

Legal Analysis of Judges Considerations on The Differences in Decisions of Acuitting All Legal Claims at The District Court Level and The Cassation Level in Cases of Illegal Plantation Land Control

¹Erlina Damanik, ²Abdul Rahman Maulana Siregar, ³Ismaidar

¹²³ Universitas Pembangunan Panca Budi, Kota Medan, Indonesia

e-mail: ¹erlinadamanik09@gmail.com, ²abdulrahmanms@dosen.pancabudi.ac.id,
³ismaidar@dosen.pancabudi.ac.id

Article History

Submission : 29-06-2026
Received : 09-07-2026
Revised : 26-08-2026
Accepted : 28-08-2026

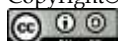
Abstract

*This study aims to analyze the judicial reasoning underlying the differences in decisions of acquittal from all legal charges (onslag van alle rechtsvervolging) between the District Court and the cassation level in cases involving unlawful control of plantation land. These differing decisions indicate variations in legal interpretation, particularly regarding the application of the elements of criminal offenses and the assessment of evidentiary facts presented during trial. The research employs a normative legal method with both statutory and case-based approaches. Data were collected through library research, including the analysis of court decisions, statutory regulations, and relevant legal literature. The findings reveal that judges at the District Court level, acting as *judex facti*, tend to focus on factual examination and conclude that the defendant's conduct does not fulfill the elements of a criminal offense, resulting in a decision of acquittal from all charges. In contrast, at the cassation level, the Supreme Court, as *judex juris*, identifies errors in the application of law by the *judex facti*, particularly in interpreting the element of unlawfulness and the relationship between the defendant's actions and the applicable criminal provisions. These differences in judicial decisions reflect the existence of interpretative space within criminal law, as well as the importance of consistency in the application of legal norms. This study concludes that such discrepancies in judicial decisions are influenced not only by the factual circumstances of the case but also by the perspectives of judges in interpreting the law. Therefore, clearer guidelines are required to ensure legal certainty and uniformity in judicial decisions within criminal justice practice.*

Keywords: Acquittal, District Court, Judges, Judicial Disparity, District Court, Supreme Court

Abstrak

Penelitian ini bertujuan untuk menganalisis pertimbangan hukum yang mendasari perbedaan putusan lepas dari segala tuntutan hukum (*onslag van alle rechtsvervolging*) antara Pengadilan Negeri dan tingkat kasasi dalam kasus penguasaan lahan perkebunan secara melawan hukum. Perbedaan putusan ini menunjukkan adanya variasi dalam penafsiran hukum, khususnya terkait penerapan unsur-unsur tindak pidana dan penilaian fakta-fakta pembuktian yang disajikan selama persidangan. Penelitian ini menggunakan metode hukum normatif dengan pendekatan perundang-undangan dan pendekatan kasus. Data dikumpulkan melalui studi kepustakaan, yang mencakup analisis putusan pengadilan, peraturan perundang-undangan, dan literatur hukum yang relevan. Hasil penelitian menunjukkan bahwa hakim di tingkat Pengadilan Negeri, yang bertindak sebagai *judex facti*, cenderung berfokus pada pemeriksaan fakta dan menyimpulkan bahwa perbuatan terdakwa tidak memenuhi unsur-unsur tindak pidana, sehingga menghasilkan putusan lepas



dari segala tuntutan hukum. Sebaliknya, pada tingkat kasasi, Mahkamah Agung selaku *judex juris* menemukan adanya kekeliruan dalam penerapan hukum oleh *judex facti*, terutama dalam menafsirkan unsur melawan hukum serta hubungan antara perbuatan terdakwa dan ketentuan pidana yang berlaku. Perbedaan putusan pengadilan ini mencerminkan adanya ruang penafsiran dalam hukum pidana, sekaligus pentingnya konsistensi dalam penerapan norma hukum. Penelitian ini menyimpulkan bahwa ketidakseragaman putusan pengadilan tersebut dipengaruhi tidak hanya oleh fakta-fakta kasus, tetapi juga oleh perspektif hakim dalam menafsirkan hukum. Oleh karena itu, diperlukan pedoman yang lebih jelas untuk menjamin kepastian hukum dan keseragaman putusan dalam praktik peradilan pidana.

Kata kunci: Putusan lepas, Pengadilan Negeri, Hakim, Disparitas putusan, Mahkamah Agung

Introduction

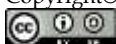
The Republic of Indonesia, as a state governed by the rule of law, places law as the primary instrument in regulating social, national, and state life. The principle of the rule of law requires that all exercises of power, including judicial authority, be carried out based on legal norms that ensure certainty, justice, and utility. In the enforcement of criminal law, judges hold a crucial role, as their decisions not only determine the fate of the accused but also reflect the authority of the law and the sense of justice within society. (Jimly, 2018).

Judicial independence, as mandated by the 1945 Constitution of the Republic of Indonesia, grants judges the authority to examine, adjudicate, and decide cases based on law and their convictions. However, such independence is not absolute; rather, it is a form of accountable freedom that must be justified both legally and morally through reasoning that is rational, objective, and subject to academic scrutiny.

From a social science perspective, crime is understood as a social phenomenon that arises from structural inequalities or as a manifestation of the diversity of human behavior, which reflects responses to varying socio-economic conditions of individuals or social groups. Regardless of its origin, individuals facing economic hardship and pressing basic needs, compounded by a lack of moral restraint, tend to adopt short-term thinking. In such circumstances, they may resort to any available means to fulfill their needs, including actions that violate legal norms. (Rahmayanti, 2023).

Within criminal law, criminalization constitutes an integral part of criminal policy. Criminal policy refers to the measures undertaken by the state to combat crime, which essentially form part of broader efforts to protect society and promote social welfare. Thus, criminal law policy is closely linked to the objective of achieving societal well-being through effective regulation and enforcement. (Ismaidar, 2019).

The Draft Criminal Code (*Rancangan Kitab Undang-Undang Hukum Pidana* / RUU KUHP) represents a substantive reform of criminal law aimed at realizing the ideals of the national legal system. This reform reflects the identity and values of Indonesian society, making it a manifestation of the nation's legal character. The orientation of legal reform extends beyond merely improving existing laws; it also seeks to replace them with more appropriate and relevant regulations, particularly in an effort to move away from colonial legal paradigms. Furthermore, legal reform serves as a foundation for shaping national character, functioning as a pathway from existing conditions toward an ideal legal order. Accordingly, the RUU KUHP can be understood as a planned mechanism for social and cultural transformation within society. (Gilang, 2024).



In the practice of criminal adjudication, one type of judicial decision that frequently gives rise to debate is the verdict of acquittal from all legal charges (*onslag van alle rechtsvervolging*). Such a decision is rendered when the act charged is proven factually, yet cannot be punished because it does not fulfill the legal elements of a criminal offense. Consequently, this type of verdict requires judges to exercise careful and precise reasoning in assessing the elements of the act, the presence of fault, and the legal basis for criminal liability.

Problems arise when, in the same case or in cases with similar characteristics, differing decisions are issued between the District Court as *judex facti* and the cassation level as *judex juris*. These differences often extend beyond the operative part of the judgment and include variations in the legal reasoning employed at each level of adjudication. Such conditions may lead to legal uncertainty and differing interpretations regarding the application of criminal law norms. (Lilik, 2016).

Although Indonesia adheres to the civil law system, where statutory law serves as the primary source of law, judicial practice demonstrates that many legal norms remain open to multiple interpretations, incomplete, or even subject to legal gaps. In such circumstances, judges are required to interpret the law in order to determine meanings that are appropriate and relevant to specific legal events. (Nurul, 2026).

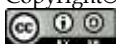
The phenomenon of differing judicial decisions becomes increasingly evident in cases involving unlawful control of plantation land, which often involve conflicts among communities, corporations, and the state. Plantation land disputes encompass not only criminal law dimensions but also intersect with agrarian law, administrative law, and broader socio-economic considerations. This complexity requires judges to possess a comprehensive and nuanced understanding in formulating their legal reasoning.

In several cases, the District Court has rendered decisions of acquittal from all legal charges on the grounds that the defendant's conduct does not fulfill the elements of a criminal offense. However, at the cassation level, the Supreme Court has adopted a different legal perspective regarding the application of legal norms and the interpretation of the elements of the offense. This discrepancy raises fundamental questions concerning the consistency of legal application and the standards of judicial reasoning in cases involving unlawful control of plantation land.

As illustrated in Decision Number 444/Pid.Sus/2023/PN. Kis and Cassation Decision Number 4987 K/Pid.Sus-LH/2024, the District Court concluded that the defendants were proven to have committed the acts charged but that such acts did not constitute a criminal offense (*onslag van alle rechtsvervolging*), thereby releasing them from all legal charges. In contrast, the cassation decision found the defendants legally and convincingly guilty of unlawfully cultivating, using, and controlling plantation land, and subsequently imposed a sentence of one year of imprisonment on each defendant.

Based on the cassation ruling, the case handled by the Kisaran District Prosecutor's Office involved defendants Ahmad Bandung and Marimin, who were charged by the public prosecutor with jointly committing unlawful acts of cultivating, using, occupying, or controlling plantation land, pursuant to Article 107 paragraph (1) letter (a) of Law Number 39 of 2014 on Plantations in conjunction with Article 55 paragraph (1) point 1 of the Indonesian Criminal Code. In its indictment, the public prosecutor sought a sentence of one year and six months of imprisonment for each defendant.

Differences in legal reasoning between *judex facti* and *judex juris* are, in principle, permissible within the judicial system. However, when such differences are not supported by strong and rational legal arguments, they may create the impression of inconsistency in law enforcement. This condition has the potential to erode public trust in judicial institutions and



weaken the fundamental objectives of law. From the perspective of legal certainty, judicial decisions should provide clear guidance on how legal norms are to be applied in concrete cases. Significant divergences in interpretation between different levels of the judiciary may hinder the achievement of legal certainty. This is particularly relevant in cases involving plantation land control, where judicial decisions carry broad implications for land rights certainty and the investment climate.

In addition to legal certainty, judicial reasoning must also reflect the value of justice. A decision of acquittal from all legal charges that lacks adequate legal reasoning may be perceived as neglecting the interests of victims or the state. Conversely, the annulment of such decisions by the Supreme Court without comprehensive juridical analysis may risk undermining the principle of protecting the rights of the accused. Normatively, the Indonesian Code of Criminal Procedure provides guidelines regarding the types of criminal judgments, including decisions of acquittal from all legal charges. However, these provisions remain general in nature and leave considerable room for judicial interpretation. Therefore, an examination of judicial reasoning in such decisions is essential to assess how these legal norms are implemented in judicial practice. (Yahya, 2015).

Research on discrepancies in acquittal decisions between the District Court and cassation levels in cases of unlawful plantation land control remains relatively limited. Most existing studies tend to focus on agrarian conflicts or the criminalization of local communities, while in-depth analyses of judicial reasoning and consistency across different levels of the judiciary are still scarce.

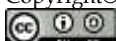
Based on the foregoing, this study is important to undertake in order to analyze juridically the judicial considerations underlying differences in acquittal decisions between the District Court and the cassation level in cases involving unlawful control of plantation land. The findings of this research are expected to contribute both theoretically to the development of criminal law and criminal procedure law, and practically to improving the quality of judicial decisions and legal certainty in handling similar cases in the future. Based on the background of the problem described above, the following issues will be discussed in this research:

1. What are the legal elements of the criminal offense of unlawful control of plantation land under statutory regulations?
2. What are the legal consequences arising from differing decisions of acquittal from all legal charges in cases involving unlawful control of plantation land?

Methods Research

This study is descriptive-analytical in nature, aiming to systematically and comprehensively describe the judicial reasoning underlying decisions of acquittal from all legal charges at both the District Court and cassation levels, while also analyzing the differences in legal considerations applied in cases involving unlawful control of plantation land. The descriptive aspect is used to present legal facts in the form of court decisions, whereas the analytical aspect is employed to assess the conformity of judicial reasoning with substantive criminal law, criminal procedure law, and prevailing principles of criminal justice. (Soerjono, 2014).

This research adopts a normative (doctrinal) legal approach. Normative legal research focuses on written legal norms, legal principles, legal doctrines, and judicial decisions as primary sources for constructing relevant legal arguments. In this study, the normative approach is used to examine the legal basis of decisions of acquittal from all legal charges at



both the *judex facti* and *judex juris* levels, as well as to evaluate the consistency of judicial application of the law in cases involving unlawful control of plantation land. (Peter, 2017).

Data are collected through library research. This method involves identifying, compiling, and analyzing various relevant legal materials, including statutory regulations, court decisions, and legal literature. In addition, the researcher conducts a review of judicial decisions through the Supreme Court's decision directory to obtain authentic data concerning differences in judicial reasoning between the District Court and cassation levels. (Bambang, 2016).

The data are analyzed using a qualitative method, involving the logical, systematic, and argumentative interpretation of legal materials. The collected data are examined by analyzing the judicial reasoning in each decision and comparing District Court judgments with cassation decisions to identify differences in patterns of legal reasoning. The results of this analysis are then linked to statutory provisions, legal doctrines, and principles of criminal law in order to draw conclusions regarding the consistency and legal certainty of decisions of acquittal from all legal charges. (Johny, 2013).

Results and Discussion

Legal Elements of the Criminal Offense of Unlawful Control of Plantation Land under Statutory Regulations

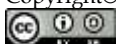
The unlawful control of plantation land constitutes a form of conduct that may be classified as a criminal offense when it fulfills specific legal elements as stipulated in statutory regulations. Under positive law, the regulation of such conduct is not limited to the Indonesian Criminal Code (*KUHP*), but is also governed by sectoral legislation, such as the Plantation Law. This reflects the legislator's particular concern for the protection of land rights and plantation business activities as part of the national economic interest.

As illustrated in Decision Number 444/Pid.Sus/2023/PN. Kis and Cassation Decision Number 4987 K/Pid.Sus-LH/2024, the District Court held that the defendants were proven to have committed the acts charged but that such acts did not constitute a criminal offense (*onslag van alle rechtsvervolging*), thereby releasing them from all legal charges. In contrast, the cassation decision determined that the defendants were legally and convincingly guilty of unlawfully cultivating, using, and controlling plantation land, and imposed a sentence of one year of imprisonment on each defendant.

Based on the cassation decision, the case handled by the Kisaran District Prosecutor's Office involved defendants Ahmad Bandung and Marimin, who were charged by the public prosecutor with jointly committing unlawful acts of cultivating, using, occupying, or controlling plantation land. The charges were brought pursuant to Article 107 paragraph (1) letter (a) of Law Number 39 of 2014 on Plantations in conjunction with Article 55 paragraph (1) point 1 of the Indonesian Criminal Code. In the indictment, the public prosecutor sought a sentence of one year and six months of imprisonment for each defendant.

The case originated in 2017, when a 156-hectare plantation area was awarded to PT. Pulahan Seruwai based on a decision of the Supreme Court of the Republic of Indonesia. Following execution by the Kisaran District Court, the land was formally handed over to the company, which subsequently planted oil palm trees on the area. Prior to this, the land had been controlled by Defendant I, Ahmad Bandung alias Amat Bandung, and Defendant II, Marimin, along with other individuals whose cases were prosecuted separately. At the time of the trial, the oil palm trees planted by the company had already been harvested.

In 2022, while employees of PT. Pulahan Seruwai were harvesting palm fruit, the defendants, accompanied by several individuals, arrived at the site carrying hoes and banana



seedlings. They proceeded to plant approximately 30 seedlings of areca nut and banana trees within the 156-hectare plantation area. Additionally, the defendants constructed a wooden hut with a metal roof and installed a wooden sign bearing the words “No Entry.”

In this case, PT. Pulahan Seruwai held legal ownership based on Cultivation Rights Title (HGU) Certificate Number 3 dated December 29, 1995, covering an area of 1,508.64 hectares, which was subsequently renewed through the Decree of the Minister of Agrarian Affairs and Spatial Planning/Head of the National Land Agency Number 13/HGU/KEM-ATR/BPN/II/2022 dated February 14, 2022. The company also possessed a Plantation Business License (IUP) Number 503/IUP/BPPPM/0758/V/2013 dated May 10, 2013.

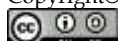
Based on these facts, as revealed during trial proceedings, the public prosecutor argued that the defendants fulfilled the elements of the criminal offense charged under a single indictment, namely Article 107 letter (a) of Law Number 39 of 2014 on Plantations in conjunction with Article 55 paragraph (1) point 1 of the Indonesian Criminal Code. The defendants’ actions were deemed to have satisfied the elements of “committing, ordering, or participating in unlawfully cultivating, using, occupying, and/or controlling plantation land.” Accordingly, their conduct was considered legally proven to meet the elements of the offense, including the elements of “any person” and participation in unlawful control or use of plantation land.

In general, the essential elements that must be established include the act of “controlling” or “using” plantation land. Control, in this context, does not necessarily imply legal ownership but may also take the form of physical possession or effective control over the land. In practice, judges often assess whether the defendant exercised actual control over the disputed land. Where such control is demonstrated through tangible acts, such as cultivation, construction, or other productive activities, the element is more likely to be considered fulfilled. Conversely, if the control is merely temporary or cannot be substantiated with concrete evidence, the element becomes weak in evidentiary terms.

Furthermore, the element of intent (*dolus*) or at least negligence (*culpa*) must also be established. (Andi, 2016). In cases of unlawful control of plantation land, intent may be inferred from the deliberate act of exercising control without legal entitlement, such as clearing land, planting crops, or obstructing lawful owners. Judges will assess whether the defendant was aware that their actions lacked a valid legal basis. If such awareness is proven, the element of intent may be considered satisfied.

In judicial practice, proving these elements often encounters various challenges, particularly with regard to establishing the legal status of land. Plantation land disputes generally involve documentary evidence such as plantation business permits, cultivation rights (*hak guna usaha*), and other forms of ownership documentation. Moreover, overlapping claims between different parties are not uncommon, further complicating the judge’s task in determining the material truth.

Differences in the assessment of the elements of the offense are frequently reflected in judicial decisions. At the District Court level, judges acting as *judex facti* tend to focus on the facts revealed during trial proceedings. Where there is doubt regarding the fulfillment of any element of the offense, judges are inclined to render a decision of acquittal from all legal charges. This approach is grounded in the principle of *in dubio pro reo*, meaning that any doubt must be resolved in favor of the defendant. (Moeljatno, 2019). At the cassation level, however, the Supreme Court, acting as *judex juris*, places greater emphasis on the proper application of law. In several cases, the Supreme Court has found that lower court judges erred in interpreting the elements of the offense, particularly with respect to the element of unlawfulness. Consequently, the Supreme Court may overturn prior decisions and issue a



different ruling. This demonstrates that differences in perspective between *judex facti* and *judex juris* significantly influence the final outcome of a case.

Another important element is the existence of actual or potential loss resulting from unlawful control of plantation land. Such losses may include economic harm to the lawful owner or losses incurred by the state. In certain cases, judges consider the magnitude of loss as a factor supporting the existence of a criminal offense. However, not all cases require proof of loss as a primary element, which may lead to varying assessments.

In relation to plantation law, unauthorized control of land may also be associated with violations of administrative provisions. Nevertheless, not all administrative violations can automatically be classified as criminal offenses. Judges must carefully distinguish between administrative infractions and conduct that carries criminal liability.

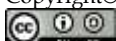
Furthermore, developments in legal doctrine and prior judicial decisions also influence how judges interpret the elements of criminal offenses. Jurisprudence of the Supreme Court is often used as a reference in determining whether a particular act constitutes a criminal offense. However, judges may differ in their interpretation of such jurisprudence, thereby leaving room for divergent conclusions. From a theoretical perspective, differences in interpreting the elements of criminal offenses may be explained through the lenses of legal positivism and sociological jurisprudence. The positivist approach emphasizes adherence to statutory texts, while the sociological approach considers broader social conditions and substantive justice. These differing approaches may influence judicial reasoning, including the determination of whether the elements of a criminal offense have been fulfilled. (Barda, 2019).

Moreover, in criminal cases, proof must meet the standard of *beyond reasonable doubt*. This means that judges must be convinced, without reasonable doubt, that the defendant has committed the criminal act. Where doubt exists regarding the fulfillment of the elements of the offense, the judge is obliged to render a decision in favor of the defendant. This principle serves as a fundamental safeguard for human rights within the criminal justice process. (Teguh, 2022). Overall, the elements of the criminal offense of unlawful control of plantation land present considerable complexity, both normatively and in practice. Differences in interpreting and proving these elements constitute one of the primary causes of divergent decisions between the District Court and the Supreme Court. Therefore, consistency in the application of law is essential to ensure legal certainty and justice.

Legal Consequences of Divergent Acquittal Decisions in Cases of Unlawful Control of Plantation Land

Differences in judicial decisions between the District Court and the cassation level in cases involving unlawful control of plantation land give rise to significant legal consequences. In the case under analysis, the District Court rendered a decision of *onslag van alle rechtsvervolging*, declaring that the defendants' acts were proven but did not constitute a criminal offense. In contrast, at the cassation level, the Supreme Court found the defendants legally and convincingly guilty of the charged offense. This divergence reflects a conflict in juridical assessment of the same facts and legal norms. As a result, it generates legal uncertainty, which may adversely affect the parties involved in the case.

Conceptually, a decision of acquittal from all legal charges (*onslag van alle rechtsvervolging*) implies that the defendant's conduct cannot be punished because it does not fulfill the elements of a criminal offense, even though the act itself has been factually proven. This differs from a full acquittal (*vrijspraak*), which establishes that the alleged act has not been proven at all. Therefore, when the Supreme Court overturns such a decision and



imposes a criminal sanction, a fundamental shift occurs in the legal status of the defendant. This shift has direct implications for the defendant's rights, including personal liberty.

The first legal consequence arising from such a divergence is the transformation of the defendant's status from being non-punishable to being convicted. In the cassation ruling, the defendants were found guilty of violating Article 107 paragraph (1) letter (a) of Law Number 39 of 2014 on Plantations in conjunction with Article 55 paragraph (1) point 1 of the Indonesian Criminal Code. This change in legal status obliges the defendants to serve the sentence imposed by the court. Furthermore, the decision also generates administrative consequences, including formal registration within the criminal justice system and the potential loss of certain civil rights.

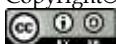
Such discrepancies in judicial decisions also affect legal certainty. Legal certainty constitutes a fundamental objective of the justice system, requiring consistency in the application of law. However, when significant differences arise between decisions at different judicial levels, public confidence in such consistency may be undermined. This condition has the potential to erode trust in judicial institutions as enforcers of law. (Barda, 2018). In addition, differing decisions influence the sense of justice experienced by the parties involved. For the defendants, a decision of acquittal at the District Court level creates an expectation of non-punishment, which is subsequently reversed when the Supreme Court renders a conviction. Conversely, for the aggrieved party, the cassation ruling may be perceived as more reflective of justice, as it imposes sanctions on conduct considered harmful.

From the perspective of criminal procedural law, the cassation mechanism is intended as a means of correcting errors in the application of law by lower courts. However, such correction should not disregard the fundamental principles of a fair trial. Divergent decisions may create the impression of inconsistency within the judicial system, posing a challenge for the Supreme Court in maintaining a balance between legal correction and legal certainty.

Differences in judicial decisions also have implications for evidentiary assessment. At the District Court level, judges may conclude that the element of "unlawfulness" is not satisfied, thereby issuing an acquittal from all legal charges. In contrast, the Supreme Court may adopt a different interpretation of this element. This divergence illustrates that proof in criminal cases depends not only on factual evidence but also on the legal interpretation of those facts. Moreover, such discrepancies have broader implications for law enforcement in the plantation sector. A cassation ruling that finds the defendant guilty may produce a deterrent effect and serve as a warning against unlawful land control. On the other hand, a decision of acquittal from the District Court may be viewed as a form of protection for individuals deemed to lack malicious intent. Accordingly, these differing decisions reflect two distinct approaches to law enforcement.

Another legal consequence concerns the potential for social conflict. Plantation land disputes often involve local communities, corporations, and the government. Divergent judicial decisions may exacerbate tensions, particularly when one party perceives itself as disadvantaged by the outcome. Therefore, it is essential for courts to consider the broader social impact of their rulings.

In civil law contexts, criminal judgments may also influence disputes concerning land rights. A cassation decision declaring the defendants guilty may serve as a legal basis in civil proceedings to affirm that the control of the land was unlawful. Conversely, a decision of acquittal from all legal charges may be used as an argument that the conduct did not constitute a violation of law. The role of the public prosecutor in this case is also significant. The prosecutor charged the defendants under provisions of the Plantation Law and the Indonesian Criminal Code. When the District Court issued a decision of acquittal from all legal charges,



the prosecutor had grounds to file a cassation appeal. The success of the cassation demonstrates that the prosecution was legally well-founded. This also reflects the importance of the prosecutor's role in ensuring the proper application of law.

Furthermore, differing decisions have implications for the development of law. Decisions of the Supreme Court may become jurisprudence, serving as a reference for similar cases in the future. Thus, cassation rulings not only affect the case at hand but also shape broader judicial practice. From a theoretical perspective, such discrepancies reflect the existence of interpretative space within criminal law. Law does not always provide definitive answers to every case, thereby requiring judges to interpret legal norms. However, such interpretative freedom must remain within the boundaries of applicable law to avoid creating legal uncertainty. (Sudikno, 2018).

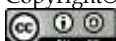
From a sociological standpoint, differences in judicial decisions may also influence public perceptions of law. Society may perceive the legal system as inconsistent or unjust when significantly divergent decisions are rendered. This perception may ultimately diminish public trust in the legal system. (Peter, 2017). In sum, discrepancies in decisions of acquittal from all legal charges between the District Court and the Supreme Court give rise to various legal consequences, including changes in the legal status of the defendant, legal uncertainty, impacts on the sense of justice, and broader implications for law enforcement and society. Therefore, efforts are needed to enhance consistency and the quality of judicial decisions in order to achieve the objectives of law in an optimal manner.

Conclusion

1. The legal elements of the offense of unlawful control of plantation land under statutory regulations essentially require the existence of acts of controlling or utilizing land without legal entitlement, accompanied by the element of unlawfulness and the presence of intent, or at least awareness of such conduct. However, in judicial practice, the interpretation of these elements is not always uniform. Judges at the District Court level tend to emphasize factual proof and the direct relationship between the defendant's conduct and the elements of the offense; therefore, where doubt exists or where an element is not fully established, a decision of acquittal from all legal charges is rendered. In contrast, at the cassation level, the Supreme Court places greater emphasis on the correct application of law, including assessing whether the *judex facti* has erred in interpreting the element of unlawfulness and the relevant construction of the offense.
2. The legal consequences arising from differences in decisions of acquittal from all legal charges between the two levels of adjudication give rise to significant implications for legal certainty, the sense of justice, and legal protection for the parties involved. Such discrepancies may create uncertainty in the application of legal norms, particularly for the public and business actors in the plantation sector. The cassation mechanism functions as a corrective instrument to rectify errors in the application of law by lower courts. Therefore, consistency in interpreting the elements of criminal offenses, along with clearer guidelines for judges, is essential to minimize disparities in judicial decisions and to achieve legal certainty grounded in justice.

Bibliography

- Aini, N., Abdul Rahman Maulana Siregar, Radhitya Wiguna, & Razi Fajri Asyari Siregar. (2026). Metode Penafsiran dalam Penemuan Hukum oleh Hakim di Indonesia. *AL-Zayn : Jurnal Ilmu Sosial & Hukum*, 4(1), 1634-1643. <https://doi.org/10.61104/alz.v4i1.3303>



- Andi Hamzah. (2016). *Indonesian Criminal Procedure Law*. Sinar Grafika, Jakarta.
- Arief, Barda Nawawi. (2018). *Issues in Law Enforcement and Criminal Law Policy*. Kencana, Jakarta.
- Arief, Barda Nawawi. (2019). *Collected Essays on Criminal Law Policy*. Kencana, Jakarta.
- Asshiddiqie, Jimly. (2018). *The Constitution and Constitutionalism in Indonesia*. Sinar Grafika, Jakarta.
- Fairuz Rania Widyamulya, & M. Yusron Marzuki. (2026). Analisis Yuridis Pengajuan Kasasi terhadap Putusan Bebas Murni dalam Sistem Peradilan Pidana: (Studi Kasus Perkara No. 454/Pid.B/2024/PN Surabaya). *Al-Zayn : Jurnal Ilmu Sosial & Hukum*, 4(2), 3116–3138. <https://doi.org/10.61104/alz.v4i2.4760>
- Gemilang, Gilang, & Ismaidar. (2024). "Legal Politics of Restorative Justice in the Reform of Criminal Law in Indonesia." *INNOVATIVE: Journal of Social Science Research*, 4(1), 7370–7382.
- Harahap, M. Yahya. (2015). *Discussion on Issues and Application of the Criminal Procedure Code (KUHAP)*. Sinar Grafika, Jakarta.
- Hayatuddin, K., Satriadi, D., & Suharyono, S. (2025). Basic Analysis of Judges' Considerations on the Difference between First Level Decisions and Cassation Level Decisions in Criminal Cases of Protected Forest Destruction. *International Journal of Social Science Research and Review*, 8(1), 1-9. <https://doi.org/10.47814/ijssrr.v8i1.2423>
- Ibrahim, Johnny. (2013). *Theory and Methodology of Normative Legal Research*. Bayumedia Publishing, Malang.
- Ismaidar, & Syahrannuddin. (n.d.). "Legal Analysis of the Implementation of Anti-Money Laundering Law in Combating Corruption in Indonesia." *Responsive Law Journal FH UNPAB*, 1–16.
- Marzuki, Peter Mahmud. (2017). *Legal Research*. Kencana, Jakarta.
- Mertokusumo, Sudikno. (2018). *Legal Discovery*. Liberty, Yogyakarta.
- Moeljatno. (2019). *Principles of Criminal Law*. Bina Aksara, Jakarta.
- Mulyadi, Lilik. (2016). *Judicial Decisions in Criminal Procedure Law*. Citra Aditya Bakti, Bandung.
- Prasetyo, Teguh. (2022). *Criminal Law*. Raja Grafindo Persada, Jakarta.
- Rahmayanti. (2023). "A Criminological Study of Juvenile Offenders in Violent Motorcycle Theft." *Journal of Law, Politics and Social Sciences (JHPIS)*, 2(3), 292.
- Riska Ayu Khusnul Laila, Siti Marwiyah, & Sri Sukmana Damayanti. (2026). A Legal Analysis of Judges' Legal Considerations in State Administrative Disputes Relating to the Cancellation of Building use Rights Certificates. *Fox Justi : Jurnal Ilmu Hukum*, 16(01), 158–163. Retrieved from <https://ejournal.seaninstitute.or.id/index.php/Justi/article/view/8217>
- Soekanto, Soerjono. (2014). *Introduction to Legal Research*. UI Press, Jakarta.
- Sunggono, Bambang. (2016). *Legal Research Methodology*. RajaGrafindo Persada, Jakarta.
- Triyono, A., & Fadhillah, N. (2026). Analisis Yuridis terhadap Pertimbangan Hakim dalam Menjatuhkan Rehabilitasi bagi Penyalahguna Narkotika Serta Kendala Penerapannya dalam Sistem Hukum Indonesia. *Jurnal Hukum Lex Generalis*, 6(10). <https://doi.org/10.56370/jhlhg.v6i10.3353>

