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**The Status of the People's Tribunal in Resolving Land Disputes
in the Dago Elos Community**

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ABSTRACT

This study aims to analyze the status of the People's Tribunal within the context of land dispute resolution in the Dago Elos community. This study uses a normative legal research method. The collected legal material is then qualitatively analyzed to describe the problem and answer the study objectives. The results show that despite lacking legally binding power, the People's Tribunal plays a crucial role in fighting for justice and giving a voice to communities who feel their rights have been neglected by the formal judicial system. In the context of the Dago Elos land dispute, the People's Tribunal serves as a platform for the community to articulate their dissatisfaction with court decisions perceived as unjust, and to fight for recognition of their rights to land and natural resources. The People's Tribunal also symbolizes resistance against the legacy of colonialism and encourages more responsive legal reforms. Therefore, it is recommended that law enforcement agencies consider the People's Tribunal's verdict as valuable input in the law enforcement process, especially in cases involving structural injustice and human rights violations. The government needs to be more responsive to the aspirations of the community and strive for agrarian legal reforms that are more just, by recognizing and protecting the rights of local communities to land and natural resources. The community is advised to continue to strengthen the role of the People's Tribunal as an alternative means of dispute resolution and upholding justice. In addition, the community is expected to participate in the decision-making process and oversee public policies related to the management of land and natural resources to ensure that these policies benefit the wider community and are sustainable.

Keywords: Agrarian Conflict; Dispute Resolution; People's Tribunal.

INTRODUCTION

As a finite natural resource pivotal to human existence, land often becomes a source of complex conflicts. Land disputes, triggered by unclear ownership status, differing interpretations of land rights, and conflicting interests among individuals, groups, or institutions, are unavoidable (Rahman et al., 2018; Syam & Muzakkir, 2022; Hamzah & Mangarengi, 2023). In the Indonesian context, land disputes frequently involve indigenous communities or local groups with strong historical and cultural ties to the land. The divergence between formal law and customary law, coupled with development dynamics that often disregard the rights of local communities, further complicates efforts to resolve land disputes.

Indonesia has attempted to resolve land disputes through a formal judicial system grounded in the 1945 Constitution. This system aims to provide justice to all citizens through established legal processes. The Indonesian judicial structure adheres to a three-tiered system, commencing with the District Court as the court of first instance, the High Court as the appellate court, and the Supreme Court as the apex court with cassation and review jurisdiction (Fitrianggraeni et al., 2023). This judicial hierarchy ensures a mechanism for checks and balances on court decisions, upholding justice objectively and impartially (Husen et al., 2020).

However, the complexities of land disputes, particularly those involving the interests of local communities, often pose challenges to the formal judicial

system. Sometimes, communities perceive a lack of justice from the formal system. Court decisions deemed unfair, non-transparent, or incongruent with community expectations can trigger dissatisfaction and lead to alternative dispute resolution mechanisms outside formal legal channels (Kabigi et al., 2021; Zein et al., 2023; Elizabeth & Adhari, 2024). One such alternative is the People's Tribunal (Duschinski et al., 2023).

The People's Tribunal is a form of opinion tribunal organized by civil society in response to perceived injustices. This tribunal provides a platform for communities to voice their dissatisfaction with formal court decisions or government policies deemed detrimental. While lacking legally binding power, the People's Tribunal plays a crucial role in exerting moral and political pressure on parties involved in the dispute, and mobilizing solidarity and public support for the struggles of marginalized communities (Borda & Mandelbaum, 2022; Cohen, 2023).

The concept of the People's Tribunal is not new in the history of civil society struggles. The People's Tribunal traces its roots to the Russell Tribunal of 1966, convened to hold the U.S. government accountable for war crimes committed in Vietnam (Vieira, 2024). Since then, the People's Tribunal has been adopted and practiced in various countries as a means for communities to express their grievances against injustices, such as human rights violations, land grabbing, environmental damage, and natural resource exploitation (Prakash, 1995; Sheoin, 2015; Prete & Cournil, 2019; Tahu, 2023).

In the context of the Dago Elos land dispute, the People's Tribunal emerged as a response to community dissatisfaction with [Supreme Court Decision Number 109 PK/Pdt/2022](#), which granted the Muller family's claim to land in Dago Elos. This Supreme Court decision was deemed legally flawed and biased against the local community's interests. The designation of Heri Hermawan Muller and Dodi Rustandi Muller as suspects in a document forgery criminal case by the West Java Regional Police on May 7, 2024, further solidified the Dago Elos community's belief in the injustice of the ongoing legal process (Alhamidi, 2024a).

These circumstances prompted the Dago Elos community to organize a People's Tribunal on May 21, 2024, in pursuit of justice and to uncover the truth behind the protracted land dispute (Muis, 2024). The Dago Elos People's Tribunal serves as a platform for the community to voice their aspirations, present evidence, and express their views on the years-long land dispute. Through this forum, the Dago Elos community hopes to gain recognition of their rights, obtain justice they feel has been neglected by the formal judicial system, and exert moral and political pressure on those deemed responsible for the injustices they have suffered.

While some research has addressed the Dago Elos land dispute (Syukur et al., 2022; Asnanda et al., 2024) and People's Tribunals in general, studies specifically analyzing the status of the People's Tribunal in the context of resolving land disputes within the Dago Elos community remain limited. This study aims to fill this gap by conducting an in-depth analysis of the Dago Elos People's Tribunal as a means of resolving the land dispute and supporting the Dago Elos community's struggle, while also providing recommendations to strengthening community access to justice and promoting legal reforms that are more responsive to the needs and aspirations of the people.

This study also endeavors to bridge the gap between theory and practice in the context of the People's Tribunal. The study will explore how the concept of the People's Tribunal, rooted in global civil society movements, is applied and adapted within the local context of Dago Elos, and how this tribunal interacts with the local social, cultural, and political dynamics. Consequently, this study is expected to significantly contribute to developing knowledge and understanding regarding the People's Tribunal as an alternative means of dispute resolution and a tool for communities to strive for justice.

METHOD

This study uses a normative legal research method with the statute and case approach (Qamar & Rezah, 2020). The legal materials used in this study include legislation, court decisions, legal books, scholarly articles, and online materials that discuss the People's Tribunal as a means of alternative dispute resolution. The collection of these legal materials is done through a literature study technique. The collected legal material is then qualitatively analyzed to describe the problem and answer the study objectives (Sampara & Husen, 2016).

RESULTS AND DISCUSSION

A. The Dynamics of the Land Dispute between the Muller Family and the Dago Elos Community: Root Causes and Case Trajectory

As a vital national asset, land plays a crucial role in contributing to national income (Putri & Silviana, 2022). A significant portion of state revenue is generated from various taxes, with land-related taxes being a significant contributor. It includes Land and Building Tax (PBB), Land and Building Acquisition Duty (BPHTB), rental, right-of-use, and other land-related taxes (Asranita & Badriyah, 2023). Thus, land is not only a state asset but also a substantial source of income through taxes imposed on land use and ownership. These taxes contribute to infrastructure development, public services, and other government programs that benefit the wider community. For instance, PBB, paid by landowners, is used to

finance the construction of roads, schools, hospitals, and other public facilities. BPHTB levied on land sale and purchase transactions contributes significantly to state revenue, which finances various development programs. Therefore, legal certainty in land ownership is crucial to maintaining a country's economic and social stability (Zainuddin, 2022).

By ensuring that the rightful owners of certain lands receive adequate legal protection, regulations governing land ownership must be designed clearly and unambiguously. This legal certainty is essential in reducing the possibility of conflicts between the community and the government, which often stem from land disputes (Syam et al., 2022). With structured and transparent laws, the potential for disputes can be significantly reduced, and the dispute resolution process can be carried out more effectively and fairly. In the case of the dispute that occurred in Dago Elos, the lack of clarity regarding the legal certainty used in handling the case became the root of the protracted conflict. It creates uncertainty and injustice for the community that has long inhabited the area, thus triggering resistance and efforts to seek justice through alternative channels such as the People's Tribunal. This ambiguity is evident from the difference in interpretation between the Muller Family, who base their claims on documents from the Dutch colonial era, and the Dago Elos Community, who base their claims on physical and historical control over the land.

The origin of this land dispute case occurred when the Muller family claimed land in the Dago Elos area as their property (Alhamidi, 2024b). The Dago Elos area is an area consisting of community housing, markets, community social health facilities, and terminals that are the livelihoods of the Dago Elos community. This claim is based on documents from the Dutch colonial era, which then became the starting point for a protracted conflict between the Muller Family and the Dago Elos Community. The Dago Elos community felt that the claim was invalid and detrimental to their rights who had long lived and managed the land for generations. This conflict is further exacerbated by the difference in interests between the Muller Family, who want to develop the land for commercial interests, and the Dago Elos Community, who want to keep the land as their residence and source of livelihood.

In the legal dispute between the Muller Family and the Dago Elos Community, a series of decisions have been issued by various levels of court. [Bandung District Court Decision Number 454/Pdt.G/2016/PN.Bdg](#) became the initial milestone in the Dago Elos land dispute, underlining the complexity of the battle between historical claims and legally binding power. In its decision, the court validated the Muller Family's lineage and recognized the legality of their land ownership documents, including Acte van Eigendom Verpondings Number 3740, 3741, and

3742 issued to George Hendrik Muller. The decision also approved the transfer of rights from the Muller Family to PT Dago Inti Graha and granted the plaintiffs the right to apply for rights to the Head of the Bandung City Land Office. Additionally, the court deemed the defendants (Dago Elos Community) to have violated the law and ordered them to vacate and dismantle buildings standing on the disputed land and hand them over to PT Dago Inti Graha unconditionally. Certificates and other documents issued by the Dago Kelurahan Office were considered invalid and had no legally binding power. This decision reflects a tendency to prioritize the legally binding power of formal documents, despite historical claims and physical control by the local community.

[Bandung High Court Decision Number 570/Pdt/2017/PT.Bdg](#), although making improvements to the court decision of the first instance by declaring the invalidity of the Seizure of Ownership Rights on state land formerly eigendom verponding, essentially upheld the Bandung District Court Decision. The Bandung High Court recognized the validity of other ownership documents submitted by the Muller Family, indicating that at the appeal level, the court still tended to recognize the legally binding power of formal documents. However, there were efforts to consider other aspects such as physical and historical control by the local community. This decision can be interpreted as a form of reluctance by the court to radically change the existing legal paradigm, even though there are demands for justice from the community who feel disadvantaged by applying colonial law ([Rezah & Muzakir, 2021](#)).

[Supreme Court Decision Number 934 K/Pdt/2019](#) once gave hope to the Dago Elos Community by overturning the Bandung High Court Decision. This indicates a potential shift in the legal paradigm in resolving land disputes, where the Supreme Court considers the social, historical, and cultural aspects underlying the claims of the local community. However, this hope was dashed with [Supreme Court Decision Number 109 PK/Pdt/2022](#), which overturned the court decision on the cassation level and reaffirmed the Bandung District Court Decision. This Reconsideration Decision emphasizes that land claims based on former colonial state rights, in this case, eigendom verponding, have a more substantial basis of ownership compared to claims from the Dago Elos community based on physical and historical control over the land. This decision became controversial because it was considered to ignore the rights of the local community and prioritize the legally binding power of documents from the colonial era, even though there was substantial evidence of physical and historical control by the Dago Elos community.

Although [Supreme Court Decision Number 109 PK/Pdt/2022](#) has final and binding legal force (inkrah), the Dago Elos community refuses to move from the land that the Supreme Court has decided. The Dago Elos community to this day

still resides and lives in their place which they have occupied for decades. This shows community resistance and dissatisfaction with court decisions that are considered unfair and ignore their rights who have long lived and managed the land. This resistance can also be seen as a form of community struggle to maintain their identity, culture, and livelihoods, closely related to the land.

The Dago Elos community, unable to accept [Supreme Court Decision Number 109 PK/Pdt/2022](#), organized a demonstration at the Bandung Metropolitan City Police Resort to fight for their rights to the land they have occupied for decades. In their official statement, the Dago Elos community emphasized their struggle for human rights, rejecting evictions, and opposing policies deemed detrimental. The community requested protection of their right to live and their source of livelihood. However, on the same day, the report submitted to the Bandung Metropolitan City Police Resort could not be processed further because it did not meet the evidence criteria required for report processing ([Alhamidi, 2024b](#)).

Actions were taken by both the Dago Elos Community and the community concerned about the dispute that occurred in Dago Elos until finally the Dago Elos Community reported the Muller Family on suspicion of falsifying land documents by the Muller brothers with Report Number LPB/336/VIII/2023/SPKT/Polda Jabar, dated August 15, 2023 ([Alhamidi, 2024b](#)). The report on behalf of Heri Hermawan Muller and Dodi Rustandi Muller underwent several trials of the case, from initially being a witness to being named a suspect; this information was obtained through the Head of Public Relations of the West Java Regional Police through online news media.

The Muller Family is entangled in this case because of the discrepancy between their claims and the facts revealed. They claimed that George Hendrik Muller had a family relationship with Queen Wilhelmina of the Netherlands. However, the available evidence reveals that this claim is not valid. George Hendrik Muller was only an administrator employed by his employer to work on the Sindang Wangi plantation in Preanger at that time, and he had no blood relationship with Queen Wilhelmina of the Netherlands, as claimed ([Alhamidi, 2024b](#)). The determination of the suspect indicates an alleged criminal act of document forgery committed by the Muller Family to strengthen their claim to land in Dago Elos. It also shows that the struggle of the Dago Elos community in seeking justice and revealing the truth is starting to bear fruit, even though the legal process is still ongoing.

After the determination of Heri Hermawan Muller and Dodi Rustandi Muller as suspects in the Crime of Falsification of Letters by the West Java Regional Police on May 7, 2024, through Bandung Bergerak, the Dago Elos community moved to hold a People's Tribunal which ruled that the Muller trio and PT Dago Inti Graha

were guilty (Muis, 2024). This verdict was based on the determination of the Bandung Metropolitan City Police Resort which made the Muller brothers suspects. Although this People's Tribunal has no legally binding power, it symbolizes community resistance to the injustice they feel. The People's Tribunal also became a space for the community to voice their aspirations, present evidence, and express their views regarding the land dispute that has been going on for years.

On May 21, 2024, the People's Tribunal led by Yance Arizona identified the land dispute in Dago Elos as a deep irony for the City of Bandung, which is the center of the anti-colonialism movement in Asia Africa (Agathocleous & Neary, 2020). Bandung, known for its role in international conferences promoting decolonization and fighting colonialism, now faces the reality where colonial law still seems to be operating. This land dispute case reflects a paradox, where the principles of the anti-colonial struggle that were once upheld in this city seem to contradict legal practices still influenced by the colonial legacy, thus creating a significant irony. This People's Tribunal highlights the contradiction between the spirit of anti-colonialism that once flared up in Bandung with the legal reality that still allows the use of documents from the colonial era as the basis for land ownership claims. It raises fundamental questions about how Indonesia, as an independent and sovereign country, should respond to the legacy of colonial law and how it should be adapted or reformed to align with the values of justice and humanity.

The dynamics of the land dispute between the Muller Family and the Dago Elos Community reflect the complexity of the problems of Law Number 5 of 1960, especially those relating to claims based on colonial rights and the struggle of the local community to defend their rights to the land (Asnanda et al., 2024). This case also demonstrates the importance of legal certainty and transparency in managing and resolving land disputes, as well as the need for legal reform that is more responsive to the needs and aspirations of the community. Therefore, joint efforts from various parties are needed, including the government, judicial institutions, civil society, and academics, to find fair and sustainable solutions for resolving land disputes in Indonesia and to ensure that applicable laws and policies truly reflect the spirit of justice, humanity, and respect for the rights of the wider community (Lestari, 2020).

B. The People's Tribunal as an Alternative Dispute Resolution Mechanism: Concept, Process, and Its Status in the Dago Elos Land Dispute Case

The concept of the People's Tribunal is not new in the history of civil society struggles. The People's Tribunal has its roots in the Russell Tribunal of 1966, which was convened to hold the U.S. government accountable for war

crimes committed in Vietnam (Vieira, 2024). Since then, the People's Tribunal has become an essential part of the history of civil society struggles in Indonesia and other parts of the world. The Extraordinary People's Court held in Depok in 2024 to prosecute alleged legal violations committed by President Joko Widodo and the ruling political parties shows that the People's Tribunal can be an effective means of uncovering the truth, exerting moral and political pressure, and fighting for justice for oppressed communities (Hamdi, 2024).

In the context of the Dago Elos land dispute, the People's Tribunal emerged as a response to the Supreme Court decision, which was considered unjust and ignored the rights of the local community, who had long inhabited and managed the land for generations. The Dago Elos land dispute case, which stemmed from the Muller Family's claim of ownership over land that had long been occupied by the local community, has gone through a series of long and winding legal processes. The court decisions, from the first instance to the cassation level, reflect the complexity of the struggle between the historical claims of the local community and the legally binding power based on documents from the colonial era. The reconsideration decision that strengthened the Muller Family's claim based on *eigendom verponding*, a form of land ownership rights from the Dutch colonial period, caused deep dissatisfaction and disappointment among the Dago Elos community. This decision was considered not only to ignore their rights to the land they had occupied and managed for decades, but also to disregard the historical and cultural evidence that strengthened their claim.

This dissatisfaction prompted the Dago Elos community to seek justice through an alternative channel, namely the People's Tribunal. The People's Tribunal, held on May 21, 2024, initiated by Bandung Bergerak and led by Yance Arizona, became a forum for the community to voice their aspirations, present evidence, and convey their views regarding the land dispute that had been going on for years (Muis, 2024). In the trial process, the Dago Elos community not only questioned the validity of the Muller Family's ownership claim but also revealed allegations of document forgery committed by the family. They presented witnesses, historical evidence, and legal arguments that strengthened their claim to the land.

The People's Tribunal in Dago Elos, although it has no legally binding power, has strong moral and social legitimacy. The tribunal was attended by various elements of society, including community leaders, academics, activists, and representatives from various civil society organizations. The trial process was conducted openly and transparently, presenting witnesses, evidence, and arguments from both sides. The People's Tribunal's decision, which declared the Muller Family and PT Dago Inti Graha guilty, was based on strong evidence and rational-legal considerations. Although it cannot force the relevant parties

to comply with its decisions, the People's Tribunal has succeeded in exerting significant moral and political pressure, as well as mobilizing solidarity and public support for the struggle of the Dago Elos community. It shows that the People's Tribunal, although it has no legally binding power, can be an effective instrument in fighting for justice and giving a voice to people who feel oppressed (Burck et al., 2022).

The People's Tribunal in Dago Elos also reflects criticism of the formal judicial system, which is considered unable to provide justice for the local community. In this case, the Dago Elos community felt that the Supreme Court decision, which strengthened the Muller Family's claim based on *eigendom verponding*, was unfair and ignored their rights, who had long lived and managed the land. The People's Tribunal became a means for the community to articulate their dissatisfaction with the prevailing legal system and fight for recognition of their rights to land and natural resources. It shows that the People's Tribunal can function as a corrective mechanism to the formal judicial system, especially in cases where the community feels that their rights are ignored or not recognized by state institutions (Chun, 2021).

In addition, the People's Tribunal in Dago Elos can also be seen as a form of resistance against the legacy of colonialism which is still felt today. The concept of *eigendom verponding*, which is the basis of the Muller Family's ownership claim, is a product of the Dutch colonial legal system that often ignores local communities' rights. The People's Tribunal, by rejecting the validity of this claim and fighting for recognition of the local community's rights, can be seen as an effort to decolonize the law and build a more just and pro-people legal system. It also shows that the struggle of the Dago Elos community is not only limited to defending their rights to land, but is also part of a broader struggle to fight structural injustice and the legacy of colonialism that still shackles the Indonesian people.

The Dago Elos land dispute case and the People's Tribunal held in response to it provide valuable lessons about the importance of fighting for justice, upholding human rights, and building a more just, inclusive, and sustainable society. Although the People's Tribunal has no legally binding power, it has proven that civil society has the power to fight injustice and fight for its rights. It also shows that access to justice does not only depend on state institutions, but can also be achieved through alternative mechanisms initiated by the community itself.

However, this case also shows that the struggle for justice is still long and full of challenges. Joint efforts from various parties are needed, including the government, judicial institutions, civil society, and academics, to continue to encourage legal and policy reforms that are more responsive to the needs and

aspirations of the community, and to ensure that the principles of social justice and human rights are genuinely upheld in every dispute resolution process, including land disputes (Nuraini & Yunanto, 2023). In addition, it is also essential to strengthen the capacity of the community to understand and use legal mechanisms, both formal and informal, to fight for their rights and against injustice.

In a broader context, the People's Tribunal can also be seen as a form of community participation in the law enforcement process and democratic development. By providing space for the community to voice their aspirations, present evidence, and participate in the decision-making process, the People's Tribunal can strengthen the accountability and legitimacy of the prevailing legal system. In addition, the People's Tribunal can also be a means to build legal awareness among the community and encourage dialogue and reconciliation between the disputing parties (Manley, 2023).

However, it is essential to remember that the People's Tribunal is not a substitute for the formal judicial system. The People's Tribunal has limitations regarding legally binding power and its effectiveness in forcing relevant parties to comply with its decisions. Therefore, strengthening the role of the People's Tribunal as an alternative means of dispute resolution must be balanced with efforts to strengthen the formal judicial system to be more responsive to the needs and aspirations of the community, and more supportive of the principles of social justice and human rights. Thus, the People's Tribunal and formal judicial institutions can complement and synergize with each other to realize more substantive and sustainable justice for all Indonesian people.

CONCLUSIONS AND SUGGESTIONS

Based on the results and discussion, it can be concluded that despite lacking legally binding power, the People's Tribunal plays a crucial role in fighting for justice and giving a voice to communities who feel their rights have been neglected by the formal judicial system. In the context of the Dago Elos land dispute, the People's Tribunal serves as a platform for the community to articulate their dissatisfaction with court decisions perceived as unjust, and to fight for recognition of their rights to land and natural resources. The People's Tribunal also symbolizes resistance against the lingering legacy of colonialism and encourages legal and policy reforms that are more responsive to the needs and aspirations of the community. Nevertheless, the People's Tribunal also faces challenges in terms of its legitimacy and effectiveness in influencing policies and legal decisions, therefore requiring joint efforts from various parties to strengthen its role as an alternative means of dispute resolution and ensure that the principles of social justice and human rights are genuinely upheld in every land dispute resolution process.

Based on the above conclusions, it is recommended that law enforcement agencies consider the People's Tribunal's verdict as valuable input in the law enforcement process, especially in cases involving structural injustice and human rights violations. The government needs to be more responsive to the aspirations of the community and strive for agrarian legal reforms that are more just, by recognizing and protecting the rights of local communities to land and natural resources. The community is advised to continue to strengthen the role of the People's Tribunal as another way to resolve disputes and uphold justice. In addition, the community is expected to participate in the decision-making process and oversee public policies related to the management of land and natural resources to ensure that these policies benefit the wider community and are sustainable.

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