjects.	Proven: local inspection found about 20 or 33 other residents' houses that were not sued; became the basis for NO

4. Position of Co-Defendant

The existence of Co-Defendants l and ll does not cover the shortcomings of the parties. According to the author, the status of Co-Defendants as formal parties only aims to ensure that agencies or officials who are in contact with the object of the dispute are bound by the decision. Whereas what is being questioned in plurium litis consortium is the subject who physically controls the object and will be directly affected by the eviction of the land. The Land Agency and the Village Head are not residents or cultivators, so the withdrawal of both does not replace the Plaintiff's obligation to attract the residents as Defendants. The differences found in the on-site inspection remain even though the two Co-Defendants have been involved.

5. Critical Notes

The above reading needs to be accompanied by critical notes. First, the finding of lack of parties is based on a local inspection where the number of occupants is still disputed (around

E-ISSN : 2614-2244
ISSN: 2088-5288

20 houses according to the Plaintiff, around 33 houses according to the Defendants, and around 60 heads of families according to the Defendants' witnesses), so that the identity of each additional owner has not been verified in court. Second, the Defendants denied controlling 40 hectares of land in Saor Matio Hamlet, so that the clarity of the object's location, which was submitted as an obscuur libel exception and was rejected, also determines who should be sued. In this case, lack of parties is thus closely related to the clarity of the object. This limitation does not negate the conclusion that the element of lack of parties is fulfilled, but emphasizes that the Plaintiff who wants to re-sue needs to first map the object and its occupants with certainty.

6. Three Detection Points and the Consequences of the NO Decision

If the case's course is viewed as three detection points: the lawsuit, the response and exception, and the on-site inspection, it appears that the parties' shortcomings were missed at the first two points. The lawsuit only names four individuals as physical owners. In the response and exception, the Defendants' objections were directed at the vagueness of the lawsuit and the misdirection of Defendant III, rather than the unclaimed party. This flaw only became apparent at the third point, the on-site inspection on July 12, 2024, approximately six months after the lawsuit was filed on January 3, 2024. The verdict was pronounced on September 17, 2024, approximately eight and a half months after registration. This calculation, made by the author from the dates in the verdict, shows that most of the case time had elapsed before the formal flaws that determined the final outcome became apparent.

As a legal consequence of the NO decision, the Panel of Judges did not enter into the main points of the case, including the validity of the Land Use Rights Certificate Number 1 of 1994 and the argument for the expiration of the HGU period submitted by the Defendants. This is in accordance with the nature of the NO decision which only touches on the formal side and does not assess the material truth of the disputed arguments. (Sudikno Mertokusumo, 2006) Theoretically, the a quo lawsuit can still be re-filed as long as the completeness of the parties is met, namely by making all subjects who physically control the object as Defendants. The first problem formulation is thus answered: the a quo decision contains an element of plurium litis consortium, which is proven by the difference between the four Defendants in the posita and dozens of other physical rulers found during the on-site inspection.

The Doctrine of Plurium Litis Consortium for Parties Having Disputes Regarding Land Control

E-ISSN : 2614-2244
ISSN: 2088-5288

The Civil Procedure Code (RBg), which applies to areas outside Java and Madura, including North Sumatra, does not specifically regulate the doctrine of plurium litis consortium. Its provisions are limited to the procedures for filing and registering lawsuits and summoning parties (Articles 142 to 145 of the RBg). However, this doctrine is recognized and used in Supreme Court jurisprudence as an exception that can lead to an unacceptable decision. Supreme Court Decision No. 2920 K/Pdt/2016, for example, demonstrates that civil procedural law recognizes error in persona or plurium litis consortium, namely a lawsuit that lacks a party who should be named as a Defendant. This decision demonstrates that plurium litis consortium developed through jurisprudence (rechtersrecht) without being established in law. Because Indonesia does not adhere to the absolute principle of stare decisis, this decision has persuasive power.

Basic Foundations: Persona Standi in Judicio and Audi et Alteram Partem

This theory is based on two philosophical principles. The first principle, persona standi in judicio, states that each party to a litigation has legitimate legal standing and a direct interest (rechtstreeks belang) in the object of the dispute, either as the party claiming the right or as the party whose right is threatened by the claim. Without this requirement, a lawsuit lacks formal grounds for further investigation, regardless of how strong or weak the material truth of the allegations.

Audi et alteram partem, the second principle, requires the judge to hear both parties fairly before making a decision. This principle is based on equality before the law and fair legal process as stated in Article 4 paragraph (1) of Law Number 48 of 2009, and is evident in the requirement to summon the defendant to attend the hearing (Article 145 paragraph (1) RBg). Therefore, a proper opportunity to be heard and defend themselves is not only for the party unilaterally chosen by the Plaintiff, but also for anyone who is truly interested or whose rights may be affected by the decision. A decision that is detrimental to the party who actually controls the object but has never been sued is difficult to execute and can trigger further disputes in the field. At the implementation stage, upon the order of the Head of the District Court (Article 206 paragraph (1) and Article 207 RBg), the decision to vacate cannot reach residents who were never parties to the decision.

Characteristics of Land Ownership Disputes

E-ISSN : 2614-2244
ISSN: 2088-5288

In land ownership disputes, this doctrine faces issues that do not exist in ordinary civil disputes, such as breach of contract, where the legal subject is relatively easy to determine from the agreement clause. Land as an immovable object can be occupied, lived in, or cultivated by anyone without prior formal legal relations. As a result, land is easily controlled by many people at once, either based on a valid legal relationship (sale and purchase, inheritance, or compensation) or simply because of physical control (bezit) which is not necessarily based on rights. In Decision Number 8/Pdt.G/2024/PN Lbp, the Plaintiff who initially only identified four people as the owners of the object turned out to be facing dozens of other families on the same object. According to Article 142 paragraph (5) of the RBg, lawsuits over objects are still submitted to the district court where the object is located, so that on-site inspections are easy to conduct.

Application Parameters in Previous Studies

A similar pattern has been found in previous research. In his review of Decision Number 9/Pdt.G/2021/PN Tkn, Rahmi found that because the Plaintiff did not name all heirs or physical owners as Defendants, NO decisions were often issued in land ownership dispute cases. Mappatunru examined the inconsistency of the lack of parties exception in land rights cases and found that in land rights dispute cases, three factors must be considered when applying plurium litis consortium: (1) the excluded party has a legal relationship or direct interest in the object of the dispute; (2) the decision may affect their rights or interests; and (3) the case cannot be examined fairly and fully without their participation. Decision Number 8/Pdt.G/2024/PN Lbp fulfills all three elements: other residents have direct interests in the form of housing and income from farming, the vacating of the requested land clearly affects their rights, and the main issue cannot be resolved fairly without considering their opinions.

According to other research on similar disputes, on-site inspections (Article 180 of the RBg and Supreme Court Circular Letter No. 7 of 2001) are often used to determine the number and identity of the physical owners of an object, thus revealing any party's deficiencies. This aligns with Decision No. 8/Pdt.G/2024/PN Lbp, where on-site inspections uncovered deficiencies not apparent from the lawsuit or the parties' responses.

Legal Certainty and Principles of Implementation

From a legal certainty perspective, this doctrine has a dual impact. On the one hand, it protects interested third parties from being disadvantaged by a decision rendered without

E-ISSN : 2614-2244
ISSN: 2088-5288

hearing their testimony, in line with the principle of audi et alteram partem. On the other hand, a NO decision rendered after a lengthy trial creates inefficiencies that contradict the principle of simple, expeditious, and inexpensive justice. This case is an example: the lawsuit was filed on January 3, 2024, and only received a decision on September 17, 2024. One reason for this is the lack of clear standards for when and how judges assess the element of plurium litis consortium from the outset of the trial, for example through a preliminary examination or recommendations to amend the lawsuit. However, Article 143 of the RBg authorizes the Chief Justice of the District Court to provide advice and assistance to the Plaintiff when filing the lawsuit, so that the parties' completeness can be examined from the outset.

Based on the description above, the author formulates the doctrine of plurium litis consortium for parties in dispute over land in the following four principles.

First,The burden of identification rests with the plaintiff, who must ensure that all physical owners of the object are identified before filing a lawsuit, for example through field surveys, legal data searches at the land office, and coordination with village officials. This burden aligns with Article 283 of the RBg, which places the burden of proof on the party asserting their rights.

Second,The judge has the authority to assess the completeness of the parties ex officio during the trial, not only at the exception stage, including through on-site inspection (Article 180 RBg) as in the case a quo.

Third,The decision was NO because the plurium litis consortium was formal and did not prevent a new lawsuit with complete parties, so it did not violate the principle of nebis in idem because the main case had never been examined and decided (Article 1917 of the Civil Code).

Fourth,For large land objects controlled by many subjects, judges and parties should advance the local inspection to an early stage so that the three detection points work earlier and waste of time and costs can be prevented, in line with case management that is oriented towards effective and efficient resolution.

CONCLUSION

Two things can be taken from the discussion above and are in line with the two problem formulations proposed at the beginning of this article.

E-ISSN : 2614-2244
ISSN: 2088-5288

First, the Lubuk Pakam District Court Decision Number 8/Pdt.G/2024/PN Lbp contains elements of plurium litis consortium, although the Panel of Judges did not explicitly mention the term. This element is evident from the discrepancy between the arguments of the lawsuit and the actual situation on the ground. The lawsuit filed on January 3, 2024, only names four individuals (Defendants I to IV) as the direct owners of the 40-hectare land. However, a local inspection on July 12, 2024 (Article 180 RBg) found approximately 20 houses according to the Plaintiff, approximately 33 houses according to the Defendants, and approximately 60 heads of families according to the Defendant's witnesses. Of the three forms of error in persona according to M. Yahya Harahap, only plurium litis consortium is the basis for the decision, while the gemis aanhoedanigheid argument against Defendant III is not considered separately. The presence of two Co-Defendants also does not cover the shortcomings of the parties because they are neither residents nor owners of the land. According to the book by M. Yahya Harahap SH, civil procedural law on Lawsuits, Seizures, Evidence, and Court Decisions, the exception of plurium litis consortium is submitted when the plaintiff or defendant is incomplete, such as in Supreme Court Decision Number 621 K/Sip/1975 which stated that the lawsuit was flawed because the third party who owned part of the object was not sued; the third party who was not withdrawn gave birth to an exception ex jure tertii. The same pattern is seen in this case, only the Defendants did not submit the lack of parties through an exception, but was assessed by the Panel from a local inspection.

The obscuur libel and error in persona exceptions were rejected because they concerned the main points of the case (Article 162 RBg), but the Panel of Judges still assessed the completeness of the party due to their position, in line with the judge's active role in Article 189 paragraph (1) RBg. In the decision of September 17, 2024, the lawsuit was declared inadmissible (Niet Ontvankelijke Verklaard), the main points of the case were not examined, including the validity of the Land Use Rights Certificate Number 1 of 1994 and the argument that the HGU period would expire on December 31, 2023, and the court costs of Rp2,232,000.00 were charged to the Plaintiff (Article 192 paragraph (1) RBg). The party's shortcomings escaped two of the three detection points, namely the lawsuit letter and the response and exception, and were only revealed during the on-site inspection approximately six months after registration, so that the case lasted approximately eight and a half months before ending in a formal decision.

E-ISSN : 2614-2244
ISSN: 2088-5288

Second, for parties in dispute over land, the doctrine of plurium litis consortium can be formulated in four principles. First, the burden of identification rests with the plaintiff, who, before filing a lawsuit, must map all physical owners of the object through field surveys, legal data searches at the land office, and coordination with village officials, in line with Article 283 RBg. Second, the judge has the authority to assess the completeness of the parties ex officio during the examination, not only at the exception stage, but also through on-site inspections. Third, because the main case has never been examined, a NO decision does not preclude a new lawsuit with complete parties and does not violate the principle of ne bis in idem (Article 1917 of the Civil Code). Fourth, to ensure the three detection points work earlier, on-site inspections on large land controlled by many subjects should be brought forward to an earlier stage.

These principles are based on the principles of persona standi in judicio and audi et alteram partem, and are fulfilled in the a quo case according to the three cumulative elements formulated by Mappatunru, namely the direct interest of other occupants in the object, the influence of the decision on their rights, and the impossibility of a fair trial of the main case without them. Because land is easily controlled by many subjects at once, the requirements for completeness of parties in land ownership disputes are more stringent than in default disputes. This conclusion is analytical-casuistic because it is limited to one first-level decision and the number of occupants has not been verified in court, so that the new lawsuit still demands a definite mapping of the object and occupants.

The application is based on a series of provisions of the RBg: Articles 142 to 145 (filing of lawsuits and summons of parties, without a measure of completeness of parties), Article 147 paragraph (1) (power of attorney), Article 162 (exceptions examined together with the main case), Article 180 (on-site examination), Article 283 and Article 284 (evidence), Article 189 paragraph (1) (active role of judges), Article 192 paragraph (1) (court costs), and Article 206 and Article 207 (implementation of decisions). Because the RBg does not contain a measure of completeness of parties, the doctrine of plurium litis consortium is applied through doctrine and jurisprudence, including Supreme Court Decision Number 2920 K/Pdt/2016, not through a specific article.

The application of the plurium litis consortium doctrine in this study was carried out through seven analytical steps which are summarized in Table 4. These steps were compiled by the author from reading the decision and are not standard measures, but can be used as an initial testing tool for other land ownership lawsuits.

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ISSN: 2088-5288

Table 4. Application of the Plurium Litis Consortium in this research

Analysis Steps	Findings in the Case	Legal Basis and Doctrine
1. Identification of the party being sued	Defendants I to IV were sued as the physical owners of the 40 hectares of land; Co-Defendants I and II were only formal parties.	Posita lawsuit; Articles 142–145 RBg
2. Comparison with field conditions	A July 12, 2024 on-site inspection found other occupants: approximately 20 homes (according to the Plaintiff), approximately 33 homes (according to the Defendants), and approximately 60 heads of families (according to the Defendants' witnesses).	Article 180 of the RBg; SEMA Number 7 of 2001
3. Testing of the parties' exceptions	The exceptions of obscuur libel and error in persona were rejected because they concerned the subject matter.	Article 162 RBg; Harahap, pp. 503–504
4. Assessment of the completeness of the parties by the judge	The panel considered the party's shortcomings due to its position, not due to the exception.	Article 189 paragraph (1) RBg
5. Testing of three cumulative elements	Other residents have a direct interest, the decision affects their rights, and the subject matter cannot be fairly heard without them: all three are met.	Mappatunru (2025); persona standi in judicio; audi et alteram partem
6. Classification of error forms in persona	*Plurium litis consortium*became the basis for the decision; the argument of gemis aanhoedanigheid against Defendant III was not considered separately.	M. Yahya Harahap
7. Legal consequences of the decision	The lawsuit was declared NO; the validity of HGU Certificate Number 1 of 1994 was not examined; costs of Rp. 2,232,000.00 were charged to the Plaintiff; a new lawsuit remains possible.	Article 192 paragraph (1) RBg; Article 1917 of the Civil Code

The results of the application show that the shortcomings of the parties in the a quo case do not originate from one point, but from three interrelated things: the posita which only mentions four physical authorities, the Defendants' exceptions which are directed at the ambiguity of the object and the wrong target against Defendant III and not at the party who has not been sued, and the on-site examination which was only conducted after the proof has been carried out. Therefore, the application of plurium litis consortium in land ownership disputes cannot be seen enough from the decision alone. This doctrine needs to be read throughout the course of the case, starting from the lawsuit to the on-site examination, and this reading is what the author calls the three points of detection.

The consequences of applying this doctrine differ for each party. The plaintiff incurred legal costs of Rp2,232,000.00 and spent approximately eight and a half months without

E-ISSN : 2614-2244
ISSN: 2088-5288

obtaining a decision regarding the validity of the HGU Certificate that formed the basis of his lawsuit, but was still able to sue again after all physical owners were mapped. Defendants I to IV were temporarily freed from demands for eviction and compensation of Rp9,500,000,000.00. However, because the arguments for lapse of time and the expiration of the HGU period that they submitted were not tested, their rights to the land were unclear, and they could still be sued again. According to the principle of audi et alteram partem, other occupants who were not sued were not bound by the decision and had never been heard. The presence of the two Co-Defendants did not change their status as formal parties. For the court, this case demonstrated that deficiencies that were revealed late by the parties undermined the principle of simple, speedy, and inexpensive justice, because time and resources had already been used for the trial.

The application also emphasizes that the completeness of the parties is a formal requirement that determines whether the subject matter of the dispute can be examined at all. In this case, the subject matter of the dispute involves the validity of the Land Use Rights Certificate Number 1 of 1994 and the argument that the HGU period expires on December 31, 2023. As long as all physical owners of the object are not parties, these questions remain unanswered, thus legal certainty over the disputed land has not been achieved.

Compared with previous studies that examined the parameters of plurium litis consortium in breach of contract lawsuits, NO decisions in land ownership disputes, the invalidity of the exception of lack of parties, and the role of on-site inspections, this study adds one finding: in land use rights disputes, the parties' exceptions can be rejected, but the judge still issues a NO decision because the lack of parties is only revealed through on-site inspections. This finding needs to be tested in other decisions and, if available, in legal remedies decisions for the same case.

Based on these limitations, further research can examine appeal and cassation decisions on the same case, if any, compare the application of plurium litis consortium in land ownership disputes in other district courts, and explore at which stage the judge is most effective in examining the completeness of the parties, for example through interviews with judges who handle land disputes with broad objects.

E-ISSN : 2614-2244
ISSN: 2088-5288

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